NHS Tayside has now considered your request dated 20 June 2019.

Extract from Request

1. “A copy of all health board policies and guidance regarding the certification of death when a patient has had a terminal or life-shortening condition.
2. If the health board makes use of expected or anticipated death forms? If so, a. The circumstances in which such a form should be used.
   b. The timescales within which such a form can be used.
   c. A copy of the form.
3. A copy of all guidance given to staff and GP services on what paperwork and forms are to be completed when a patient has a life-shortening condition and death is imminently expected.”

Response

1. Please see appended below – Guidance notes for HR staff - Death in Service.
2. NHS Tayside does not make use of expected/anticipated death forms.
3. Please see link below for guidance given to staff regarding paperwork which needs completed when a patient has a life-shortening condition and/or death.

Certifying Death


<table>
<thead>
<tr>
<th>Document Ref.</th>
<th>FOISA Exemption Applied</th>
<th>Justification</th>
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<tr>
<td>IGTFOISA6429</td>
<td>None</td>
<td>None</td>
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</table>
Under section 20 (1) of the Act, if you are dissatisfied with the way NHS Tayside has dealt with your request, you have a right to request a review of our actions and decisions in relation to your request, and you have a right to appeal to the Scottish Information Commission.

**A request for an internal review must be made in writing no later than forty working days from receipt of this response and sent to:**

Head of Information Governance  
Maryfield House (South)  
30 Mains Loans  
Dundee  
DD4 7BT

Or by email to informationgovernance.tayside@nhs.net

If you are not content with the outcome of the internal review, you have the right to apply directly to the Scottish Information Commissioner for a decision. The Scottish Information Commissioner can be contacted at:

Scottish Information Commissioner  
Kinkburn Castle  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS

Or via the online appeal service: www.itspublicknowledge.info/Appeal

If you have any queries about this correspondence, please contact:

Information Governance Team  
Maryfield House  
30 Mains Loan  
Dundee  
DD4 7BT

Telephone - 01382 424413  
E-mail: informationgovernance.tayside@nhs.net

Information Governance  
NHS Tayside  
16 July 2019
GUIDANCE NOTE FOR HR STAFF

DEATH IN SERVICE
## Version Control Table

<table>
<thead>
<tr>
<th>Version No</th>
<th>Purpose/Changes</th>
<th>Author</th>
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<tr>
<td>1.0</td>
<td>Final Document</td>
<td>E Dow</td>
<td>April 2011</td>
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<tr>
<td>1.1</td>
<td>Changes in respect of length of Widow(ers) pension and final salary payment notification</td>
<td>E Dow</td>
<td>24 August 2011</td>
</tr>
<tr>
<td>1.2</td>
<td>HR to notify Occupational Health of death in service.</td>
<td>F Small</td>
<td>27 September 2016</td>
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<td></td>
<td>Changed references to “Workforce” directorate to “HR”.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>It is recommended that HR ask SPPA who the nominated beneficiary is.</td>
<td></td>
<td></td>
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<tr>
<td></td>
<td>Updated checklist.</td>
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</table>
GUIDANCE NOTE
DEATH IN SERVICE

When a member of staff dies in service, it can often be sudden and unexpected and will always result in upset and distress for other staff who have worked with or known the individual. Whilst managers will want to ensure a compassionate response to the situation, there are also important employment issues which require to be dealt with immediately. This guidance seeks to provide a step by step procedure to assist HR staff when dealing with the employment issues arising from a death in service and, dependent on the circumstances of the case and any local arrangements, can be varied in discussion between the manager and the HR contact.

On Notification of Death

When a manager is advised that a member of staff has died, they should notify, as soon as possible by phone, the Payroll Department at Maryfield House of the name, pay number and date of death of the member of staff. This should be followed up by a Payroll Termination Form. The manager should then be in touch with the HR contact to advise of the death and to pass on details of the member of staff’s next of kin/person to be contacted together with any other relevant information. HR will contact Payroll to advise of the next of kin name and address in order that an indemnity form be sent by the cashier’s office for completion in respect of payment of the outstanding salary payment.

The manager should make arrangements for delivery/collection of personal possessions, NHST property, keys, etc at a convenient date in the weeks following the death.

HR should contact Occupational Health to advise them of the death in order to cancel any appointments arranged and to prevent any correspondence being issued to the member of staff.

Pension Issues

If the member of staff was superannuated, HR should advise the Pensions Agency, by phone, of the date of death.

Where the member of staff was superannuated (or has left the pension scheme within the previous 12 months and not refunded or transferred benefits) and has a surviving spouse/civil partner/nominated non-legal partner, a Death in Service lump sum payment will normally be paid to this individual. The pension will normally cease if the spouse remarries/enters into a civil partnership or begins living with someone as their spouse.

If the member of staff is separated from a surviving spouse/civil partner, the surviving spouse/civil partner will receive any payment unless another person is nominated to receive these benefits.
If the member of staff is not married/in civil partnership, their partner or some other person of their choice must be nominated in order to receive any benefits. If no beneficiary is nominated, payment of benefits will be made to the member of staff’s estate. HR can ask SPPA if there is a nominated beneficiary listed for the member of staff.

If there is any doubt about who should make application to receive Death in Service benefits, then contact should be made with the solicitor appointed to deal with the deceased’s estate, in order to clarify the situation.

If there is a dependent child(ren) then a Dependent’s Allowance is payable until the child reaches the age of 23. This allowance can continue to be paid after the age of 23 to a child who is incapable of earning a living due to permanent physical or mental infirmity.


The Pensions Agency complete all other paperwork in respect of any additional voluntary contributions (AVCs) that the member of staff may have made.

**Documentation Required & Checklist**

The HR contact will write to the member of staff’s next of kin/person to be contacted in the week or two following the death to make arrangements for completion of Pension Agency paperwork. In the first instance a meeting can be offered at which the paperwork can be completed however, it may be preferred/more appropriate for the paperwork to be sent in the post for completion and return. A sample letter is attached at Appendix 1 and which can be adapted to suit local arrangements. **Form AW7 Application for Lump Sum on Death and a Widow(er)s/Partner’s Pension** requires to be completed.

Where a widow(er)’s/partner’s pension is being applied for, the individual requires to be brought onto the payroll for a period of 6 months in order that the short-term pension, which is payable at the same rate as the member of staff’s pensionable pay at death, can be paid. This requires the completion of a **Staff Engagement Form, P46 and Termination Form**. Payroll can provide the appropriate payscale code to be entered on the Engagement Form.

When completed, the payroll forms, together with the AW7 form (and copy death certificate), Form AW10 (for pay office completion) and Form AW9 (Dependent’s Allowance Application) should be forwarded to Payroll for processing and onward submission to the Pensions Agency.
All AW forms are downloadable from the Pensions Agency Website at www.sppa.gov.uk, following the link to the NHS scheme.