

Document Details		
Title	Finance Procedure I18: Deceased Patients Property	
Trust Ref No	1565	
Local Ref (optional)		
Main points the document covers	Procedure for ensuring the safekeeping of property after the death of a patient & the release of property to the estate of the deceased	
Who is the document aimed at?	Staff dealing with patients' property, and Financial Accounting staff	
Author	Head of Financial Accounting	
Approval process		
Approved by (Committee/Director)	Director of Finance	
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Initial Equality Impact Screening	Yes	
Full Equality Impact Assessment	No	
Lead Director	Sarah Lloyd	
Category	Finance	
Subcategory	Finance Procedures	
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Distribution		
Who the policy will be distributed to	Distributed to senior staff as defined by directors	
Method	Electronically to senior staff & available to all staff via the Trust website	
Document Links		
Required by CQC	Yes	
Required by NHSR	Yes	
Other	Yes	
Amendments History		
No	Date	Amendment
1	June 2012	Minor amendments to terminology
2	July 2015	Minor additional clarification & simplification of flow chart Reference to updated NHS Protect document
3	July 2018	Changed reference from NHSLA to NHSR (Resolution) on cover sheet.
4	June 2021	Removal of references to NHS Protect guidance Addition of section 2.4 relating to handling patient property with dignity Addition of reference to Healthcare Financial Management Association guidance Addition of section 1.5 to reinforce need to keep property secure. Addition of section 2.4 relating to respectful handling of property Addition of section 4.4 to clarify disposal of unclaimed property Minor amendment to 3.6 and 5.2 Additional clarification

5	July 2024	Minor amendments
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Policies, Procedures, Guidelines and Protocols

Shropshire Community Health NHS Trust

Finance Procedures

Section I Banks & Cash I18 Deceased Patients' Property

1 – Introduction

- 1.1 When a patient dies in hospital, the Trust has a duty to look after their property until it can be handed over to the appropriate person. Special arrangements need to be made for the return or disposal of their property and, in some cases, for meeting funeral costs. This procedure also applies when a patient dies out of hospital but has unclaimed property in the care of the Trust that must be returned to their estate.
- 1.2 Standing Financial Instructions state that the Trust has a responsibility to:
 - a) provide safe custody for money and other personal property found in the possession of patients dying in hospital or dead-on arrival (paragraph 17.1)
 - b) provide written instructions on the disposal of the property of deceased patients (paragraph 17.3)
 - c) require the production of Probate or Letters of Administration or forms of indemnity as appropriate before any of the property is released (paragraph 17.5).
- 1.3 General day-to-day duties regarding patients' property are set out in Finance Procedure I17 – Patients Property (Cash & Valuables). In respect of the paragraphs below, procedures relating to the use of the Patients' Valuables book and safe custody of patients' valuables are detailed in that procedure.
- 1.4 This procedure covers the safe custody of property after the death of a patient and the release of property to the estate of the deceased. The Trust has no responsibility for patients' property not in their possession at the time of death and should not accept such responsibility when the patient dies.
- 1.5 Money and personal belongings held on behalf of patients or in the patient's possession at the time of death must be kept securely by the Trust until the person(s) entitled to administer the estate indicates what should be done with them.

2 – Immediate responsibilities of ward staff

- 2.1 On the death of a patient, all property that is not already in safe custody, with the exception of clothing and comfort items, are withdrawn. After certification of death, two members of the ward staff examine the effects of the deceased and list all property, including cash. If the deceased is wearing a wedding ring this should normally be left in place and listed as remaining.
- 2.2 Property withdrawn from the deceased is listed in the Patients' Valuables book. If there is already an entry for the patient for property previously handed in for safe keeping, this

is amended. The book is signed by both ward staff. A separate list is made of clothing and comfort items.

- 2.3 The clothing and comfort items list and Patients' Valuables book, together with the withdrawn property, are taken to the Administration Office.
- 2.4 The individual's property must be handled respectfully, with due consideration to the feelings of a carer or relative who may collect property. If staff have queries relating to the deceased patient's property, they should seek advice from a senior manager.

