

## Death in Service Policy

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# Lincolnshire Community Health Services NHS Trust

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### Version Control Sheet

Version	Section/Para/Appendix	Version/Description of Amendments	Date	Author/Amended by
1.1	Whole Document	Policy realigned following implementation of the Transforming Community Health Services agenda and the new legal entity	March 2011	Rachael Ellis-Ingamells
1.2	Front Page	Policy review date extended due to no changes required	September 2012	Sheldon Gayfer
2	1.1	Section amended to include duty of care of organisation and some re-wording	October 2014	Lyndsey Clapham
	2.0	Added in responsibility of Chief Executive	October 2014	Lyndsey Clapham
	2.4	Amended section on Pensions responsibilities	October 2014	Lyndsey Clapham
	2.1 & 2.2	Added in details offering occupational health support for employees	November 2014	Lyndsey Clapham
3		Full Policy Review	September 2016	Lyndsey Clapham
4		Full Policy Review	November 2019	Aaron Gorman

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# Lincolnshire Community Health Services NHS Trust

## Death in Service Policy

### POLICY STATEMENT

<b>Background</b>	<p>This policy is to support managers in the sad event of an employee's death. It is essential that these situations are handled in both a sensitive and effective way to prevent any additional distress for relatives and colleagues. To assist managers at a time when employees, including the manager, may be distressed.</p>
<b>Statement</b>	<p>This policy is to support managers to make this situation as uncomplicated as possible. As this process will not be the norm a manager's checklist has been included to ensure the process can be followed easily.</p>
<b>Responsibilities</b>	<p>Managers have the responsibility to complete the Employee Termination Form (EF3) and send it to the Human Resources (HR) department to be processed. They also have the responsibility of liaising with next of kin and the HR department.</p> <p>The HR department and Payroll Services will ensure ESR is updated and outstanding payments are sent to the deceased person's estate. Where appropriate, Payroll Services Pensions Department will arrange for pension benefits to be paid.</p>
<b>Dissemination</b>	<p>Website</p>
<b>Resource implication</b>	<p>There may be resource implications where a member of staff has a salary sacrifice agreement. If the member of staff dies no further payments will be taken from the individual's salary.</p>

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### CONTENTS

1.0 Introduction.....	5
2.0 Roles and Responsibilities.....	5
2.1 Manager’s Responsibilities .....	5
2.2 Human Resources Responsibilities .....	6
2.3 Payroll Services .....	7
3.0 Member of Staff who Dies at Work .....	7
4.0 Salary Sacrifice Schemes .....	7
5.0 Guidance .....	8
Appendix 1 - NHSLA Monitoring.....	9
Appendix 2 - Equality Analysis.....	10

# **Lincolnshire Community Health Services NHS Trust**

## **Death in Service Policy**

### **1.0 Introduction**

Lincolnshire Community Health Services 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 during a difficult and emotional time for the next of kin. Additionally it is accepted that the death of a colleague has a major impact on the team. Managers should ensure appropriate support is put into place/offered to colleagues through this difficult and emotional time.

Inherent within all of its practices this Trust is committed to the principles of diversity, equality of treatment and equality of opportunity and believes that direct or indirect discrimination against any person is unacceptable. This policy aims to ensure that no employee receives less favourable treatment on the grounds of gender, transgender, sexual orientation, civil partnership/marital status, carer responsibilities, colour, race, nationality, ethnic or national origins, creed, religion/belief, disability, age or trade union membership.

### **2.0 Roles and Responsibilities**

#### **2.1 Manager's Responsibilities**

The Chief Executive will ensure that appropriate condolences are expressed at a senior level from the Trust to the next of kin and deceased member of staff's team. The HR department will initiate this letter. Where the death in service occurs in the workplace the Chief Executive has overall responsibility for ensuring the appropriate incident procedures are implemented.

The line manager is likely to be the first person to be advised when a member of staff dies, therefore, it is the manager's responsibility to inform Head of Service, Payroll Services and Pensions, and the HR department as soon as possible if this occurs. The manager will also need to complete the 'Employee Termination Form' (EF3) including the part which asks for details of annual leave. This form should then be sent to the HR department who will process the form and forward to Payroll Services. The manager should also arrange for the deceased person's email account to be assigned to them so that messages can be dealt with in an appropriate way.

