

Burials at Sea – The Needles, Isle of Wight.

DNA Sampling

Detailed guidance

This guidance aims to provide both Funeral Directors and Burial at Sea companies with additional information on the DNA sampling process for Burials at Sea at The Needles, Isle of Wight burial site. It should be used in conjunction with the factsheets and other accompanying documentation available on the Marine Management Organisation website.

Index

	Page
Background	3
Consent	4-11
Costings	12
The role of different Organisations	13
Detailed process	14-15
Contact details	16
Glossary (acronyms and definitions)	17

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Background

From October 2023, the taking of a DNA sample from the deceased person before they enter the water is now a mandatory requirement for all Burial at Sea licenses issued for the burial site at The Needles, Hampshire. Although a rare occurrence, remains from burials at sea in this area can come ashore and consequently need to be identified. Being able to identify the remains through DNA sampling will reduce both costs and resources for the Police and Coroner who are responsible for identifying any located remains.

The requirement to have a DNA sample taken is currently only a requirement of licenses issued for the Needles burial site at this time. This is because the issue of remains coming ashore is only posing a problem? in this area. It may, however become a condition for all English Burial at Sea sites in the future. Please refer back to the Marine Management Organisation website for future updates about this.

Although considerable steps are taken to reduce the chance of remains being located, due to external factors such as weather, completely preventing remains coming ashore is impossible. If remains are found which prove to be a match to the DNA held on the Missing Persons DNA Database for a person known to have been buried at sea, the Funeral Director or Burial at Sea Company organising the burial will be contacted by Hampshire Police. They will then be asked to make contact with next of kin for the deceased to discuss options available to them. The nature and size of the remains located may determine whether next of kin wish to request a reburial or whether they are happy for Hampshire Police to sensitively destroy any located remains.

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Consent

As the DNA sampling process is now a mandatory requirement of all licenses issued for burial at sea at the Needles site, consent for three DNA samples to be removed from the deceased must be in place. The three required samples are a sample of deep muscle, a sample of blood and a buccal swab taken from inside the mouth of the deceased. The reason three separate samples are taken is to ensure a full DNA profile can be obtained for the deceased even in the event of one of the samples becoming contaminated or unusable. Consent to take these three samples will need to be provided to meet the requirements of the Human Tissue Act 2004 (HT Act) on a specific consent form which is available on the MMO website. If the individual responsible for providing consent is unable or unwilling to consent to the taking of the three different sample types, DNA sampling cannot take place and the individual cannot consequently be buried at the Needles burial site. If mortuary staff cannot obtain one of the required samples at the DNA sampling appointment, they can resort to removing a tooth from which they can extract DNA (please note a tooth from the rear of the mouth would be removed to reduce cosmetic damage). They will only do this in unique cases where clinical conditions of the deceased mean a blood/ deep muscle or mouth sample are unavailable or would not yield a usable DNA profile. Consent to do this is detailed on the consent form and will need to be discussed by yourselves when obtaining consent. Please indicate at this DNA sampling appointment if there are any clinical reasons that you are aware of which might hinder their ability to obtain the three required DNA samples.

Obtaining consent:

Due to the strict processes around the taking and storing of DNA samples, it is a requirement of the HT Act that any individual obtaining consent takes consent from the most appropriate person and for the consent to be valid, it must be 'informed consent'. The person seeking consent must have completed consent training, currently led by the Human Tissue Authority (HTA) and have been assessed as competent in the consent seeking process. This will ensure the individual obtaining consent can confirm that the individual providing consent truly understands the implications of what they are consenting to. If you are a Funeral Director or Burial at Sea company and wish to organise a burial at sea at the Needles, please ensure you allow adequate time to complete the mandatory online training prior to scheduling a burial to prevent any unnecessary delays to the burial process.

If you are a Funeral Director or Burial at Sea company and are new to this process, please visit the 'Contact us' page on the HTA website to submit a request to join a training course. The website can be found here: <https://www.hta.gov.uk/make-an-enquiry>. Once the HTA has received your request, someone from their team will make contact with you to discuss training dates. If you wish to request an annual competency assessment, please use the above 'Contact us' page and be clear that you are due to complete an annual competency assessment and would like to book one. Please note it is the responsibility of those taking consent to ensure their training is up to date. Details of your most recent training course or competency assessment are required for the completion of each consent form.

