Dealing with the Death of an Employee

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1. **Introduction**

The death of an employee requires the employer to handle the situation in a practical, yet sensitive way.

This guidance is designed to assist employees who are faced with the difficult situation of a colleague dying. It outlines the practical steps that the Council and its employees should take on the death of an employee.

However, this guidance does not deal with the death of an employee at work, for example in a work-related accident. The Council has separate obligations in relation to the reporting and recording of workplace accidents and deaths caused by work that are outside the scope of this guidance. (More information on this can be found in Section 6 of the Corporate Safety Procedures manual.)

1. **How does the Council get to know about the death of an employee?**

The death of the employee might be sudden, or the result of a long illness which individuals within the organisation are already aware of. There are a number of ways in which the Council receives the news of an employee's death. It might be informed by:

* the deceased's next-of-kin or a family member
* another employee who is a close friend of the deceased
* the authorities, for example after a catastrophic event such as a natural disaster or car crash
* telephoning the employee's home to find out why he/she had not turned up for work

When taking action on the death of an employee, line managers need to be flexible and sensitive to the particular circumstances. However, the Council should generally take steps under each of the following headings on the death of the employee:

* 1. Contacting the deceased's family/next-of-kin

Whatever way the information about an employee’s death reaches the Council, someone should, in the first instance, contact the deceased's family/next-of-kin to offer condolences if the notification of death hasn’t been received from them.

This should normally be done by the deceased's line manager, although the contact with the family/next-of-kin could be made by another member of staff who is sufficiently senior and/or was close to the deceased. The representative should have access to advice and support before and after they contact the employee's family/next-of-kin, for example through a line manager or senior manager/the occupational health department or the directorate HR department.

The representative who contacts the family/next-of-kin should, while being sensitive to the particular circumstances of the death, ascertain the wishes of the family/next-of-kin regarding how staff (and external contacts, where appropriate) are informed about the employee's death.

The representative should also ascertain the family's/next-of-kin's wishes regarding funeral arrangements, including whether flowers should be sent or a donation to their charity of choice made instead. Obtaining information regarding where and when the funeral will take place if the funeral if open to the general public is advisable, so that appropriate members of staff can attend.

* 1. Informing colleagues of the death of an employee

Line managers must ensure that they take into account the wishes of the deceased’s family/next-of-kin regarding how the announcement is made.

Management should communicate the news to those closest to the deceased, for example, those in the same department/team/section, as promptly as possible. If this is done in person, it should be carried out in a private area such as a meeting room.

If required management can notify the wider workforce at a later stage, for example through a corporate message circulated to everyone. The corporate message should contain a contact for those who require further information, such as other colleagues who wish to attend the funeral (for example, colleagues with whom the deceased used to work closely who may not have been informed directly about the death).

The release of information on reason for the death of the employee is discretionary and line managers should not give out any information that is sensitive or contrary to the family's/next-of-kin's wishes or instructions.

**Support for Colleagues**

When colleagues are informed of the death it may be appropriate to direct them to advice and support. Employees can contact their line manager, the occupational health service and HR.

Details of national helplines and websites can be found via Employee Information - Wellbeing Support Site.

Link to: [Wellbeing Support Site](https://legacy.cumberland.gov.uk/employeeinformation/wellbeing/default.asp)

Close colleagues may be grieving and wish to express their sympathy for the deceased. The line manager could:

* + Organise a collection for a wreath or circulate a condolence card.
	+ Allow colleagues time off to attend the funeral.
	+ Suggest organising a colleague support group to help deal with the change.
	1. Informing third parties of the death of an employee

Line managers must ensure that that they take into account the wishes of the deceased’s family/next-of-kin regarding how the announcement is made to third parties.

All external contacts (for example customers and suppliers) who dealt with the deceased should be informed about the death. This should normally be done by the deceased's line manager, although the contact with the third party could be made by another member of staff.

The external contact should be reassured that handover measures are being put in place and that the organisation is taking steps to ensure that the employee's death will not affect business or service delivery.

* 1. Time off and funeral arrangements

Managers should allow colleagues appropriate time off to grieve and/or attend the funeral and/or memorial service. Unless the deceased's family/next-of-kin wish otherwise, it will normally be appropriate for close work friends and/or a senior member of staff to attend a funeral or memorial service on behalf of the organisation.

Individuals wishing to take time off to grieve and attend the funeral and/or memorial service should refer to the Council's separate Time Off policy on [urgent domestic leave](http://www.intouch.ccc/elibrary/view.asp?id=59010), which includes compassionate leave. They can also contact their line manager or HR for advice and support if they have any queries.

* 1. Covering the deceased employee's duties

The Council acknowledges that the immediate aftermath of the death of the employee may be difficult for staff. However, managers should act as quickly as possible to cover the deceased's duties which should help to alleviate any feelings of uncertainty among staff,and allow the Council to continue to function as usual. It is in everyone's interests to ensure that the deceased's work is covered to prevent work from building up for staff during this difficult time.

