

Policies, Procedures, Guidelines and Protocols

Document Details		
Title	Protocol on the Management of an Inpatient Dying Without a Next of Kin	
Trust Ref No	657-49878	
Local Ref (optional)		
Main points the document covers		
Who is the document aimed at?	All Community Hospitals Inpatient Staff and Hospital Administration Staff	
Author	Andrew Thomas	
Approval process		
Approved by (Committee/Director)	Adult Quality and Safety Delivery Group	
Approval Date	24/01/2019	
Initial Equality Impact Screening	Yes	
Full Equality Impact Assessment	Yes, references should be made in regard to appropriate faith observances	
Lead Director	Steve Gregory, Director of Nursing and Operations	
Category	Clinical	
Sub Category	Community Hospital	
Review date	24 th January 2022	
Distribution		
Who the policy will be distributed to	All Community Hospital Staff	
Method	DATIX Alerts , Internal Meetings, Inform	
Document Links		
Required by CQC	No	
Required by NHSLA	No	
Other		
Amendments History		
No	Date	Amendment
1	13 January	Revised Procedures
2	27 December	Routine Review
3		
4		
5		

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1. Introduction

1. There are occasions where a patient dies in hospital without there being any record of a next of kin or person to contact, or where the bereaved relatives indicate they may have financial difficulties. The guidance in HSG (92) 8 and HSG (97) 43 sets minimum standards for the funeral and burial or cremation of patients who die in hospital, or in NHS community care homes, where the NHS Trust takes responsibility for the arrangements.

2. Purpose

2.1 Unfortunately there are occasions where a patient dies in hospital without there being any record of a next of kin or person to contact, or where the bereaved relatives indicate they may have financial difficulties. The objective of this Policy is to ensure staff are aware of the circumstances under which the Trust has a responsibility to undertake the funeral arrangements for deceased patients and to ensure the correct procedures are adhered to.

2.2 This policy is applicable only when

When a patient's death has been verified and documented.

For adult patients who have died in hospital.

2.2.1 Contraindications

If a patient who has died is indicated for a post-mortem.

If a patient who has died is a candidate for organ donation.

3. Definitions

3.1 BVD 'Bona Vacantia' means vacant goods and is the name given to ownerless property, which by law passes to the Crown. The Treasury Solicitor acts for the Crown to administer the estates of people who die intestate (without a Will) and without known kin (entitled blood relatives) and collect the assets of dissolved companies and other various ownerless goods in England and Wales.

3.2 Social Fund Funerals A funeral payment is a payment to help people on a low income with the essential costs of a funeral. You do not have to repay a funeral payment, although it can be recovered from the estate of the person who has died. An individual can claim a funeral payment if they or their partner is getting one of the following:

- i. Income Support
- ii. Income-based Jobseeker's Allowance
- iii. Housing benefit
- iv. Income-related Employment and Support Allowance (ESA)
- v. Pension Credit
- vi. Child Tax Credit, if your award is high enough
- vii. Working Tax Credit including an extra amount for disability
- viii. Universal Credit.

3.3 Next of Kin: Despite the widespread use of the term 'next of kin' (NOK), it is not clearly defined by law and should not be confused with the 'nearest relative', a legal term used in mental health (Mental Capacity Act 2005). The NOK has no legal liabilities, rights to medical notes or personal possessions. Healthcare staff should respect the patient's wishes when identifying who is next of kin and who should be contacted in the event of their death: this could be a partner, relative or friend.

4. Duties

4.1 Chief Executive

The Chief Executive is responsible for ensuring the service is provided in accordance with Health Service Guidelines (HSG (92) 8 and HSG (97) 43.

4.2 Directors and Deputy Directors of Operations

Are responsible for overseeing the implementation of this Policy within their area of responsibility

4.3 Locality Clinical Managers

Clinical Service Managers are responsible for implementing the Policy within their work areas; ensuring staff are fully conversant of the procedure to be followed.

4.4 All Staff

All staff should be aware of the responsibility of the Trust in the event of a patient dying in hospital where there may be no record of traceable relatives, or where relatives consider they are unable to meet funeral costs.

4.5 Assigned Hospital Administration Staff

The administrative staff member is responsible for ensuring all bereavement documentation is completed, in partnership with the certifying GP, and ward nursing staff and the registration of death is made within the designated timescales. The assigned admin staff member is responsible for co-ordinating the funeral arrangements with the Trust's designated funeral director (as specified in the current Trust Hospital Funerals Contract).