3 – Administration Office responsibilities

- 3.1 The Administration Office staff deal with the receipt of the valuables by:
 - a) agreeing the accuracy of the lists
 - b) signing the second copy of the Patients' Valuables book
 - c) paying any cash into the Trust's bank account
 - d) recording the cash against the individual patient's account
 - e) placing any valuables in the safe.
- 3.2 Any agencies from which the deceased received funds (e.g., Department for Work and Pensions) are notified of the death in writing, giving details of next of kin or, where the Trust is handling the patient's affairs, with a request for payment of all sums due up to the date of death.
- 3.3 It is the responsibility of the Admin Team Leader/Manager to establish to whom the deceased patient's property should be released. When this is known, they send to the Finance Department a written request for a cheque to be issued to repay any cash held to be returned to the Administration Office.
- 3.4 The property must remain in safe custody until the patient's representatives produce the appropriate documentation proving their entitlement to it, and proof of their identity.
- 3.5 On releasing any cash or valuables to the deceased's estate, the recipient must sign an appropriate form of indemnity, which is worded according to the circumstances. They should be given a copy of the form in the Patients Valuables book.
- 3.6 If it becomes necessary to send property through the post to the estate, the Admin Team Leader/Manager will use recorded delivery or registered post. An appropriate covering letter is enclosed, asking the recipient to acknowledge receipt in writing.

4 – Status of deceased patient's property

- 4.1 The Trust must ensure that property held on behalf of deceased patients is handed over only to a duly authorised person. Probate is the formal process whereby a Court certifies that a will is valid (proving it), and gives the executor named in the will the legal authority to gather in the deceased assets, settle any debts and distribute the remainder to those entitled. A Grant of Probate is the document issued by the Court showing this authority.

- 4.2 A Grant of Probate is proof that the person named in it is authorised to collect property belonging to the deceased and held by other organisations. There is a charge by the Court for a Grant of Probate, and in some cases where the estate is uncomplicated, and organisations (such as the Trust) are prepared to release monies without one, it is not always necessary.
- 4.3 Where a will has not been left by the deceased, or it does not name an executor, the Court will grant Letters of Administration, which confer the same rights and duties as a Grant of Probate, to a named individual.
- 4.4 It is customary for many Trusts to dispose of unclaimed personal clothing and items of small value after a period of 2 months.