If the deceased has been on sick leave for some time, his/her duties may already be covered by another member of staff. If not, managers may, in the short term, reallocate the deceased's duties to existing staff or, following the resource management procedure, take on a fixed term / agency worker. Managers may wish to appoint a permanent replacement for the deceased after an appropriate period of time has passed.

In appointing either a short or long-term replacement, managers should act sensitively. It may be difficult for some members of staff to see someone else carrying out the deceased's role. Existing employees should be offered advice and support, such as counselling or extra training if they are taking over areas with which they are not familiar.

1. **Making the final salary payment**

HR admin, recruitment and payroll services will send the letter shown at Appendix B to the next of kin. They will determine whether or not the deceased is due any outstanding salary. This includes basic salary, additional hours worked and any other remuneration accrued eg sessional payment etc. The deceased's estate will also be entitled to be paid in respect of accrued leave that was untaken at the time of death.

HR admin, recruitment and payroll services will:

* Consider whether or not to deduct any sums owed to it by the deceased from the final salary payment, such as salary deduction schemes, loan repayments etc, provided that there is a provision in the deceased's contract of employment allowing for deductions to be made or the deceased has otherwise provided their consent to the deductions before death.
* Obtain proof of identity of the person nominated to receive the final salary payment individual (this will normally be the executor of a will). The payment must not be made to the first family member or next-of-kin who requests it.
* Calculate the deceased's final salary payment and pay it to the deceased’s nominated personal representative.
* Obtain a receipt for payment of final salary on behalf of the estate.
* Complete a P45 form and send to HR Revenue and Customs, indicating that the employee has died.
* Ensure that any correspondence sent to the deceased’s family/next-of-kin regarding the deceased is not addressed to the deceased personally.
1. **Other payments due on death of an employee**

A surviving spouse/civil partner or other dependants of the deceased may be entitled to receive a payment under a survivor’s pension, if the deceased was a member of a pension scheme. HR admin, recruitment and payroll services should inform the trustee(s) of any pension scheme about the employee’s death. The trustee(s) will then make arrangements for the payment to be made. The pension payment will be made to the surviving spouse/civil partner, the person specified on the deceased’s expression-of-wishes form, the executor of the estate or personal representative.

1. **Work Related Death**

Under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 all fatal accidents at or arising out of work, or deaths related to reportable diseases such as asbestosis, must be reported immediately to the relevant enforcing authority via the Health & Safety Executive website.

Corporate Health and Safety must keep a record of any death resulting from an accident at work or work-related disease. This record should include the date, time and place of the event, personal details witnesses and those involved, and a brief description of the event or disease.

Please contact Corporate Health and Safety or your directorate Health and Safety Representative immediately for further advice should a death in the workplace caused by an accident at work or a work-related disease occur.

Email: healthandsafety.mailbox.waf@cumbria.gov.uk

Out of hours, please contact the Corporate Health and Safety team on 01539 713111, where an answer service with further information is available.

1. **Practical issues – a checklist of tasks**

All the matters detailed below should usually be handled by the deceased employee’s Line Manager, though where appropriate it could be the Senior Manager or a directorate HR representative, or a combination of all three.

On the death of an employee, the line manager is responsible for ensuring the following are completed:

|  | **Completed by:****(Print name)** | **Date completed:** |
| --- | --- | --- |
| 1 | Where notification has not been received from the deceased’s next-of-kin, make arrangements to contact and inform them immediately. (This may need to be arranged in person depending on the circumstances of the death.) |  |  |
| 2 | Ascertain the wishes of the family/next-of-kin regarding how staff (and external contacts, where appropriate) are informed about the employee's death. |  |  |
| 3 | Ascertain the family's/next-of-kin's wishes regarding funeral arrangements:* where and when the funeral will take place
* whether flowers or a donation to a charity can be sent
* if the funeral is open to the general public for appropriate members of staff to attend
 |  |  |
| 4 | Arrange to inform close colleagues and internal teams who worked with the deceased. Bear in mind that there may be a close relative who also works for the Council, in which case they should be informed first and given details of bereavement leave and relevant information from this document.  |  |  |
| 5 | It may be that a corporate message is appropriate, in which case the Communications team should be contacted for advice and informed of the details of the death. |  |  |
| 6 | Inform any external partner organisation contacts and business clients who worked closely with the deceased employee as soon as possible and allow them to express their sympathies. |  |  |
| 7 | Divert the deceased’s telephone calls and emails to another team member until cover for the position can be arranged |  |  |
| 8 | Complete a Termination of Employment Form (HR10) and send to the HR Portal.  |  |  |
| 9 | Arrange for a letter of condolence to be sent to the next-of-kin ***(see Appendix A).*** |  |  |
| 10 | Arrange immediate cover for the position if required, or delegate tasks to other members of the team where resources allow. It is advisable to wait one or two months before arranging a permanent replacement. |  |  |
| 11 | Complete the relevant IT form to request removal of the deceased’s details from internal systems and distribution lists, telephone/email/internet access etc.  |  |  |
| 12 | Arrange the return of property belonging to the deceased to be returned to the next-of-kin. The Line Manager should ask the deceased’s family/next-of-kin whether they wish to attend the workplace and assist in dealing with his/her belongings or would they prefer a close work colleague to do so instead. |  |  |
| 13 | At a later stage, at least one month after the death, arrange for the return of Council property with the next-of-kin, for example keys, mobile phone, laptop etc. |  |  |