4.6 Chaplaincy Service

The Chaplaincy Service is responsible for providing advice regarding the religious practices or special faith observances as required, to ensure any arrangements are carried out in accordance with the faith of the deceased, and if appropriate to conduct a funeral service. Further guidance on particular faith observances is available via the SCHAT website in the Royal Marsden Online Policies section Chapter 8 Cultural and religious considerations in the care of the dying patient and their care after death.

5. Bereavement Care and Documentation

5.1 Unfortunately there are occasions where a patient dies in hospital without there being any record of a next of kin or person to contact, or where the bereaved relatives indicate they may have financial difficulties. Under these circumstances, the NHS Trust becomes responsible for the funeral arrangements where:

- i. No relatives can be traced, or
- ii. Relatives are not able to afford the cost themselves and do not qualify for Social Fund Payments.

Staff should be aware of the legal requirements for care of patients after death as it is essential that correct procedures are followed. It is particularly important that staff are aware

of deaths that require referral to the coroner as this will facilitate the correct personal care and enable nurses to prepare the family for both a potential delay in the processing of the Medical Certificate of Cause of Death, and also the possibility of a post-mortem examination

Guidance relating to vulnerable adults is available (MCA 2005). If after death safeguarding issues are raised, it is important to follow the local policy and ensure that concerns are communicated with relevant agencies such as Social Services, police and coroner.

5.2 Following the death of a patient where there is no recorded next of kin, the ward staff will notify the relevant hospital administration office at the earliest opportunity to ensure appropriate arrangements are made regarding security of the deceased's property and valuables in accordance with the SCHAT Finance Procedure – Banks and Cash : Deceased Patients Property.

5.3 If a will is in evidence, the solicitor that the patient used should be contacted

5.4 The death certificate will be forwarded to the General Office together with any relevant non-clinical information held by the ward.

5.5 The assigned administration staff will be responsible for registering the death with the Registrar of Births, Marriages and Deaths. As much information about the individual should be obtained prior to making the appointment with the registrar, EG Place birth, Date of Birth, Maiden Name. It is suggested that 3 copies of the registration of death certificate be obtained as these could be required by the Department for Work and Pensions or a Solicitor representing HM Treasury. The cost of registering a death and 3 copies should be ascertained beforehand in order to use appropriate monies from petty cash and this should be managed in accordance with SCHAT Finance Procedure Banks and Cash: Petty Cash Administration.

5.6 If no next of kin or a solicitor is acting for the patient then HM Treasury should be contacted. This is via Bona Vacantia Division (BVD) of the Governments Legal Department at :

PO Box 70165

London

WC1A 9HG

Email bvinfo@governmentlegal.gov.uk

Switchboard 020 7210 4700

<https://www.gov.uk/government/organisations/bona-vacantia>

5.7 The assigned administration staff must ensure invoices are appropriately authorised and coded.

6. Tracing Relatives

6.1 Where the next of kin is unknown, all reasonable attempts will be made by the Administration staff, on behalf of the Trust to trace relatives e.g. by asking any visitors the patient had, any contacts the patient offered, or care home staff as applicable, otherwise this will be undertaken nationally by HM Treasury at BVD

7. Financial difficulties

7.1 Where the next of kin is unable to meet the cost of the funeral and is not eligible for Social Fund Funeral Payments, the administration staff will make all reasonable enquiries consistent with the sensitivity of the situation in deciding that the relatives are unable to pay. This decision should be ratified by the Clinical Service Manager and appropriate Trust Director.

7.2 Where relatives are unwilling to pay for the funeral, but the Trust has good reason to believe they can afford to do so, the local authority in whose area the body lies will be asked to arrange burial or cremation under Section 46(1) of the Public Health (Control of Disease) Act 1984.

7.3 The assigned administrator will write to the Treasury Solicitor's Office "Bona Vacantia" to lodge a claim for reimbursement of the Trust's costs should a will to the estate be found or lodged.

8. Choice or Type of Funeral

8.1 The Trust will ensure that families have the opportunity to liaise with the local authority to enable the wishes of the deceased to be accommodated as far as reasonably possible, and for cultural or religious beliefs to be taken into account.

8.2 The choice between burial and cremation will be made only after taking into account any known views of the deceased, including religious preferences and the views of relatives or friends closest to the deceased.

