

# Policy for Recouping the Costs of Hospital Funerals from the Estates of Deceased Adult Patients

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### REVIEW DATES AND DETAILS OF CHANGES MADE DURING THE REVIEW

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This policy was reviewed in December 2023. The following changes were made:

- References to the “Head of Chaplaincy and Bereavement Services” have been updated to “Head of Learning from Deaths”
- 2.3 was updated to include all Bereavement Services staff
- References to the “Chief Nurse” have been updated to “Medical Director”
- 4.3 was updated to include arranging hospital funerals
- 5.3 updated BD8 to Tell us Once Service
- 7.1 lead updated to Senior Bereavement Services Officer
- 7.1 reporting of audit updated

### KEY WORDS

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Bereavement Services, Funeral, Treasury Solicitor, No Next of Kin, Death in Hospital, No Relatives

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## 1 INTRODUCTION

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- 1.1 This document sets out the University Hospitals of Leicester (UHL) NHS Trust Policy for Bereavement Services with respect to the estates of deceased adult patients (18 years or over) in order to recover, whenever possible, all or as much of the costs incurred by the Trust in arranging a hospital contract funeral, including an administration fee.
- 1.2 Funeral expenses are the first charge on an estate. They have priority over the liabilities and any assets must first be used to pay them.

## 2 POLICY SCOPE

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- 2.1 In line with the Department of Health "When a patient Dies" (2015), Treasury Solicitor Guidelines (2009) and Section 46 of the Public Health Control of Diseases Act (1984), hospitals have a statutory obligation to arrange a funeral for patients who die in hospital if no-one else is prepared to make the arrangements because:
  - a) relatives cannot be traced, or
  - b) relatives cannot afford to pay for the funeral and do not qualify for Social Fund Funeral Payments, or
  - c) relatives are unwilling to take responsibility for the funeral arrangements.
- 2.2 The funeral and administration costs are taken from the UHL Bereavement Services budget. Efforts are then made to recoup these costs as detailed in Section 6 of this Policy.
- 2.3 This Policy covers all three hospital sites within University Hospitals of Leicester NHS Trust (UHL) and applies to:
  - all deceased adult patients who die on UHL premises or who are pronounced dead on arrival at the Emergency Department
  - all Bereavement Services staff

## 3 DEFINITIONS

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- 3.1 Bereavement Services Database - a bespoke software package used for all deaths handled by Bereavement Services.
- 3.2 Hospital Funeral - a funeral organised and initially paid for by UHL within the contract with the Trust's contracted Funeral Director.

## 4 ROLES AND RESPONSIBILITIES

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- 4.1 **The Executive lead for this policy is the Medical Director**, delegated to the Head of Learning from Deaths who will oversee the implementation and compliance of this policy and for monitoring overall compliance with the Policy and liaising with Internal Audit.
- 4.2 **The Head of Legal Services** is responsible for giving advice on legal issues to the Head of Learning from Deaths and the Senior Bereavement Services Officer.
- 4.3 Head of Learning from Deaths with support from the Senior Bereavement Services Officer is responsible for ensuring that Bereavement Services Officers have the appropriate skills and training in arranging hospital funerals, recouping funeral costs and dealing with the Treasury Solicitors (TSol's). He/she will review

(at least monthly) database entries to ensure accurate record keeping is being maintained.

Head of Learning from Deaths, in conjunction with Information Management and Technology (IM&T), will also be responsible for ensuring the Bereavement Services Database is operational.

He/she is responsible for escalating any legal concerns or issues regarding recouping costs of funerals to the Head of Legal Services.

- 4.4 Senior Bereavement Services Officers / Bereavement Services Officers** are responsible for contacting agents known to hold monies for the deceased and the Treasury Solicitors, Bona Vacantia (BV) Division. Officers are also responsible for keeping accurate records of progress on the Bereavement Services Database.

## **5 POLICY STATEMENTS AND PROCEDURES**

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- 5.1** Whenever a patient dies in the hospital, an automatic entry is created in the Bereavement Services Database.

