

Sections highlighted in yellow below are those that have been amended



### Policy Library Pro Forma

This information will be used to add a policy, procedure, guidance or strategy to the Policy Library.

**Title:** Protection of Property and Pets, and Funeral Arrangements Policy

**Aim/Summary:** To outline the Council's responsibility for the protection of property, including pets and for funeral arrangements.

#### Document type (please choose one)

Policy	X	Guidance	
Strategy		Procedure	

**Approved by:** Policy Committee

**Version number:** 6

**Date approved:** 22/4/2015

**Proposed review date:** new date to be added when revised version becomes live

#### Subject Areas (choose all relevant)

About the Council		Older people	X
Births, Deaths, Marriages	X	Parking	
Business		Recycling and Waste	
Children and Families		Roads	
Countryside & Environment		Schools	
History and Heritage		Social Care	X
Jobs		Staff	
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libraries			

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Please include any supporting documents	
1. <a href="#">Services/Tenancy/1 (storage)</a>	
2. <a href="#">Services/Tenancy/2 (disposal)</a>	
3. <a href="#">Services/Pets/1</a>	
4. <a href="#">Services/Funerals/1 – Particulars of deceased from County Council and Private Establishments</a>	
5. <a href="#">Services/Property Inventory/1 – Property Inventory</a>	
Review date	Amendments
2019	Content of the policy amended as a result of internal audit findings, Adult Social Care and Public Health Committee discussions and consultation with the general public.
24.01.2017	Links amended and Care Act Guidance numbers checked for accuracy
22.4.2015	Updated in line with the Care Act 2014
8.7.2013	Details of Services Team updated, links checked, processes updated.
21.06.2011	Information included regarding the process for funeral arrangements in care homes.
15.7.2010	Time limit set for temporary accommodation of pets and property (see section 3.1). <a href="#">Decision number AC/2010/00091</a> . Links added to updated forms.
13.8.2008	Updated funding amounts



# Protection of Property and Pets, and Funeral Arrangements Policy

## Context

Under Section 47 of the Care Act 2014, the Council has a duty to arrange for the protection of property for an adult being cared for away from home:

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**Either** where the adult has been assessed as eligible for social care support and their needs are met in accommodation, such as a care home, **or** the adult has been admitted to hospital.

### **AND**

It appears to the Council that there is a danger of loss or damage to the moveable property because the adult is unable to protect or deal with the property, and no suitable arrangements have been or are being made. Moveable property includes pets.

Paragraph 10.94 of the statutory guidance states that, *“this duty.....lasts until the adult in question returns home or makes their own arrangements for the protection of property or until there is no other danger of loss or damage to property. Often a one off event is required such as the re-homing of pets or ensuring that the property is secured”*

The Council also has a duty under Section 46 of the Public Health (Control of Diseases) Act 1984 to arrange a funeral for any person who dies in residential accommodation where there is no other person willing or able to do so.

### **Responsibilities of the Council**

In order to carry out its duties, the Council may:

- Make an inventory of any moveable property
- Ensure the security of the person's property
- Store the property in line with paragraph 10.94 of the statutory guidance
- Terminate the person's tenancy and arrange for the house to be cleared
- Manage the person's estate as appropriate
- Place pets in temporary accommodation or arrange for their adoption
- Make funeral arrangements where necessary

**Arrangements for carrying out these duties in the Council are made by: [moved from earlier in the document]**

The Business Support Service  
Chief Executive's Office  
County Hall  
Loughborough Road  
West Bridgford  
Nottingham  
NG2 7QP  
Tel: 0115 977 2951

The responsibility of the Council ceases upon death, therefore 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.

### **Scope of this policy**

This policy applies to:

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- People who need time to arrange for their property, including pets, to be protected because they have been admitted to residential accommodation following a social care assessment arranged by the Council, or they have been admitted to hospital, and no suitable arrangements have been or are being made.
- People who die in residential accommodation, where there is no other person willing or able to make arrangements for the funeral.

### Principles and commitments

- The Council will ensure that the Mental Capacity Act – Two Stage Test for Capacity episode in Mosaic is completed in situations where doubts are raised about the person's ability to make decisions about their property or pets or their ability to give consent for Council staff to enter their property.
- Frontline staff will work with service users to identify and set in place advance arrangements, as part of any assessment or review, for individuals such as family, relatives, close friends or other representatives who could be called upon to intervene and look after property/pets if required, where service users are unable to fulfil this responsibility themselves. **[addition]**
- Frontline staff will signpost service users to other sources of community support, including from the Voluntary and Community Sector, using tools such as Notts Help Yourself. The Council will take "reasonable steps" to prevent or mitigate the loss of or damage to a person's moveable property in situations where there is no-one else to do it. **[addition]**
- ~~The Council, will as far as possible, respect any known wishes of the deceased person with regard to the funeral service and other arrangements.~~ **[deleted as covered later in the document]**
- ~~The Council will take "reasonable steps" to prevent or mitigate the loss of or damage to a person's moveable property in situations where there is no-one else to do it.~~ **[deleted]**

### Key actions to meet the commitments set out in this policy

#### Protection of property, including the boarding of pets

The Council will allow the person up to 28 days to make arrangements for the protection of property, including any pets. **A further 28 days will be allowed for arrangements to be made in exceptional circumstances.** During this time the Council will pay any storage costs or the cost of boarding a pet. The social worker must complete [Services/Tenancy/1 \(storage\)](#) with the service user, which explains what will happen to their property. The service user or their power of attorney and the staff member both need to sign this form.