Please note the course is free and should only take an hour or so to complete. You will be required to access the training online using a Microsoft Teams link which will be sent to you via email.

A copy of the consent form can be seen below and is also available on the Marine Management Organisation website. Only one completed form is required per burial and we would request you provide a copy of the form to the person giving consent once complete. Hospital staff at University Hospital Southampton will request a signed copy of the consent form is sent to them when you contact them to confirm the DNA sampling appointment. Please note that they will not be able to perform the DNA sampling procedure if evidence of a signed consent form cannot be provided when the DNA sampling appointment is booked.

Who can give consent?

Please ensure you read and are familiar with the following document:

[Code of Practice A – Guiding Principles and the Fundamental Principle of Consent](#)

Appropriate consent

The HT Act defines 'appropriate consent' by reference to the person who may give consent. This is either the person concerned, their nominated representative, or, in the absence of either of these, a person in a 'qualifying relationship' with them immediately before they died.

An adult may appoint one or more nominated representatives to carry out their wishes after death in relation to activities for which consent under the HT Act is required. An executor is not automatically classified as a nominated representative and would need to be specifically appointed to this role in line with the requirements of the HT Act.

If, prior to their death, the deceased person had not indicated their consent (or refusal) to removal, storage or use of their tissue for scheduled purposes and had not appointed a nominated representative, then consent may be given by someone who was in a 'qualifying relationship' with the deceased person immediately before their death.

Those in a qualifying relationship are found in the HT Act in the following order (highest first):

- a) spouse or partner (including civil or same sex partner). The HT Act states that, for these purposes, a person is another person's partner if the two of them (whether of different sexes or the same sex) live as partners in an enduring family relationship;
- b) parent or child (in this context a child may be of any age, but must be competent if under the age of 18, and means a biological or adopted child);
- c) brother or sister;
- d) grandparent or grandchild;
- e) niece or nephew;
- f) stepfather or stepmother;
- g) half-brother or half-sister;
- h) friend of long standing

Consent is needed from only one person in the hierarchy of qualifying relationships and should be obtained from the person ranked highest.

If a person higher up the list refuses to give consent, it is not possible to act on consent from someone further down the list. For example, if a spouse refuses but other relatives wish to give consent, the wishes of the spouse must be respected.

If there is no one available in a qualifying relationship to make a decision on consent (and consent had not been indicated by the deceased person or a nominated representative), it is not lawful to proceed with removal, storage or use of the deceased person's body, organs or tissue for scheduled purposes under the HT Act.

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While the HT Act is clear about the hierarchy of consent, the person giving consent should be encouraged to discuss the decision with other relatives. This may include people not on the list, for example, an aunt or uncle.

Relationships listed together, for example 'brother or sister', are accorded equal ranking, in which case it is sufficient to obtain consent from just one of them, provided they are ranked equal highest. For example, if the deceased person has no spouse or partner, but has several children, the consent of only one child is required.

Where there is a conflict between those accorded equal ranking, this should be discussed sensitively with all parties, whilst explaining clearly that so far as the HT Act is concerned, the consent of one of those ranked equally in the hierarchy is sufficient for the procedure to go ahead.

This does not mean that the consent of one person must be acted on, and a decision not to proceed may be made on the basis of the emotional impact that this would have on family and friends.

If those close to the deceased person object to the activity, for whatever purpose, when the deceased person (or their nominated representative) has explicitly consented, you should seek to discuss the matter sensitively with them. They should be encouraged to accept the deceased person's wishes and it should be made clear that they do not have the legal right to revoke valid consent

The emphasis in these difficult situations should be placed on having an open and sensitive discussion with those close to the deceased where the process is explained fully to them.

A person may be omitted from the hierarchy if they cannot be located in reasonable time for the activity in question to be addressed, decline to deal with the matter or are unable to do so, for example, because they are a child or lack capacity to consent. In such cases, the next person in the hierarchy would become the appropriate person to give consent.

Valid consent

For consent to be valid it must be given voluntarily, by an appropriately informed person who has the capacity to agree to the activity in question. The person should understand what the activity involves and where appropriate, if there are any risks involved.