It is the line manager's responsibility to notify colleagues in a sensitive way. Where appropriate, this can be done as a group or one to one basis. It is appreciated that this will be an extremely difficult time and there are confidential counselling services which can be accessed directly at any time via 'Healthy Minds' available through BUPA on 0800 269 616. Any staff affected by the death of a colleague should be given the option of a referral to the Occupational Health

department; this may be collectively or on a one to one basis to undertake a debrief session of the unfortunate events.

The Chief Executive will send an official letter of condolence on behalf of the organisation for Lincolnshire Community Health Services NHS Trust staff. The HR department will initiate this letter. The Line manager may also wish to send a letter of condolence to the next of kin. If any assistance is needed an example letter can be requested from the HR department. The line manager should arrange to gather any LCHS equipment and LCHS passes that the member of staff may have had and return to the appropriate departments. The Line manager may also contact the next of kin in a sensitive way to find out if they are happy for members of staff to attend the funeral and to ask if flowers can be sent.

## **2.2 Human Resources Responsibilities**

When advised of the death of a member of staff the HR department will contact Payroll Services immediately to notify them of the death of the staff member. They will inform the manager of the next of kin's name and address so that the manager may liaise directly with them. The HR department will initiate a letter of condolence to be sent to the next of kin of the deceased.

The HR department will make enquiries as to who the Personal Representative is. If the employee dies intestate the bank account would be frozen, and relatives would need to consult a Solicitor. In this situation, the HR department would comply as directed by the Solicitor.

Payroll Services require the following information as soon as possible:

- Date of death
- Husband, wife, civil/nominated partner: full name and date of birth and confirmation of their home address
- Dependant children up to the age of 23 regardless of education: full name(s) and date(s) of birth
- Details of the person dealing with the estate (Personal Representative) and full contact address
- Executor's or solicitor's details as applicable
- Details of annual leave

On receipt of the Employee Termination Form' (EF3), the HR department will update this information on the Electronic Staff Record (ESR). This will prevent correspondence being sent out to the deceased staff member's address. The HR department should contact Occupational Health to make them aware of the situation and the need to offer support to staff members either collectively or on a one to one basis.

## **2.3 Payroll Services**

Following receipt of the Employee Termination Form (EF3) Payroll Services will liaise with the Pensions Manager, if appropriate. Payroll Services will write to the Personal Representative for the estate to obtain details of a bank account. (The Personal Representative is the individual responsible for dealing with the deceased person's estate).

Any pay owed, including holiday pay, will be paid as instructed by the Personal Representative. If the deceased employee has taken more than their annual leave quota at the time of death it is unlikely that the Trust would recover payment from the estate.

## **2.4 Pensions Department**

Where the deceased member of staff was a member of the NHS pension scheme, on receipt of details of the next of kin and dependents the pensions department will send out relevant applicant forms for benefits together with a Survivors guide booklet. When these are returned payment of the initial survivor pension will be made. The NHS Pensions Agency will pay a lump sum (double of the pensionable pay) to the spouse, civil or nominated partner and make arrangements for payment of an initial pension and life cover. To nominate an alternative individual a DV2 form will need to be sent to pensions department.

## **3.0 Member of Staff who Dies at Work**

If the staff member dies as a result of an accident at work, the first person at the scene must dial 999 and request an ambulance. The line manager and Head of Service must be informed as soon as possible. The Health and Safety Executive must be contacted on 0845 300 9923 by the Health and Safety lead or Executive team in normal working hours or by the on call director when out of normal working hours. They will need to be prepared to give the employee's date of birth, address and details of the incident.

In the event of the employee dying whilst driving on work business the Health and Safety Executive do not need to be contacted. If the employee dies whilst at work, but not as a result of an accident, an ambulance must be called immediately, but it is not necessary to contact the Health and Safety Executive.

The Incident Reporting Policy should be followed in conjunction with this policy.

## **4.0 Salary Sacrifice Schemes**

Where a member of staff has an agreement where payment for goods, i.e., Cycle to Work Scheme, or services, i.e., Childcare Vouchers, is taken directly from their salary, the agreement will cease if the member of staff dies. No further payments will be deducted from their salary.