**Appendix A**

***Letter of condolence to next-of-kin to be sent by manager***

***Current Council letterhead***

Dear (name of next-of-kin)

I am writing, both personally and on behalf of Cumberland Council, to express my sincere condolences to you on the death of [name of employee who has died].

[Name of deceased] was a very valued member of this organisation. He/she was a valued and well-respected employee and [Name of deceased] will be greatly missed by his/her work colleagues.

[Here it might be appropriate to mention a particular memory you have of the person or an achievement, such as a project that the employee worked on particularly successfully, a team that the employee was part of, or something similar.]

If there is any way in which the organisation can help you at this most difficult time, please do not hesitate to contact me. If I am unable to answer your questions myself, please be assured that I will contact the appropriate people for you.

Yours sincerely

[Your name

Your position title]

**Appendix B**

***Letter to be sent by HR admin, recruitment and payroll services***

***Current Council letterhead***

Dear (name of next-of-kin)

I am writing on behalf of Cumberland Council, to express my sincere condolences to you and your family on the death of (name of deceased).

(Name of deceased) was a very valued member of this organisation; and will be greatly missed by all.

I am sorry to intrude at this difficult time but there are a number of administrative matters that do need to be attended to. Obviously we will be doing all that we can to minimise the burden on you. Please could you complete the information attached, we can then complete the necessary paperwork, for any monies owing, as appropriate. If necessary we will also forward the details to the pension provider. We have also included some useful contact details.

If there is any way in which the organisation can help during this very difficult time, please do not hesitate to contact me

With deepest sympathy

Yours sincerely

Name

Job title

|  |
| --- |
|  |
| Useful Contacts: | * Cumberland HR admin, recruitment and payroll services : 01228 223333
* Local Pension Partnership: (for Local Government employees and fire service)

Tel: 0300 323 0260 orEmail: engagement@localpensionpartnership.org.uk* Teachers pension scheme:

Tel: 0845 6066166 or Email: tpmail@teacherspensions.co.uk  |
| Probate / Grant of representation | For further details on probate please see:<https://www.gov.uk/wills-probate-inheritance/overview>  |

|  |
| --- |
| **To be completed by the next of kin** |
| Full name of deceased |  |
| Name of next of kin |  |
| Relationship to deceased |  |
| Correspondence address  |  |
| Contact telephone number |  |
| Date of death |  |
| Death certificate | Please attach a copy of the death certificate |
| Names of dependents (spouse or children) | Name | Relationship |
|  |  |
| Is the bank account open or closed? | Open / Closed |
| Is it likely that probate will be required? | For further details on probate please see:<https://www.gov.uk/wills-probate-inheritance/overview> Yes / NoOnce probate has been agreed please send a copy to the address below |
| If yes please supply the contact details of the solicitor dealing with probate or the executor of the will | Solicitors name / Name of executor of the will |  |
| Company name |  |
| Address |  |
| Telephone number |  |

Please return to: **HR Admin, Recruitment and Payroll Services**

 **Cumberland Council**

 **The Parkhouse Building**

 **Kingmoor Business Park**

 **Carlisle**

 **CA6 4SJ**

**Next steps:**

* This form will be sent by the HR admin, recruitment and payroll services to the pension provider.
* If the deceased was a member of the pension scheme and there are dependents then the pension service will send a spousal form within 7 – 10 days.
* The pension provider will then send any correspondence to the solicitor or executor of the will to finalise any payments

**Appendix C**

***Letter to be sent by HR admin, recruitment and payroll services***

***Current Council letterhead***

Dear (name of next-of-kin)

I am writing to you as a follow up to my earlier letter.

I know this must be a difficult time but in order to ensure that all the necessary administrative matters are dealt with and (name of deceased) wishes are carried out we need to obtain the relevant information, including details of the executors of the will or the person to whom probate has been granted.

In case you have mislaid the original form I have enclosed another form for completion for your convenience.

Please could you complete the information required and return the form to me at the address given on the form. We can then complete the necessary paperwork, for the payment of any monies owing, as appropriate. If necessary we will also forward the details to the pension provider.

If you have any difficulties completing this form or any other queries please do not hesitate to contact me.

Yours sincerely

Name

Job title