

Death in Service Procedure

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INTRODUCTION

The East London NHS Foundation Trust (**hereinafter referred to as “the Trust”**) is committed to employing the best possible standards in its duty of care to staff and employment practice.

In the unfortunate event of a death in service, the Trust recognises the need to balance sensitivity with the practical need to administer pay arrangements and if applicable pension issues during a difficult and emotional time for the next of kin.

In addition, it is accepted that the death of a colleague has a major impact on the team. Managers should ensure appropriate support is put in place/offered to colleagues through this difficult and emotional time.

SCOPE OF POLICY

This policy applies to all substantive staff employed by the East London NHS Foundation Trust.

1. Roles and Responsibilities

1.1 Chief Executive

- Ensures appropriate condolences are expressed at a senior level from the Trust to the next of kin and deceased member of staffs' team.
- Where the death in service occurs in the workplace, overall responsibility for ensuring the appropriate incident procedures are implemented.

1.2 Service/Line Manager

- Responsible for notifying key personnel such as the Borough Service Director and Designated HR Business Partner that a death in service has occurred.
- Liaising with the HR Business Partner designate to ensure a leaver form is completed in a timely manner.
- Notifies colleagues and service users in a sensitive way. Any staff affected by the death of a colleague should be given the option of referral to the Occupational Health service or Employee Assistance Programme (details available from the intranet). Service Users affected by the death of a staff member should be directed to their Care Co-ordinator.
- Ensures all calls and correspondence relating to the death in service are dealt with in a confidential and sensitive manner.
- Arranges for removal of the deceased employee's details from all departmental/locality distribution lists.
- Where appropriate and in conjunction with the payroll department, keep the next of kin/estate informed of payment of salary arrangements.
- Oversees the return of personal property and the collection of Trust property from the deceased member of staffs' next of kin/estate.

1.3 Payroll Department

- Ensures timely administration of payment of salary and where appropriate pension administration.

- Ensures all calls and correspondence relating to the death in service are dealt with in a confidential and sensitive manner
- Where appropriate, liaises with key personnel – Service Manager, Designated HR Representative for Service Area, next of kin/estate of the deceased member of staff regarding final pay and pension arrangements.

1.4 HR Business Partner

- Provides support to the service manager in the practical application of the Trust's death in service procedure.
- Ensures deceased employee's details are removed from current Trust-wide circulation lists (e.g. email; staff survey) and electronic staff records.
- Advise payroll in advance of the staff leaver form being completed.
- Inform Line Manager of the next of kin's details so that the manager can liaise directly with them.

1.5 Head of Communications and Public Relations

- Where appropriate, make arrangements for staff obituary, press releases, liaises with outside agencies etc.

1.6 Clinical Governance Manager

- Where the death in service occurs in the workplace, the Clinical Governance Manager for the designated service area would need to inform the Service/Borough Director in conjunction with the Chief Executive and Medical Director and a decision made whether to instigate a Serious Untoward Incident Investigation.

2. Procedure/course of action required

2.1 Notification of a Death in Service

2.2 When a death in service occurs, the deceased employee's line manager must inform the Senior Service Manager, the Borough Director, Chief Executives office, Head of Communications and Public Relations, Payroll Department, and the designated HR Business Partner.

2.3 The HR Business Partner shall make available next of kin details or, in the absence of next of kin, emergency contact details.

2.4 The Chief Executive and Head of Communications and Public Relations will send a letter of condolence to the next of kin. An example letter is given at **Appendix 1**; however careful consideration will be given to the appropriateness and circumstances surrounding the individual case in question.

2.5 The Head of Communications and Public Relations and Service Manager will be responsible for cascading notification of a death in service by email to affected Trust managers and colleagues in a sensitive manner.

2.6 Where there is likely to be press interest in a death, the Service Manager and Trust HQ will liaise to agree a strategy for dealing with media interest. No information should be given to any external enquirer; instead, they should be referred to Head of Communications and Public Relations.

