



Nottinghamshire County Council

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Title: Protection of Property and Funeral Arrangements Policy

Aim / Summary: To outline the Council's responsibility under the National Assistance Act for the protection of property including pets and for funeral arrangements.

Document type (please choose one)

Policy	X	Guidance	
Strategy		Procedure	

Approved by:

Version number: 1

Date approved:

Proposed review date:

Subject Areas (choose all relevant)

About the Council		Older people	X
Births, Deaths, Marriages	X	Parking	
Business		Recycling and Waste	
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Countryside & Environment		Schools	
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Please include any supporting documents

1.

2.

3.

Review date

Amendments

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Protection of Property and Funeral Arrangements Policy

Context

Under the National Assistance Act 1948, the Council has a duty to arrange for the protection of property of service users who are admitted to hospital or Part III Accommodation, where this is requested. Part III Accommodation includes:

- Voluntary and private sector care homes where residents are funded by the Council (The National Assistance Act 1948 (Section 48) as amended by the 1990 Health and Community Care Act).
- Hostels provided by the Council (Section 29 of the National Assistance Act).

The Council also has a duty to arrange a funeral for any person who dies in Part III accommodation where there is no other person willing or able to do so.

Arrangements for carrying out these duties in the Council are made by:

The Business Support Officer (National Assistance Act)
Adult Social Care, Health and Public Protection Department
County Hall
Loughborough Road
West Bridgford
Nottingham
NG2 7QP

Tel: 0115 977 2951

The duties of the Council include:

- Making an inventory of property
- Ensuring the security of property
- Storage of property
- Placing pets in temporary accommodation or arranging for adoption
- Tenancy termination and house clearance
- Management of the estate as appropriate
- Funeral arrangements where necessary

Protection of Property and Pets, and Funeral Arrangements Policy

The responsibility of the Council ceases upon death so, if a service user dies whilst items (including pets) are still in storage or in the care of the Council, the liability for arrangements of the service user's property transfers to the executor or personal representative dealing with the estate.

Under certain circumstances the Council is required to make a property secure, for example, where access has been gained by the police whilst serving a mental health warrant or the health of a service user has suddenly deteriorated and access is required by medical services.

The Council does not get involved in funeral arrangements in the following circumstances:

- If a person dies whilst living in their own home, or in a home which they have contracted for on a private basis. It is the responsibility of the Environmental Health Department within the appropriate District, Borough or City Council to make the necessary arrangements.
- If a person dies in hospital (NHS) prior to formal admission to a ward. It is the responsibility of the District Council, Public Health Department to make the necessary arrangements.
- If a person dies in hospital (NHS) following admission. It is the responsibility of the hospital administrator of the hospital where the person died to make the necessary arrangements.

Scope of this policy

This policy applies to:

- People who die in Part III accommodation, where there is no other person willing or able to make arrangements for the funeral.
- People who need their property, including pets, taking care of temporarily because they have been admitted to Part III accommodation, hospital or any other place identified in section 47 of the National Assistance Act 1948, and there is no other person willing or able to make these arrangements.

Principles and commitments

The Council will make funeral arrangements for people who die in Part III accommodation, where there is no other person willing or able to make these arrangements.

The Council will arrange for the temporary care of property, including pets, of any person admitted to Part III accommodation, hospital or any other place identified in section 47 of the National Assistance Act 1948, where there is no other person willing or able to make these arrangements.

Key actions to meet the commitments set out in this policy

Funerals

The Council, will as far as possible, respect any known wishes of the deceased person with regard to the funeral service and other arrangements. Where there is no specific religion or requirement for a Minister of a specific denomination stated or known, the Council will instruct the funeral director to appoint a local Church of England Minister to perform the service. The Council will use one of its own Celebrants where the deceased person's beliefs were atheist or where use of an ordained Minister could be perceived as inappropriate. The Business Support Officer involved in making the funeral arrangements will instruct the funeral director in all cases as to whether to use a Council Celebrant or a Minister.

The Council will take the deceased person's funds into account when arranging a funeral:

- If there are sufficient funds a private funeral will be arranged.
- If there is less than £1000 a contract funeral will be arranged.

The Council will provide a coffin spray where no arrangements for flowers are made by the care home or by relatives.

The Council will claim the cost, or a contribution towards the cost of the funeral back from the deceased person's estate, whether the funeral is a private or contract arrangement. Payment of funeral expenses takes precedent over all other debts of the estate or beneficiaries to the estate.

In situations where the Council is not responsible for the funeral arrangements any relatives or close friends of the deceased person will be directed to the Social Fund, administered by the Department of Work and Pensions at www.direct.gov.uk.

Protection of property

The Council will arrange storage initially for 14 days, after which time the service user will be asked to make alternative arrangements for the property to be moved or funded via another source. The administering Business Support Officer will contact both the service user and the social worker after 7 days to remind them about the deadline.

Where the service user is able to continue to fund the storage after the initial 14 days the contract will then be between the storage company and the service user.

In circumstances where the initial 14 days are not sufficient to allow for the service user to be discharged and in a position to take possession of their property it may be appropriate to extend the period of Council-funded storage for up to a further 7 days. Applications for an extension should be made in writing to the Business Support Officer (National Assistance Act). No further extensions are possible beyond 21 days.

Service Users who fall under the Mental Capacity Act

If there are significant concerns regarding a service user's capacity to make a decision regarding his or her property and pets, the social worker will need to ensure that a capacity assessment is undertaken. Where the lack of capacity is temporary it may be appropriate to extend funding for storage or pet care as detailed above. No further extensions are possible beyond 21 days.

In circumstances where the capacity assessment indicates a wider lack of capacity with regard to financial decisions and this is felt to be long-standing, consideration will need to be given to referring the case to the Court of Protection and deputyship. If the person is already under the care of the deputyship service or has an established Lasting Power of Attorney, the social worker will need to liaise with this person to make arrangements for the property/pets. The person representing the interests of a person who lacks capacity will be responsible for arrangements for property and pets.

Termination of Council funded storage

In circumstances where it is established that the service user is likely to be in long term care it may not be appropriate for the Council to continue to fund the boarding of pets or storage of property and therefore it will be at a social worker's discretion to end a Council-funded property storage or pet boarding arrangement before the end of the initial 14 day period.

The Council will dispose of the property or re-home any pet after 21 days in situations where the service user is not able or willing to fund the property remaining in storage and no alternative arrangements have been made.

Funds received from any items sold will be used to reimburse the Council for costs incurred for storage during the agreed timescale. Any remaining funds will go to the service user.

If the RSPCA or a qualified vet decides that the pet is too ill or dangerous to be rehomed it will be humanely destroyed.

Property Security

It may be necessary in certain circumstances to make the property secure, for example where

- Access has been gained by police whilst serving a mental health warrant
- The health of the service user has suddenly deteriorated and access was needed by medical services

The Council will arrange and pay for making the property secure.

House Clearances

House clearances may be undertaken when a final decision has been made, with the service user as far as practicable, to terminate a tenancy. This involves clearing the house of the service user's entire property and will be arranged and paid for by the Council. Funds received from any items sold will be used to reimburse the Council for costs incurred. Any remaining funds will go to the service user.