Consent is valid only if proper communication takes place and the person has a reasonable understanding of what is being explained to them. Particular consideration should be given to the needs of individuals and families whose first language is not English. Any difficulties in communicating with the person interviewed, (for example, because of language, literacy or hearing difficulties), an explanation of how these difficulties were overcome should be recorded.

Burial at Sea consent form

Introduction

This form ensures University Hospital Southampton NHSFT Mortuary Department are satisfied that appropriate consent has been obtained for the taking of, and temporary storage of tissue taken from a deceased person by a person, ranked highest in a qualifying relationship to obtain a license for a Burial at Sea. This is in line with the requirements of the Marine Management Organisation and in compliance with the Human Tissue Act 2004 and follows the Human Tissue Authority's (HTA) codes of practice on Consent (codes A and B) at the following link:

<https://www.hta.gov.uk/guidance-professionals/codes-practice-standards-and-legislation/codes-practice>

Those seeking consent for DNA samples to be taken to comply with Marine Management Organisation (MMO) license requirements must ensure that they have appropriate consent in line with the Human Tissue Act 2004. They must ensure that consent is given by the nominated representative or if one has not been nominated, by the person in the highest qualifying relationship to the deceased who must sign to say they have no objection to the taking of human tissue for the purpose of DNA profiling. See Guidance note below for more information.

The consent form is important as a record of consent given. The completion of the form is just one part of the consent process. Full explanation of the procedure along with discussion and time for reflection by those consenting (or stating they have no objection), are equally important. Individuals and relatives/those in a qualifying relationship should be able to discuss this process fully and ask any questions. Consent is only valid if proper communication has taken place. Consideration should be given to the needs of individuals and families whose first language is not English.

Those seeking consent for human tissue to be taken for the purposes of a Burial at Sea must be trained in how to obtain appropriate and informed consent and must have completed the relevant Burials at Sea informed consent training course delivered by the Human Tissue Authority. More information on this training can be found within the detailed Burials at Sea guidance on the MMO website.

This consent form covers consent for the obtaining of three DNA samples; consisting of a deep muscle sample, a blood sample and a buccal swab to be taken from the mouth of the deceased. In the rare event that one of the above DNA sample types cannot be taken, this consent form also provides consent for a tooth to be taken from the deceased. These samples are to be taken at a HTA licensed establishment for the purpose of obtaining a DNA profile from the deceased person wishing to be buried at sea, and for that tissue to be transferred via Police courier to a Forensic Service Provider for a DNA profile to be obtained and for that DNA profile to be loaded onto the Missing Persons DNA Data base. The profile will be retained on this database and searched against any DNA profiles of bodies or body parts subsequently found either washed ashore, or otherwise located. The DNA profile will not be searched against criminal DNA databases or used for any other purpose. The body tissue obtained for this purpose will be disposed of in a respectful manner once the DNA profile has been obtained.

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Consent for the taking of tissue from the deceased for the purpose of DNA profiling

Please read the below statements carefully with the person obtaining consent from you. For each section tick the relevant box to indicate your decisions and complete the detail required beneath.

Name of deceased person:

Date of birth:

- I confirm that I have had the opportunity to read and understand the contents of this form.
- I confirm that my questions about the obtaining of human tissue from the above named have been answered to my satisfaction and understanding.
- I consent to the taking of three DNA samples from the person names above. These samples will consist of a sample of deep muscle, a sample of blood and a buccal swab taken from within the mouth. Where necessary, if one of the three listed samples cannot be obtained, I also consent to the taking of a tooth from the mouth of the deceased person. I understand that the reason for DNA samples to be taken is to allow the issuance of a Burial at Sea license and confirm that I have no objection to the taking of human tissue samples for the stated purpose.
- I confirm that I consent to the DNA profile obtained for the deceased person to be loaded to the Missing Persons DNA Database and retained indefinitely to allow any remains which may be located in the future to be checked against the DNA profile held for this person.

Signed by.....Name.....

Relationship to the deceased

Address.....

Tel. number

Date

If you change your mind and wish to withdraw your consent prior to the burial or have additional questions you wish to ask, please contact the person below:

Contact.....

Telephone Number.....

Email address.....