If no Next of Kin is immediately identified, the procedure for locating a Next of Kin within the Bereavement Services Database will be followed and recorded in the database. This includes searching the patients personal effects, searching the Trust's Patient Master Index (PMI), reviewing the patient's Medical Notes, contacting the patient's General Practitioner and where appropriate conducting a house search.

All reasonable attempts will be made to contact Next of Kin prior to dealing with the estates of deceased patients in accordance with the *UHL Policy and Procedures for Staff from Bereavement Services to Undertake Property Searches Following the Death of an Adult Patient in Hospital* (B10/2010).

If the investigations do not identify a Next of Kin or:

- (a) the Next of Kin cannot be contacted or
- (b) the Next of Kin is contacted and is unwilling or unable to arrange the funeral;

then the entry in the Bereavement Services Database will be changed to indicate that the case is a "Hospital Funeral".

The Bereavement Services Database must be used to record all actions taken by Bereavement Services Officers from the receipt of the notification of death to the final referral to Treasury Solicitors (or patient relatives) and the recovery of funeral and associated costs.

The Bereavement Services Database does not allow the anonymous deletion of records or the amending the patient's personal details fields.

- 5.2 Dealing with Insolvent Estates**

If the deceased has no monies or property in their Estate, the Trust cannot recoup the cost of arranging the funeral.

- 5.3 Dealing with Solvent Estates**

Bereavement Services may have already confirmed that there are monies in the estate of the deceased from a property search if one has taken place. Where there are monies in the estate, the Trust must seek to recoup the funeral and

administration costs (or as much as possible of these). The costs are repaid into the Bereavement Services budget.

Where the Trust is holding patient's monies that were taken into safe keeping by the Trust when the patient was admitted to hospital, the Trust is legally entitled to use these monies to cover the funeral and administration costs before approaching external agencies, such as banks and building societies (TSol's 2008).

If patient's monies are still held by the Trust after the funeral and administration costs have been recouped, if there is no Next of Kin and the balance is less than £500, this money may be retained by the Trust and will be transferred into the Bereavement Services budget (TSol's 2008).

If Bereavement Services has not recouped the costs of the funeral and administration cost from the patient's monies, they must also contact any agents known to hold monies for the deceased. UHL can claim any monies held up to the total funeral costs incurred plus the Bereavement Services administration fee. Bereavement Services will need to send the agent the Death Certificate and funeral invoice. It may be necessary to contact more than one agent to recoup the full amount.

When registering the death, the Registrars will give a form (Tell us Once Service) to the Bereavement Services Officer who is registering the death. The Bereavement Services Officer can either contact this service by the contact number stated on the form or online ([www.gov.uk/tell-us-once](http://www.gov.uk/tell-us-once)) Tell Us Once is a service that lets you report a death to most government organisations in one go.

When applying to banks/insurance companies for reimbursement for funerals the following costs will be included:

- The Funeral Director's bill (including professional fees where applicable)
- Any Newspaper Announcements
- Purchase of the Certified Copy of the Death Certificate
- A Bereavement Services administration fee of £350

#### 5.4 **Dealing with Estates That Need To Be Referred to the Treasury Solicitors**

The Treasury Solicitors Bona Vacantia Division (TSols) administers the estates of people who die intestate and without known next of kin.

The estate must be referred to TSols, if the following three conditions are **all** met:

1. There is no will found (unless one is found but it is not possible to contact the executor(s) or beneficiaries) **and**
2. Existing relatives cannot be contacted **and**
3. It is known that an estate will have more than £500 remaining after payment of the funeral and administration costs

In this case, all paperwork that is held by Bereavement Services must be sent to the TSols along with a completed "BV1A" form (to be downloaded from the TSols website: [www.bonavacantia.gov.uk](http://www.bonavacantia.gov.uk))

If the Trust has not already been able to recoup the funeral and administration costs from the estate, the TSols will refund these from the estate.