The Council will review any cases that are likely to exceed the 56 days. If no alternative arrangements have been made, the service user will be asked to pay the storage or boarding company for the continued storage or pet boarding. The assessment of the person's ability to pay will be made by the social worker involved in the case. The contract also becomes directly between the storage or boarding provider and the service user.

If the person is unable to pay and no alternative arrangements have been made and there are no grounds to extend the period of funding then the property will be disposed of and the pet will be rehomed. [addition]

In the case of pet boarding, where the pet has been boarded for less than 28 days, the Council will fund the cost of returning the pet to its owner. However, where the individual has been asked to contribute to the cost of the petcare beyond 28 days, they will also be responsible for any transportation fees. [addition]

In terms of the care of pets, whilst this is incorporated under the remit of "protection of property" there is no definition of protection under the Care Act and therefore it must be given its every day meaning, which would be to keep a pet safe and free from harm. The social worker must complete form [Services/Pets/1](#) with the service user or their power of attorney. This explains what will happen to their pet. The service user/power of attorney and the staff member must both sign this form.

If an animal is suffering from the effects of being boarded for a long period of time then this would not be protecting the animal and re-homing must be considered. If the RSPCA or a qualified vet decides that the pet is too ill or dangerous to be rehomed it will be humanely destroyed. Cases must be dealt with individually.

Where the "protection of property" refers to property other than pets, if after the 28 days the service user is unwilling or unable to pay the cost of storage, the Council at its own discretion, will only store items in exceptional circumstances, agreed on a case by case basis. [replaces 'Although the Council is not responsible for returning the pet or property to the owner or new location at the end of this initial boarding or storage period, the authority currently does fund the transport for pets and property under these circumstances and will continue to do so.']

## Property Security

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 will arrange and pay for making the property secure.

If a Council officer has to subsequently enter the property they must, under Section 47 (4a) of the Care Act 2014:

- Obtain the consent of the adult concerned, or where the adult lacks capacity to give consent, the consent of the person authorised under the Mental Capacity Act 2005 to give it on their behalf.

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- Be satisfied that exercising this power would be in the adult's best interests, in situations where the adult lacks the capacity to give consent and there is no one authorised under the Mental Capacity Act 2005 to give consent on their behalf.

### House Clearances

House clearances may be undertaken when a final decision has been made to terminate a tenancy, and where there is no one else to do it. 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. A Mental Capacity Act – Two Stage Test for Capacity episode in Mosaic must be completed before this decision is made. The social worker must complete form [Services/Tenancy/2](#) (disposal) before a house clearance is carried out.

### Mental Capacity

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 must ensure that a capacity assessment is undertaken.

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 must 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 must 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.

### Funerals

The County Council is responsible for the funeral arrangements for people **in Nottinghamshire and any service user** funded by Nottingham City Council in care homes within the County boundary. It is also responsible for arranging a funeral for people who are funding their own care in a residential or nursing home or supported living complex if there is no-one willing or able to do so. The cost of the funeral is claimed back from the estate of the deceased person.

The Council, will as far as possible, respect any known wishes of the deceased person with regard to the funeral service and other arrangements.

- A private funeral will be arranged in accordance with the deceased person's wishes if the person has left written instructions and there are sufficient funds in the person's estate to pay for one.
- In all other situations the appointed funeral director will provide a dignified contract funeral with a coffin taken to the crematorium or cemetery in a hearse attended by bearers. A cremation will be arranged, with the cremated remains being subsequently scattered in the gardens of remembrance, unless it is established that

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the religion of the deceased person forbids cremation or the deceased expressed a wish, either verbally or written, to be buried. The cremated remains will be given to a friend or family member, if requested. If the person was known to be religious, arrangements will be made for a minister of religion or a religious representative of the faith of the deceased person to conduct a service. If the person was not known to be religious a celebrant will be arranged to conduct a civil funeral.

- If there are no arrangements for flowers, a coffin spray at a cost of approximately £30 should be included.

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 [Gov.uk for information around Funeral Payments](#).

The Council **does not** get involved in funeral arrangements in the following circumstances: **[moved from earlier in the document]**

If a person dies whilst living in their own home 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 Bereavement Centre where the person died to make the necessary arrangements, unless the person was under the Court of Protection, in which case, the Council is responsible for the arrangements.
- If the person dies in the Queen's Medical Centre it is the responsibility of Nottingham City Council Environmental Health Department.