Notes for person(s) obtaining consent

- I confirm that the person consenting has a full understanding of the procedure set out in this consent form
- I confirm that I have checked that the person consenting is the appropriate person for the purposes of the Human Tissue Act 2004 **[See guidance note]**
- I can confirm I have offered a copy of this form to the person giving consent
- I can confirm I have explained that if consent is subsequently withdrawn prior to the burial at sea, the Burial at Sea licence will no longer be valid and the deceased will not be permitted to be buried at sea.
- I can confirm I have informed the person highest in the hierarchy of qualifying relationships that after the deceased has been buried at sea, consent to retain the DNA profile on the Missing Persons DNA data base cannot be withdrawn.
- I can confirm I have completed the 'Burials at Sea informed consent training' delivered by the Human Tissue Authority and understand the meaning of 'appropriate and informed consent' for this purpose. I am also aware that as well as completing the initial 'Burials at Sea informed consent training', I am also required to contact the Human Tissue Authority to request a competency based assessment every 12 months after the completion of the initial course. This is to ensure I remain competent in the requirements of taking consent.

Signed by.....

Name.....

Date of birth.....

Date of completed consent training course.....

Guidance notes

Those seeking consent must ensure that they have appropriate consent, in line with the Human Tissue Act 2004. They must ensure that consent is obtained from, **in this order**:

1. **the person concerned**- where an adult has, whilst alive, given valid consent for human tissue to be taken for the purpose of sea burial to take place after their death, this consent is sufficient
 2. their **nominated representative**- the Human Tissue Act 2004 sets out the terms for valid appointment of a nominated representative. See the code of practice on Consent for more information www.hta.gov.uk/legislationpoliciesandcodesofpractice/codesofpractice.cfm
- or**, in the absence of either of the above,
3. a person in a **qualifying relationship** with the deceased immediately before their death. Consent must be obtained from the person ranked highest in the hierarchy and is only needed from one person in the hierarchy:

Hierarchy of qualifying relationships: Persons are ranked in the following descending order:

- a) spouse or partner (including civil or same sex partner)
- b) parent or child (in this context a child may be of any age)
- c) brother or sister
- d) grandparent or grandchild
- e) niece or nephew
- f) stepfather or stepmother
- g) half-brother or half-sister
- h) friend of long standing

Refusal to give consent:

As the taking of a DNA sample is a mandatory requirement of the licensing conditions for the Needles, if next of kin object to the taking of the three different DNA samples from deceased, they cannot be buried at sea at the Needles. Alternative arrangements would be for them to be buried at sea at one of the other English sites (Newhaven, Sussex or Tynemouth, Northumbria) where DNA sampling is not currently mandatory.

Alternatively, they can be cremated and their ashes scattered at the Needles site. Further information on these processes can be found on the Marine Management Organisation website.

Withdrawing of consent:

Those individuals providing consent reserve the right to withdraw consent at any time before the burial. If they withdraw consent prior to the DNA sampling appointment, contact can be made with University Hospital Southampton who will cancel the DNA sampling appointment and all documentation and signed forms will be deleted and destroyed. If consent is withdrawn after the DNA sampling has taken place, any obtained DNA samples will be destroyed and their DNA profile will not be added to the Missing Persons DNA Database.

Please note that you will still be charged for the DNA sampling if it has taken place even if consent is withdrawn and the burial does not take place. Any withdrawal of consent prior to the burial will mean that the burial cannot take place at the Needles burial at sea site. Alternate options are available as discussed above. Consent cannot be withdrawn once the deceased has entered the water.

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Costs

There are two separate fees which must be paid to Southampton Hospital as part of the DNA sampling process: The first fee is a contract completion fee. Anyone wishing to use Southampton Hospital for DNA sampling must sign a contract to allow them to use their services. Please note the contract completion fee is a one off fee and payment is required prior to the initial DNA sampling appointment. The second fee is for the completion of DNA sampling itself. Payment for DNA sampling is not required prior to the DNA sampling appointment but on completion of the DNA sampling, University Hospital Southampton will issue the Funeral Director/ Burial at Sea company with an invoice for their services via email. This fee is payable within 30 days of issue and any failure to pay this fee may result in University Hospital Southampton ceasing to assist with DNA sampling for you in the future.

Please note any costings for this service will be regularly reviewed and are liable to change. If you require up to date information about their costings or have an enquiry regarding how to make payment, please contact them directly to discuss this. Their contact telephone number is 02381206306.

