East of England Ambulance Service NHS
NHS Trust

Terminal Illness and Death in Service Procedure

Document Status	Final
Version:	V1.0

DOCUMENT CHANGE HISTORY		
Initiated by	**Date**	**Author**
Ann Langdon	July 2012	Sarah Atkins
Version	**Date**	**Comments (i.e. viewed, or reviewed, amended approved by person or committee)**
Draft v0.1	23 October 2012	Drafted by Sarah Atkins
Draft v0.2	30 October 2012	Reviewed by Policy Group
Draft v0.3	2 November 2012	Formatting and minor amendments by Sarah Atkins
Draft v0.4	6 November 2012	Updated with input from Sarah Greatorex
Draft v0.5	9 November 2012	Updated by Policy Group following EQIA outcomes
Draft v0.6	13 November 2012	Revisions made by, Associate Director of HR. Reviewed by HR Policy Group
Draft v0.7	7 December 2012	Approved at Staff Partnership Forum
Draft v0.8	26 March 2015	Joint Partnership Policy Group

Draft v0.9	21 September 2015	HR Policy Group
Version 1.0	15 March 2016	Approved at SPF

Document Reference	HR Directorate
Recommended at Date	HR Policy Group 21 September 2015
Approved at Date	SPF 15th March 2016
Review date of approved document	March 2019
Equality Impact Assessment	
Linked procedural documents	The Trust's Death Benefits Scheme NHS Pension Scheme Guidance Trust's Disability Policy
Dissemination requirements	All managers and staff, via staff bulletins and the intranet

The Trust will not tolerate unlawful discrimination on the grounds of the protected characteristics of: age, disability, race, nationality, ethnic or national origin, gender, pregnancy or maternity, marriage or civil partnership, religion, beliefs, sexual orientation and gender reassignment The Trust will not tolerate unfair discrimination on the basis of spent criminal convictions, Trade Union membership or non-membership, HIV status, political affiliation, domestic circumstances and social and employment status. In addition, the Trust will have due regard to advancing equality of opportunity between people from different groups and foster good relations between people from different groups.

All Trust policies can be provided in alternative formats.

Contents

1. Introduction

This document outlines the procedures that The East of England Ambulance Service NHS Trust (the Trust) will follow through an employee's terminal illness and/or death in service.

2. Purpose

This procedure is designed to help employees understand how the Trust can support them during their illness and what options are available to them.

This procedure is also designed to clarify how the Trust will manage the death of an employee, either expected or unexpected.

3. Duties

3.1 Human Resources Department

The Human Resources Department is responsible for keeping the provisions within this procedure in line with employment legislation, best practice people management principles and NHS guidelines.

3.2 Managers, HR and Trade Union Representatives

Managers, HR staff and trade union representatives are responsible for providing advice and guidance to employees on the application of this procedure.

3.3 Employees

Employees are responsible for providing information and documentation and also for complying with the processes and agreements contained within this procedure.

4. Definitions

Terminal illness – any illness where the individual cannot recover and as a direct result will die.

5. Development

5.1 Prioritisation of Work

This procedure has been developed as an extension to the Trust's Sickness Absence Management Policy/Procedure.

6. Managing Terminal Illness

It is essential that once the Trust is made aware that an employee has a terminal illness it responds with dignity and care.

6.1 The role of Occupational Health (OH)

It is the responsibility of the Trust to ensure that OH are fully informed of the developments of a case This will allow OH to assist the Trust in supporting the individual with appropriate care when handling their case.

6.2 Making reasonable adjustments

Employees may decide that they wish to continue working in some capacity after diagnosis, for as long as they feel able. A terminal illness is likely to fall under the definition of a disability and when considering making adjustments, managers should keep this in mind. Their line manager should liaise with OH for further advice. Managers should refer to the Trust's Disability Policy

6.3 Pensions/Ill Health retirement

The pension implications of retiring before death and dying in service vary. Employees should consult with HR and Payroll to discuss their particular case and see which would be most financially beneficial for their circumstances.

6.3.1 Lump Sum Option

A pension scheme member who is terminally ill and does not expect to live longer than a year, can apply at retirement to exchange all of their ill-health benefits for a one-off, usually tax-free, lump sum payment. To make this exchange, they must have some of their HM Revenue & Customs (HMRC) personal lifetime allowance (LTA) remaining. If the member takes up this option, their dependants will still get any benefits they are entitled to in full.

There are several factors which can influence whether this option is financially beneficial to the employee. In order to understand the estimated figures involved the employee should contact HR or the Payroll Department to calculate an estimate locally, before making the appropriate decision and organising formal paperwork with NHS Pensions. It is important to appreciate that all such decisions rest with the employee and they are strongly advised to seek specialist advise before making any decision regarding their pension entitlements.

6.3.2 Pension Scheme Named beneficiary

Pension benefits automatically transfer to a legal partner at the point of death. Employees may wish to change this or in cases where they do not have a legal partner, they may wish to nominate someone rather than have benefits transfer to an estate.

Any named beneficiary should be periodically reviewed by the employee during employment, particularly if the employee becomes terminally ill.

6.4 Liaising with family members

The Trust, wherever possible, will aim to assist family members of the employee in whatever way is appropriate. The employee's line manager would normally be the direct link between the Trust and the family, through which any Trust department should liaise.

Line managers should attempt to discuss any religious and/or beliefs which will impact on the processes within this policy.