The outcome of what will happen to any goods obtained in this way will be dependent on the contract signed at the time of agreeing to take part in the scheme.

## **5.0 Guidance**

Sensitivity must be displayed at all times when dealing with the death of a member of staff. Relatives and colleagues must be treated with courtesy and respect. It is recognised that this is a difficult time for colleagues and referrals to the Occupational Health Service can be requested if and when required. The manager should follow the 'Manager's Checklist' via the intranet under documents for managers to guide them through the process.

## Appendix 1 - NHSLA Monitoring

Minimum requirement to be monitored	Process for monitoring e.g. audit	Responsible individuals/ group/ committee	Frequency of monitoring/audit	Responsible individuals/ group/ committee (multidisciplinary) for review of results	Responsible individuals/ group/ committee for development of action plan	Responsible individuals/ group/ committee for monitoring of action plan
The number of Death in Service incidents reported	Audit of EF3 Leavers Forms held within HR Team	HR Team / Payroll Services	Annually		HR Team / EPG	PEG

## Appendix 2 - Equality Analysis

### Introduction

The general equality duty that is set out in the Equality Act 2010 requires public authorities, in the exercise of their functions, to have due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Act.
- Advance equality of opportunity between people who share a protected characteristic and those who do not.
- Foster good relations between people who share a protected characteristic and those who do not.

The general equality duty does not specify how public authorities should analyse the effect of their existing and new policies and practices on equality, but doing so is an important part of complying with the general equality duty. It is up to each organisation to choose the most effective approach for them. This standard template is designed to help LCHS staff members to comply with the general duty.

Please complete the template by following the instructions in each box. Should you have any queries or suggestions on this template, please contact Rachel Higgins, Equality and Diversity lead.

<b>Name of Policy/Procedure/Function*</b>	Death in Service Policy
<b>Equality Analysis Carried out by:</b>	Aaron Gorman
<b>Date:</b>	6 November 2019
<b>Equality &amp; Human rights Lead:</b>	Rachel Higgins
<b>Date:</b>	November 2019
<b>Director\General Manager:</b>	Ceri Lennon
<b>Date:</b>	November 2019

**\*In this template the term policy\service is used as shorthand for what needs to be analysed. Policy\Service needs to be understood broadly to embrace the full range of policies, practices, activities and decisions: essentially everything we do, whether it is formally written down or whether it is informal custom and practice. This includes existing policies and any new policies under development.**

**Section 1 – to be completed for all policies**

A.	Briefly give an outline of the key objectives of the policy; what it's intended outcome is and who the intended beneficiaries are expected to be	<p>This policy is to support managers in the sad event of an employee's death. It is essential that these situations are handled in both a sensitive and effective way to prevent any additional distress for relatives and colleagues. The policy will assist managers at a time when employees, including the manager, may be distressed.</p> <p>By following this policy the next of kin will be prevented additional distress, ensuring that they are treated in a respectful and sympathetic way whilst also ensuring practicalities are dealt with.</p>		
B.	Does the policy have an impact on patients, carers or staff, or the wider community that we have links with? <b>Please give details</b>	This policy supports staff members during difficult times and ensures that the deceased staff member's family are treated with due respect and courtesy, avoiding additional distress.		
C.	Is there is any evidence that the policy/service relates to an area with known inequalities? <b>Please give details</b>	No, applies equally to all areas		
D.	Will/Does the implementation of the policy/service result in different impacts for protected?	No		
		Yes	No	
	Disability		X	
	Sexual Orientation		X	
	Sex		X	
	Gender Reassignment		X	
	Race		X	
	Marriage/Civil Partnership		X	
	Maternity/Pregnancy		X	
	Age		X	
	Religion or Belief		X	
	Carers		X	

	<p><b>If you have answered 'Yes' to any of the questions then you are required to carry out a full Equality Analysis which should be approved by the Equality and Human Rights Lead – please go to section 2</b></p>
<p>The above named policy has been considered and does not require a full equality analysis</p>	
<p><b>Equality Analysis Carried out by:</b></p>	<p>Aaron Gorman</p>
<p><b>Date:</b></p>	<p>06/11/2019</p>