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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 the deceased 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, in order 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 required 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, 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:

Date of death:

- ☐ 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.....

Date of completed 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