- 2.7** It is accepted that a death of a colleague has a major impact on the team and service users. Managers should ensure appropriate support is put in place/offered to colleagues and service users through this difficult and emotional time. The Trusts multi-faith and inclusive chaplaincy team can provide a valuable resource for staff as well as the employee assistance programme.
- 2.8** A second letter will be sent within one week of the first letter to the next of kin. The letter will focus on the practical arrangements regarding payment of salary with a request for details of the executors of the estate. An example letter is given at **Appendix 2**, however careful consideration should be given to the wording of the letter. The co-ordination and responsibility of this letter will be the deceased employee's line manager in liaison with the Head of Communications and Public Relations and designated HR Business Partner.
- 2.9** The manager is responsible for dealing sensitively with the return of personal belongings to the next of kin.
- 2.10** The manager is responsible for ensuring the return of Trust items e.g. keys, Trust ID badge, phone, laptop etc. Relatives/next of kin should not be pressured immediately after the death to return such items.
- 3. Death at Work**
- 3.1** A death in service in the workplace is, considered a catastrophic incidence and it should be immediately reported to a senior manager or manager-on-call. The Trust's Serious Untoward Incident Procedure and investigation should immediately be instigated.
- 3.2** Where there is likely to be press interest in a death, the service manager and Trust HQ will liaise to agree a strategy for dealing with media interest. No information should be given to any external enquirer instead; they should be referred to the Head of Communications and Public Relations.
- 4. Completion of a Leaver Form**
- 4.1** When a death in service occurs, the deceased employee's line manager is responsible for completing a leaver form as soon as possible. The electronic leavers form is located on the Trust's intranet page under Templates and Forms/ Human Resources.
- 4.2** To prevent a leaver's exit interview questionnaire being issued and to prevent unnecessary communication with the next of kin, the leaver form must state 'Death in Service'.
- 4.3** The leaver form should include any outstanding annual leave owed to the deceased employee.
- 4.4** The leaver form should include details of the next of kin where such detail is known. Where these details are not known, at the time of completing a leaver form, the designated HR Business Partner is responsible for forwarding these details to the payroll manager as soon as possible.

- 4.5** The Human Resources Team is responsible for completion of the HR section of the leaver form and would also need to advise the Payroll Department in advance of a leaver form being completed to avoid any salary overpayments.

5. Annual Leave Entitlement

- 5.1** An allowance equivalent to the balance of the annual leave entitlement on the date of death, calculated on a proportionate basis shall be paid to the employee's next of kin/estate. No deduction from the final salary payment should be made in respect of annual leave taken in excess of entitlement on the date of death.

6. Payment of Final Salary/Pension Arrangements

- 6.1** The Payroll Department cannot stop payment of salary until they have been advised by HR/or a leaver form has been received.
- 6.2** By law, the Trust may only discuss payment of salary with the next of kin and executors of the deceased employee's estate.
- 6.3** On confirmation of the executors of the deceased employee's estate, payroll will calculate any final payment due. Final payment will be by cheque to the executors of the deceased employee's estate.
- 6.4** Where the deceased employee was a member of the pension scheme (NEST and NHS Pension Scheme), the Payroll Department shall, liaise with the executors, next of kin and the NHS Pensions Agency about the pension administration. The deceased employee's pension entitlement shall be processed, as a priority by the Payroll Department.
- 6.5** Where the deceased employee was a member of the NHS pension scheme, the widow, widower or partner through a civil partnership will receive a short-term pension for 3 months or 6 months if there is at least one dependent child. The amount of the short-term pension will usually be the same as the member's pensionable pay on the day they died.
- 6.6** Where a member of staff has an agreement where payment for goods, is taken directly from their salary, the agreement will cease if the member of staff dies. (For example Cycle to work Scheme, or services Childcare Vouchers.) No further payments will be deducted from their salary. (All Salary sacrifice agreements will cease)
- 6.7** The termination date should be either the date of death, or if this results in an overpayment then the last date in that month. The final payslip will be sent out to the next of kin by post.

7. Pension Arrangements Guidance

- 7.1** The Death in Service lump sum needs to be paid within 2 years of the date the Scheme Administrator was first notified of your death. If not, a tax charge of up to 45% will be deducted from the lump sum payment.