Burials at Sea – role of different agencies

Funeral Directors

- Send notification form to UKMPU.
- Complete informed consent training through HTA.
- Obtain signed consent form and ‘Death’, ‘Freedom from Infection’ and Coroners Form 103 certificates*.
- Contact Hospital to confirm sampling date.
- Transfer deceased to Hospital for DNA sample to be taken
- Request license and conduct burial at sea.

Southampton Hospital

- Liaise with the Funeral Directors to arrange date and time for DNA sampling.
- Conduct DNA sampling and complete submissions paperwork.
- Notify all relevant parties ** when DNA sampling is complete.

Missing Persons DNA Database (MPDD)

- Upon request from FSP, load the DNA profile to the Missing Persons DNA Database.
- Notify Hampshire Police and UKMPU when DNA profile has been loaded to the MPDD.
- Notify Hampshire Police and UKMPU if a DNA match is obtained.

Hampshire Police/ Forensic Service Provider (FSP)

- Collect DNA sample from Hospital and deliver to FSP.
- FSP process DNA samples and request DNA profile is loaded to the MPDD.

Marine Management Organisation (MMO)

- Issue Burial at Sea license once DNA sampling and all documentation is received.

UK Missing Persons Unit (UKMPU)

- Receive and process notification form and confirm Hermes reference with relevant parties**.
- Act as central repository for all case information and next of kin details.
- In event of match, liaise with Hampshire Police and Coroner

Human Tissue Authority (HTA)







- Deliver online informed consent training to Burial at Sea companies and Funeral Directors.

- *Please note, both the ‘Freedom for infection’ certificate and signed consent form are required prior to booking the DNA sampling appointment. This is to ensure consent forms can be checked and any appropriate handling measures can be put in place before Southampton Hospital receive the deceased.
- ** ‘Relevant parties’ refers to University Hospital Southampton NHSFT Mortuary department, UKMPU, Hampshire Police, MPDD and requesting Funeral Director or Burial at Sea Company.

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Overview of process

The below diagram details the Burials at Sea DNA sampling process in more detail.

-  Funeral Director/ Burial at sea company
-  UK Missing Persons Unit (UKMPU)
-  University Hospital Southampton Hospital NHSFT Mortuary Department
-  Hampshire Police/ Forensic Service Provider (FSP)
-  Missing Person DNA Database (MPDD)
-  Marine Management Organisation

Funeral Director/ Burial at Sea company confirm process and obtain signed consent from next of kin. Further information on the pre requisite training which is required prior to you being able to take informed consent is detailed in the 'Consent' section on this document. Consent forms are available on the MMO website.

Funeral Director/ Burial at Sea company obtain additional documentation as per MMO license requirements. Please note as well as the signed consent form, the Funeral Director/ Burial at Sea company will also have to provide a copy of the 'Freedom from Infection' certificate when contact is made with University Hospital Southampton to book the DNA sampling appointment. This is to ensure that they are made aware of any appropriate clinical measures which will need to be put in place for the deceased. For this reason, please ensure the consent forms and Freedom from Infection certificate are obtained at the earliest possible opportunity to prevent any delays.

Whilst the above steps are underway, the Funeral Director/ Burial at Sea company complete UKMPU Burial at Sea notification form (available on MMO website) and email it to UKMPU@nca.gov.uk.

Once in receipt of the notification form, the UKMPU create a case record for the proposed burial at sea on their case management system: Hermes and assign it a Hermes reference. UKMPU send completed notification form with Hermes reference back to requesting Funeral Director/Burial at Sea company, copying in all relevant parties: Hampshire Police, University Hospital Southampton and the Missing Persons DNA Database .

Once in receipt of the completed form and Hermes reference from the UKMPU and all other required documentation (signed consent form and Freedom from Infection certificate), Funeral Director/ Burial at Sea company contact University Hospital Southampton to book date and time for DNA sampling to take place. Their contact details can be found at the end of this document. Please email them all documentation and specify any known clinical requirements for the deceased at the time the appointment is booked. This is to ensure University Hospital Southampton can implement any appropriate handling measures for the deceased ahead of the sampling date.