5 – Release of property

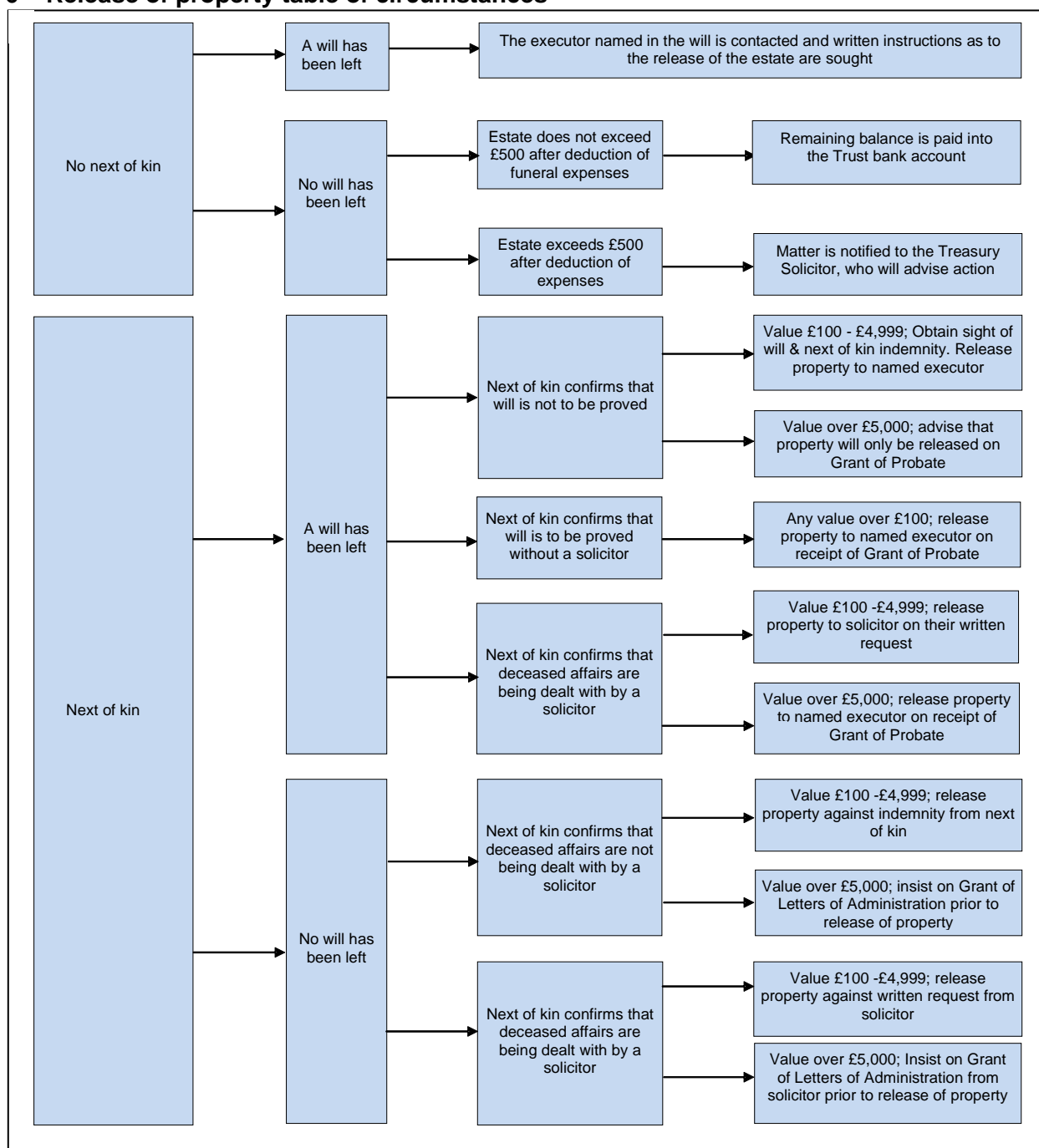
- 5.1 The procedure for the release of the estate of the deceased will vary depending on circumstances concerning:

- a) the existence of any will
- b) the value of the estate
- c) the involvement of any solicitor
- d) the number of next of kin (if any).

The table in paragraph 7 shows the course of action to be taken in each case.

- 5.2 The Trust does not always demand that Probate be obtained, and in the appropriate circumstances will release property up to £5,000 without Probate, provided that an appropriately worded indemnity against all possible claims is obtained. An indemnity is not required for property value of less than £100.
- 5.3 When property is handed over, the person receiving it and the member of staff should sign the Patients Valuables book.
- 5.4 At all times it is the responsibility of the Admin Team Leader/Manager to ensure that comprehensive files are maintained, with copies of all correspondence and a full record of all transactions, for future reference, and audit review.
- 5.5 This file should specifically include a photocopy of any Grant of Probate or Letters of Administration.
- 5.6 Special rules apply to the estate of any patient dying intestate (without leaving a will) and with no next of kin. If the value of the property (after funeral expenses) is less than £500, the balance is paid into the Trust's bank account. If the balance is greater than £500, the Treasury Solicitor must be contacted for guidance.
- 5.7 In any case where there is a concern or uncertainty as to the course of action, the Head of Financial Accounting should be consulted, and may consider taking legal advice.

6 – Release of property table of circumstances



References & associated documents

Healthcare Financial Management Association, Patients' monies, and belongings: A practical guide, Ch. 4 (Patients who die in hospital)
 Patients' Valuables book
<https://www.gov.uk/guidance/refer-a-deceased-persons-estate-to-the-treasury-solicitor>

Reviewed By: David Court & Ian Gingell__

Date __15.08.2024__

Authorised By ____Sarah Lloyd__

Date ____16.08.2024__