- 7.2** It is important to be aware of which scheme you are in: the [1995 scheme](#), [2008 scheme](#) or [2015 scheme](#). There are differences across each regarding Death in Service and Ill Health benefits, particularly how these benefits are paid out. However, which scheme you are in (1995, 2008 or 2015) and your occupation (Nurse, GP, Hospital Doctor, etc.) determines how this 'pay' figure is calculated.
- 7.3** A surviving spouse, civil partner or nominated qualifying partner of a pensioner member who is eligible for an adult dependant's pension must apply for it. We will send an application form to complete so that the pension can start as soon as possible. Applications and documentary evidence in respect of nominated qualifying partners will be sent to NHS Pensions for their consideration
- 7.4** See the [NHS Pension Scheme's Survivors Guide](#) for full details. At least 2 years membership must have been completed for a dependent's pension to be payable. For any other Pension related enquires please contact Kerry Van Gelder, Pensions Advisor, on 0208 591 4700.

8. Attendance of Trust Director at Deceased Employee's Funeral

- 8.1** In the event of a death in service, the Trust would wish to show support at a senior level to the next of kin and the deceased employee's colleagues. The Chief Executive and relevant Trust Director in liaison with the Director of HR shall decide on the appropriateness of senior personnel attending the deceased employee's funeral in each individual circumstance.
- 8.2** Should staff wish to attend the funeral of the deceased the Line Manager will seek permission from the Next of Kin and decide who can be released from the service to attend taking into consideration their personal relationship with the deceased.

9. Awareness of Procedure

Senior Service Managers will be responsible for ensuring staff with management responsibilities are familiar with the contents of this policy.

10. Breach of this Procedure

- 10.1** In all cases, the Trust seeks to employ consistency and sensitivity in these matters and in no way, wants to add to the distress of next of kin and work colleagues when a death in service occurs.
- 10.2** Failure to follow the actions stated in this procedure may result in needless prolonging of the processes, additional distress to the next of kin and work colleagues and adverse publicity for the Trust.

11. Impact Assessment Statement

This policy has been impact assessed in accordance with the East London NHS Foundation Trust Impact Assessment Tool.

12. Policy Review

It is the responsibility of the Director of Human Resources to monitor and review this policy, and to present any necessary changes, after negotiation with the Joint Staff Committee to the Service Delivery Board and the Trust Board.

APPENDIX 1 – EXAMPLE LETTER 1

Personal – Addressee Only

Name of next of kin

Address

DATE

Dear *Name of next of Kin*

I write on behalf of the East London NHS Foundation Trust to convey my most deep felt sorrow for the recent death of *(employee's name)*. I know that all *(employee's name)* colleagues, and in particular *(name of manager)*, would like to convey their deepest sympathies at this difficult time for you and your family.

It may not be appropriate at this juncture to discuss the various administrative details concerning *(employee's name)*. In the light of this, and to extend the appropriate privacy during your bereavement, the Trust will contact you in due course outlining these details. However, if you have questions or would like clarification then please do not hesitate to contact us.

In the meantime please contact me on () if there is anything, I can do to help you further during this difficult time.

Yours sincerely

Chief Executive

cc: *(name)* - Payroll
 (name) - HR Business Partner
 (name) - Service Manager

APPENDIX 2 - EXAMPLE LETTER 2

Personal – Addressee Only

Name of next of kin

Address

DATE

Dear *Name of next of kin*

I was deeply saddened to hear of *(employee's name)*'s death. I know that *(employee's name)* was a dedicated and well-respected member of the team and that all *(employee's name)* colleagues would like to convey their deepest sympathies at this difficult time for you and your family *[or similarly worded paragraph]*.

I am sorry to intrude at this difficult time but there are a number of administrative matters that do need to be addressed. Obviously we will be doing all that we can to minimise the burden to you at this time. The Trust's payroll manager is completing the necessary paperwork for any monies owing. All cheques will be made payable to the estate of *(employee's name)*. I would be grateful, if you could please inform me of the name and address of the executors.

Please contact me on *(telephone number)* if there is anything I can further help you with, or if there is anything contained within this letter you would like clarified.

Yours sincerely

Service Manager

cc *(insert name)* - Payroll
 (insert name) - HR Business Partner