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Funeral Director/ Burial at Sea company transport individual to Hospital on agreed time and date for DNA sample to be taken. This will most likely be an afternoon slot on the selected date. Those taking the deceased for DNA sampling will be asked to wait at the hospital until DNA sampling is completed. This should take approximately 60 - 90 minutes.

University Hospital Southampton complete DNA sampling and submissions paperwork, providing Funeral Director/ Burial at Sea Company with a copy. Using the previously received email from the UKMPU with completed notification form attached, they will confirm with relevant parties that DNA sampling has taken place and attach a copy of the signed DNA submissions form. They will also then send a completed invoice to the Funeral Director/ Burial at Sea Company with payment details listed.

Once DNA sampling is complete and Funeral Directors/ Burial at Sea Company are in receipt of the completed DNA submissions form, they can complete their license application through the MMO website. The DNA submission form, along with the other documentation will need to be uploaded as part of the license application process.

Once all relevant documentation is submitted, MMO approve application and issue license. Please note this is an automated service and assuming the correct documentation is provided, the license will be issued immediately.

Once the MMO license has been issued, Burial at Sea Company can conduct burial at sea.

Once DNA sampling is complete, Hampshire Police courier collects DNA sample from hospital as part of weekly routine DNA collection and takes it to Southampton Police station to be processed. It is then taken to the Forensic Service Provider (FSP) for profiling as part of their twice weekly FSP collections.

FSP process DNA samples and obtain DNA profile. Once complete, FSP contacts the MPDD team via email and requests the profile is uploaded to the MPDD.

MPDD receives request from FSP, notifying both Hampshire Police and the UKMPU when the DNA profile is loaded to the MPDD.

On receipt of confirmation of load, UKMPU update Hermes record, adding MPPD reference and DNA barcode to the record. UKMPU then confirm completion of all actions with relevant parties.

If in the unlikely event that remains are located and identified by the MPDD as being a burial at sea, both the UKMPU and Hampshire Police will be notified by email. Hampshire Police will then make contact with the Funeral Director/ Burial at Sea Company who requested the license to notify them and provide additional detail on the remains located. The Funeral Director/ Burial at Sea company will then be asked to make contact with the next of kin and inform them. Depending on their wishes, next of kin can then instruct Hampshire Police to request they are sensitively destroyed or they can discuss possible reburial options with the Burial at Sea company.

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Contact details and useful websites

UKMPU

Phone: 0800 234 6034

Email: UKMPU@nca.gov.uk

Operational hours: Monday – Friday 08:00-16:00. Please note we do not work Bank Holidays.

Human Tissue Authority (HTA)

For all Informed consent training enquiries, please visit:

<https://www.hta.gov.uk/make-an-enquiry>.

University Hospital Southampton NHSFT Mortuary Department

Contact for all enquiries: 02381206306

Marine Management Organisation

<https://www.gov.uk/guidance/how-to-get-a-license-for-a-burial-at-sea-in-england>

Acronyms and definitions

- **UKMPU** – UK Missing Persons Unit. Team which assist UK Police forces identify deceased remains found within the UK.
- **MMO** – Marine Management Organisation. The Government Department which are responsible for the issuing of licenses for Burials at Sea.
- **MPDD** – Missing Persons DNA Database. The DNA profile will be stored on this database indefinitely in case any remains are ever located. It is only accessible by trained Home Office staff.
- **FSP** – Forensic Service Provider. This is the laboratory which process the DNA sample and turn it into a DNA profile. Hampshire Police will liaise with the FSP on your behalf.
- **Hermes reference** – Before the DNA profile can be added to the Missing Persons DNA Database, it requires a Hermes reference. This can be provided on request by the UK Missing Persons Unit.
- **DNA sample** – The DNA sample refers to the biological material that is taken from the deceased by the hospital staff and sent to the Forensic Service Provider. Three separate DNA samples will be taken from each person. The scientists at the laboratory (Forensic Service Provider) extract the DNA profile from the DNA sample. Once the DNA profile is obtained, any remaining biological material is destroyed.
- **DNA profile** – This refers to the specific DNA pattern which is obtained from the DNA sample. The DNA profile will be a numerical code which is unique to each individual. It is this unique code which is retained on the Missing Persons DNA Database. If any remains are found, the unique DNA profile from the remains are compared to the unique DNA code obtained held for the deceased person.

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