



Department
of Health

Release of a body from hospital: good practice form

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Release of a body: good practice form

Prepared by the Public Health Policy and Strategy Unit

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Chapter one: background

Purpose of the consultation

- 1.1. The purpose of this consultation is to seek views on a draft good practice form for the release of a body from a hospital in order for the bereaved to make arrangements for a funeral. The draft form at Annex B has been developed in partnership with coroners, funeral directors, bereavement service staff, consultant nurse practitioner, and pathology technicians; groups of people that are most likely to be involved at some point after a death has occurred in a hospital and the cause has been established by either a doctor or a coroner.

The Green Form

- 1.2. Whilst the DH does not collect information on hospital practice in this area, we have been made aware that some hospitals place restrictions, for example, the requirement for family members to present a specific form to the mortuary or bereavement service staff in order for a body to be released. This might be, for example, the certificate for cremation or burial, commonly known as the 'Green Form', issued by the registrar of deaths which is only issued when a coroner's inquest will not take place. Alternatively, it might be something like a coroner's 'burial order', which would be issued to allow a burial to take place.

Safe release of body

- 1.3. We believe that such policies are put in place to try to manage a number of competing demands and legal requirements in a way that causes the least difficulty for the vast majority of service users, and allows coronial, health and safety and other requirements to be met. For example, requesting sight of a specific form gives some assurance to hospitals that they are not releasing a body which is subject to coronial investigation. It also enables them to release the body to the person who may be best placed to make the funeral arrangements. While sight of a will or grant of administration would help ascertain lawful entitlement to possession before release of the body to relatives/partners etc, it would not be workable for mortuary staff to have to obtain this in their routine tasks.
- 1.4. From conversations with people working in bereavement and mortuary services, we understand that the complexities around the release of bodies create a grey area in terms of practice. The policies adopted by staff could therefore be seen as an attempt to put in place a pragmatic and sensitive administrative solution to ensure that competing requirements are met most effectively.
- 1.5. It is the responsibility of hospitals to put in place processes for the safe and correct release of bodies to funeral directors or relatives. We have been made aware that a number of hospitals are requiring sight of the registrar's Certificate for Burial and Cremation (the 'Green Form') prior to agreeing release of a body. There is no legal requirement for this, and imposing such local requirements can lead to significant delays

in releasing the body, due to the time it may take for the Green Form to be issued by the registrar, and can cause unnecessary distress to the bereaved.

The law

- 1.6. The law does not recognise a dead body as someone's property, but it has been held in case law that the executors, administrators or other persons charged by law with the duty to dispose of the body have a right to its custody and possession until it is disposed of.

Good practice body release form

- 1.7. In light of this, we have developed a good practice form to support a more consistent, quality-controlled, and timely body release process. We intend that this form will provide a basic template that may be adopted and adapted by hospitals to underpin their body release process. It may also be suitable for adaptation, in consultation with the local coroner's office, for use in other settings (information on processes around release of the body in other settings can be found in the notes section of the draft form).

Next steps

- 1.8. Responses to this consultation will help us to finalise this good practice body release form and it is our intention to promote its use as widely as possible with the help of stakeholders who contributed in the development of the form.

Chapter two: responding to this consultation

How to get involved in the consultation

2.1. The consultation will run for 12 weeks, from 12th January to midnight on 6th April 2015. We welcome responses from any interested person, organisation or business.

2.2. Respondents can provide their responses to the questions in Annex A in any of the following ways:

Emailing your responses to: bodyreleaseformconsultation@dh.gsi.gov.uk

Posting your response to:

Department of Health, Room 2N15, Quarry House, Quarry Hill, Leeds LS3 7UE

Comments on the consultation process itself

2.3. If you have concerns or comments which you would like to make relating specifically to the consultation process itself please

Contact Consultations Coordinator
Department of Health
2E08, Quarry House
Leeds
LS2 7UE

e-mail consultations.co-ordinator@dh.gsi.gov.uk

Please do not send consultation responses to this address.

Confidentiality of information

2.4. We will manage the information you provide in response to this consultation in accordance with the Department of Health Information Charter available at www.gov.uk/government/organisations/department-of-health/about/personal-information-charter

2.5. Please be aware that, under the Freedom of Information Act, there is a statutory Code of Practice with which public authorities must comply and which deals, amongst other things, with obligations of confidence. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

2.6. All information held by the Department of Health is accessible under the Freedom of Information (FOI) Act 2000. Every request for information has to be considered separately and a decision made on whether the information should be released or

whether exemptions against its release apply. In the majority of cases where personal data is concerned the data will be withheld under s.40, personal information. Any decision on release would be considered against whether its release would contravene any of the data protection principles as set out in the Data Protection Act 1998.

- 2.7. The Department will process your personal data in accordance with the Data Protection Act 1998 and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Annex A

Consultation questions: Body Release Form

Q1. Please choose the capacity in which you are responding:

- NHS Organisation
- Funeral Industry
- Bereavement Services
- Religious Faith Groups
- Local / Central Government
- Mortuaries
- Member of the public
- Other, please specify

Q2a. To what extent do you agree or disagree that the good practice body release form is fit for purpose?

- Strongly agree
- Agree
- Neither agree nor disagree
- Disagree
- Strongly disagree

Q2b. If you disagree or, strongly disagree, what do you suggest should be changed on the form, and why please?

Thank you for your response. Please email this page to bodyreleaseformconsultation@dh.gsi.gov.uk

or send a copy of the page to Death Certification Reforms Programme Team, Department of Health, Room 2N15 Quarry House, Quarry Hill, Leeds LS2 7UE.