If the TSol trace a next of kin they will inform the Bereavement Services staff of the contact details for next of kin's solicitor/representative. Bereavement Services

staff must then write to the next of kin's solicitor/representative requesting payment of the account.

If relatives have been contacted, the TSols will not become involved. In this case the role of UHL ceases once the Trust has recouped the funeral and administration costs from the estate.

It is not the role of the Trust or any Trust employee (even in their private capacity) to act on behalf of relatives or beneficiaries in matters relating to the estate of a deceased patient.

If the deceased is the tenant of a property, Bereavement Services staff must not terminate the tenancy or sign any documentation in relation to the deceased, as the Trust has no legal responsibilities in dealing with estates.

## 5.5 Information Governance

Some companies take an interest in cases listed on the Treasury Solicitor's web site where people have died and they are trying to trace relatives who stand to inherit monies from the estate.

If anyone contacts UHL NHS Trust Bereavement Services regarding estates of deceased patients they must be referred to:

Freedom of Information  
Trust Administration  
University Hospitals of Leicester NHS Trust  
Gwendolen House  
Gwendolen Road  
Leicester  
LE5 4QF

Or by email to: [foi@uhl-tr.nhs.uk](mailto:foi@uhl-tr.nhs.uk)

A written request will be responded to within 20 working days.

## 6 EDUCATION AND TRAINING REQUIREMENTS

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- 6.1 The policy will be incorporated into staff induction programme for Bereavement Services.
- 6.2 The Document will be available on INsite and will be circulated to all staff responsible for recouping the costs of hospital funerals.

## 7 PROCESS FOR MONITORING COMPLIANCE

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### 7.1 Policy Monitoring Table

Element to be monitored	Lead	Tool	Frequency	Reporting arrangements
All reasonable attempts have been made to contact Next of Kin prior to dealing with the estates of deceased patients	Senior Bereavement Services Officer	Check Bereavement Services Database before closing cases	As each case is closed	Monitored by the Senior Bereavement Services Officer and monthly report to Head of Learning from Deaths
To audit the amount of money recouped from agents of deceased patients in relation to hospital funerals and to ensure that whenever possible the Trust can recoup all costs incurred.	Senior Bereavement Services Officer	Check Bereavement Services Database before closing cases	As each case is closed	Monitored by the Senior Bereavement Services Officer and monthly report to Head of Learning from Deaths for inclusion to the Corporate Medical Operational Board Report to Medical Director Escalate to Finance in the case of all problematic issues

## 8 EQUALITY IMPACT ASSESSMENT

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- 8.1 The Trust recognises the diversity of the local community it serves. Our aim therefore is to provide a safe environment free from discrimination and treat all individuals fairly with dignity and appropriately according to their needs.
- 8.2 As part of its development, this policy and its impact on equality have been reviewed and no detriment was identified.

## 9 SUPPORTING REFERENCES, EVIDENCE BASE AND RELATED POLICIES

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- 9.1 When a patient Dies (2015), Department of Health (Gateway ref: 5578)
- 9.2 Referring Cases to the Treasury Solicitor (BV) (2008) Treasury Solicitors: A guide for local authorities and hospitals.
- 9.3 Public Health (1984) Control of Diseases Act.
- 9.4 UHL Policy (2010) *UHL Policy and Procedures for Staff from Bereavement Services to Undertake Property Searches Following the Death of an Adult Patient in Hospital* (B10/2010).
- 9.5 UHL Policy (2010) *Organising Hospital Contract Funerals - Policy and Procedures* (B11/2010).

## 10 PROCESS FOR VERSION CONTROL, DOCUMENT ARCHIVING AND REVIEW

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- 10.1 Once this Policy has been approved by the UHL P&G Committee, Trust Administration will allocate the appropriate Trust Reference number for version control purposes.
- 10.2 The updated version of the Policy will then be uploaded and available through INsite Documents.
- 10.3 This Policy will be reviewed every three years.