8.3 In the case of patients who have resided in a care home with no relatives, the views of any staff who knew the patient well may be considered.

8.4 Where there is no known preference and the faith of the deceased does not indicate any preference, the Trust will consider cremation as a preferred choice.

8.5 The Trust appointed funeral director (currently The CJ Williams Funeral Service, Argyll House, Dawley Bank, Telford, tel. 01952505835) will be responsible for the service, the burial or cremation and a memorial or plaque to record the deceased, taking into account their faith. Please refer to purchasing and contracts department should the contract provider change.

8.6 One of the Hospital Chaplains will be present to conduct the funeral service or to liaise with the appropriate religious representative of the faith of the deceased where required.

8.7 The arrangements made by the Trust should respect and meet the needs of the families and carers from the different religious faiths and cultural groups. Where there are specific religious requirements for the burial/cremation to take place within a time limit, the Trust will be sensitive to these requirements to enable compliance as far as is reasonably possible.

9. Funeral Arrangements

9.1 Once all necessary documentation has been completed, the Trust appointed Funeral Director will arrange the time and place where the funeral will take place.

9.2 The funeral will be carried out in accordance with the terms of the current Trust's Hospital Funeral Contract currently held with CJ Williams funeral Directors. Details of the contract can be obtained from procurement.

10. Payment

9.1 Payment for the funeral will be made from the estate of the deceased, or where this is insufficient to cover the cost, the excess may be met by the Trust.

9.2 Any request for payment by the Trust will only be authorised where the administration staff has obtained signed approval from their Line Manager (or the appropriate Trust Director) prior to requesting the services of the specified Funeral Director in accordance with the existing contractual arrangements.

9.3 Following receipt of the invoice from the Funeral Director, this will be countersigned by the Line Manager (or appropriate Trust Director) to confirm that the funeral has taken place.

11. Consultation

The contents of this policy have been shared for comment with:

Alison Morris Ludlow Community Hospital Senior Hospital Administration Staff
Carol Harris Bridgnorth Community Hospital Senior Hospital Administration Staff
Billie Hems Whitchurch Community Hospital Senior Hospital Administration Staff
Kate Turton Locality Clinical Manager SW Shropshire
Rachel Mole Locality Clinical Manager SE Shropshire
Tara Ashley Locality Clinical Manager NE Shropshire
Andy Matthews SDG Manager Adults Services
David Court Head of Financial Accounting

12. Dissemination and Implementation

This policy will be disseminated by the following methods:

Managers informed via Datix who then confirm they have disseminated to staff as appropriate

Staff - via Team Brief

Awareness raising by Clinical Service Manager via Heads of Department meetings

Published to the Staff Zone of the Trust website

The web version of this policy is the only version that is maintained. Any printed copies should therefore be viewed as “uncontrolled” and as such, may not necessarily contain the latest updates and amendments. When superseded by another version, it will be archived for evidence in the electronic document library.

13. Advice and Training

12.1 Advice. Further advice is readily available from the Bona Vacantia Division (BVD) of the Governments Legal Department :

PO Box 70165

London

WC1A 9HG

Email bvinfo@governmentlegal.gov.uk

Switchboard 020 7210 4700

12.2 Training There is no relevant training applicable to this policy although Mandatory Equality and Diversity training is relevant. Reference to various faith observances can be found at www.shropshirecommunityhealth.nhs.uk : Royal Marsden Online Policies Table 8.11 Cultural and religious considerations in the care of the dying patient and their care after death.

14. Monitoring Compliance

Compliance with this policy will be monitored locally by Service Managers as and when an appropriate death occurs. The management of patient's property is audited by the SCHAT Finance Department

15. Associated Documents

SCHAT Finance Procedure: Deceased Patients Property

SCHAT Finance Procedure: Petty Cash Administration

Funeral Directors Contract

SCHAT Verification of Death Policy

www.shropshirecommunityhealth.nhs.uk : Royal Marsden Online Policies Table 8.11 Cultural and religious considerations in the care of the dying patient and their care after death.

16. References

Public Health (Control of Disease) Act 1984.

Mental Capacity Act (2005)

Gov.uk What To Do When Someone Dies [on line] available at www.gov.uk/after-a-death

Accessed December 2018

Bona Vacantia [on line] Official Website www.gov.uk/government/organisations/bona-vacantia Accessed December 2018