6.5 Death Benefits Scheme

The Trust encourages all employees to actively consider joining the Death Benefits Scheme, regardless of their health. Details of the scheme can be found on the Trust intranet site or can be obtained from the HR Services Team. http://east24/Support-services/HR/death-benefit-scheme.htm

7. Provision of contractual sick pay

In all cases where a terminal illness is diagnosed, subject to approval from the joint chairs of the Staff Partnership Forum as per Trust policy, the Trust will extend the provision of contractual sick pay. This will usually be for a maximum of 6 months but will be reviewed thereafter. The Trust is keen to support employees who are terminally ill and it is anticipated that extensions to sick pay will be approved unless exceptional circumstances arise or it becomes inappropriate to do so.

7.1 Sickness certification

Once an employee has been diagnosed with a terminal illness and has alerted the Trust to this fact, they will no longer be required to continually supply Fit Notes provided that the Trust remains informed of their condition and prognosis.

8. Managing an Employee Death

8.1 Becoming aware

When an employee passes away it is usual that a member of the family will contact the Trust to notify them. Whoever is notified should ensure the following parties are immediately made aware;

- The employees line manager/On Call Manager if out of hours
- The local HR team

To prevent close friends and colleagues learning of the employees passing in an inappropriate way, anyone who is notified, not in the list above, should try to avoid circulating the news until those closest have been made aware. The line manager and HR department should jointly draw up a list of those who should be immediately contacted, using the guidance in section 8.2.

However, the occasion may arise whereby the Trust is aware of the death of a member of the Trust before the employee's next of kin. In such instances, it is important that as far as reasonable possible, disclosure of the death is not made until the employee's next of kin has been contacted.

8.2 Internal notifications

The table below details teams within the Trust who should be contacted, the timescale and the responsibilities they will assume when the Trust is notified of the death of an employee:

Individual and/or Team	**Supporting Documentation**	**Timescale**	**Outcome**
Employees - close work colleagues ***NB please see point 8.1 and table below***	N/a	Immediately	To make those closest aware and offer support
Chief Executive/Deputy/ Gold Command	Employee information and details of next of kin	Immediately	To write offering condolences on behalf of the Trust
Payroll	HR3	Immediately	To calculate final salary to be paid and notify NHS Pensions Check employees membership to Trust Death Benefits Scheme and liaise with Finance Department
Finance	Employee's Death	Immediately	Where employee is a member of the Death Benefits Scheme, to liaise with

	Benefits Scheme Application Form (available from HR Services)		Payroll and HR Services to ensure that the appropriate measures are actioned in line with the scheme rules.
HR Services	N/a	Immediately	Check employees membership to Death Benefits Scheme and liaise with the Finance Department and Payroll
Communications	Employee information	Immediately	Organise a suitable Trust wide email notification if appropriate once close work colleagues have been made aware. Updating the internal phonebook. Inform employees that a member of the Death Benefits Scheme has passed away and an associated deduction will take place on the next Payroll, if applicable To handle any media interest in line with the wishes of the family.
Scheduling/Rostering (if appropriate)		Immediately	Redistribute any shifts as appropriate and ensure the news is not passed to employees during reallocation.
Estates Manager	N/a	Immediately	Organise the lowering of all Trust flags. Flags to be lowered on the day the Trust is made aware and then also the day of the funeral, until the time the service has finished Estates Manager should liaise with line manager to ensure close colleagues have been made aware before flag is lowered.
Union Branch Secretary	N/a	Immediately	To complete any necessary actions in relation to Trade Union membership
Occupational Health	Details of immediate colleagues who may be	Within 24 hours	Available for support

	affected		
IT		Within 3 days	Disable individuals IT access. Confirm to line manager any IT equipment due to be returned.

In situations whereby the Trust is aware of a death before the next of kin, for example, where an employee has died whilst on duty, the following actions should be taken before those outlined above:

Individual and/or Team	**Supporting Documentation**	**Timescale**	**Outcome**
Chief Executive/Deputy/ Gold Command	Employee information and details of next of kin	Immediately	To ensure that next of kin are informed by the appropriate person e.g. police
Human Resources	N/A	Immediately	To provide/confirm employee information and next of kin details to appropriate Manager
Line Manager/On Call Manager	Employee information	Immediately	To ensure effective management of the situation
Communications	Employee information	Immediately	To ensure appropriate communication and handle any immediate media interest.
Employees - close work colleagues	N/a	Following notification to next of kin wherever possible	To make those closest aware and offer support in person wherever possible.

8.3 Communicating a death to colleagues

One of the first priorities should be to inform close work colleagues. Notifying them of the news should be handled with dignity and care. Suggestions for speaking with employees in a sensitive situation such as this may include:

- Discussing the matter away from the busy office, in a private and quiet area;
- Speaking to particularly close colleagues individually, where possible;
- Allowing colleagues time to digest the news before returning to work;

- Offering them advice on the Employee Assistance Programme (EAP) and encouraging them to access this support if they feel it may be of benefit;
- Keeping the news consistent from person to person and sharing the information which the family are happy is discussed;
- Committing to updating them on any further news from the family, including funeral arrangements.

Managers should be mindful of the need make contingency arrangements to cover any essential service where those affected are too distressed to cover their duties in the immediate aftermath of the news.

8.4 Speaking with family members

The line manager would normally be the families' point of contact. Aside from offering the Trust's immediate condolences and offering words of comfort, the line manager should: :

- Confirm the arrangements for passing any condolences from staff members;
- Receive details of any funeral arrangements and passing these to employees;
- Explain the Death Benefits Scheme (if the employee was a member);
- Organise the cataloguing and return of any personal effects.

The line manager should write to the family as soon as possible, expressing their condolences and giving their contact details. They should liaise with the Chief Executive to ensure that all communications and interactions with the family are joined up.

8.5 Funeral arrangements

The Trust, through the line manager or appointed liaison, will discuss with the family the appropriate level of Trust involvement at the funeral and all relevant preparations.

9. Procedure Review

This procedure will be reviewed every three years or amended in light of new employment legislation and/or relevant case law.