

Death in Service Standard Operating Procedure

Name		Employee No	
Start Date		Date of Death	

For Action by	Action Required	Timeline	Record of action/s taken
<p>Note: The ACU Critical Incident Management Policy will apply in the event of a staff member death on campus or at an off-campus, University-related activity, after which the <i>Death in Service Protocol</i> and this standard operating procedure will apply.</p>			
Member of the Executive	Identify staff members who were close to the deceased and notify them in person, or by phone. Advise them of the availability of the Employee Assistance Program (EAP) . The following script may be of assistance: <i>This is a distressing time for us all. Please be aware that support is available from the University's Employee Assistance Program provider: Access EAP. Experienced and professional counsellors are available 24 hours a day, seven days a week. Please contact 1800 818 728 to make an appointment.</i>	Immediately	
	Notify the Office of the Vice-Chancellor and President (OVCP) within one working day of receipt of verification.	Within 1 working day of verification	
	Notify the Office of the Vice President & Director, Identity & Mission within one working day of receipt of verification in order that pastoral support is made available to staff members.	Within 1 working day of verification	
	Notify the relevant Member of the Senior Executive, Executive and Associate Vice-Chancellor or Campus Dean.	Within 1 working day of verification	

	Contact the Director, Human Resources to ensure a relevant HR staff member is assigned as lead and key contact for the family of deceased staff member and relevant work area.	Within 1 working day of verification	
	Ask appropriate Member of the Senior Executive to send a prepared general announcement to: <ul style="list-style-type: none"> ○ the staff of the campus or University, as appropriate (see Attachment 2 – internal email example). ○ any relevant external contacts/other stakeholders. 	Within 1 working day of verification	
	Assess the need for support to staff (including EAP) and advise the Director, Human Resources if there is a need or special requirement for on-campus and/or extended support.	Within 1 working day of verification	
	Advise the Director, Marketing and External Relations if appropriate, for examples if further communication, internal and or external, may be required.	Within 3 days of verification	
	Write letter/s of condolence to family members and organise flowers or donation as appropriate.	Within 3 days of verification	
HR Staff Member	Coordinate actions to arrange support for staff from EAP services if advised by Director, Human Resources that on-campus and/or extended support is required.	Immediately	
	Contact the nominated supervisor to provide support and explain the death in service process and clarify what actions they have or will undertake to ensure consistency of contact from ACU.	Immediately	
	Contact next of kin to: <ul style="list-style-type: none"> ○ introduce yourself as HR contact and offer support and assistance; ○ obtain verification in writing regarding the staff member’s passing in line with 3.2.2 of the Death in Service Protocol; and 	Immediately	

	<ul style="list-style-type: none"> ○ seek contact details for next steps (eg Executor of the deceased estate) or solicitor. 		
	Advise the Department of Foreign Affairs and Trade (DFAT) if the staff member is a holder of a temporary working visa.	Immediately	
	Notify Payroll to immediately stop the staff member's salary payment or end appointment in Aurion.	Immediately	
	Advise the Senior HR Officer - Super and Salary Packaging of the death of the staff member and confirm next steps.	Immediately	
	Check for any outstanding leave applications/flex debit/flex credit. Email the nominated supervisor requesting confirmation of any leave taken since the last leave was processed (state the date of the last leave transaction) and check any flex debit/credit (Professional Staff only). Advise Payroll of outcome.	Within 3 Working days of verification	
	Check if the staff member has an outstanding claim for recognition of prior service. This will need to be finalised and Aurion record updated.	Within 3 Working days of verification	
	Once details are confirmed by Payroll, write to the next of kin concerning any monies owed in relation to the employee (including any monies owed by the employee to ACU) (see Attachment 1 – Template Letter Example) and provide a copy of this communication to the nominated supervisor of the staff member.	On advice from Payroll regarding termination payment.	
	Following receipt of official notification from the Executor with either probate of the will or letters of administration (including how money is to be transferred) provide official notification to Payroll to organise final payments.	Upon receipt of notification from the Executor	

	<p>Exemption of probate may be requested and is subject to delegated approval as per item 3.31 of the <i>Delegations of Authority Policy and Register</i> as follows:</p> <ul style="list-style-type: none"> • On advice from General Counsel or a legal practitioner employed as such by the University the following are delegated to approve payment to a person other than the personal legal representative where an amount is due to a deceased person at the date of death: <ul style="list-style-type: none"> ○ Chief Operating Officer ○ Chief Financial Officer ○ Director, Human Resources <p>Following approval, the University can release the deceased staff member's entitlements to the Executor/next of kin following the receipt of the following:</p> <ol style="list-style-type: none"> 1) Certified copy of the death certificate; 2) Certified copy of the will; and 3) Indemnity from the Executor/next of kin. <p>The indemnity will need to be addressed to the Australian Catholic University, in relation of the Estate of the staff member. An indemnity along the following lines would be appropriate:</p> <p><i>In consideration of your payment to me [name], the Executor of the estate of [name of employee], of the employee entitlements relating to the employment of [name of employee] to the value of \$xx,xxx without a grant of probate or letters of administration of the estate, I agree to indemnify Australian Catholic University against any loss or detriment that it may suffer by reason of Australian Catholic University doing so. [Signature of Executor/next of kin].</i></p>	<p>Upon receipt of notification from the Executor</p>	
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	Ensure correct procedure is followed in the event the university is unable to contact Executor/next of kin (as required under the Fair Work Act 2009 regarding unclaimed monies owed to an employee).	As required	
	Seek advice from the nominated supervisor regarding return of relevant University property and arrange with the next of kin to return property.	As required	
	Seek advice from the nominated supervisor regarding any of the staff members' personal items and arrange the return to the personal items to the next of kin.	As required	
	Work with the nominated supervisor to ensure IT are notified in relation to the staff members' email account and voicemail including access/redirecting of email and voicemail/removal from DL lists and staff directory and any website content etc.	As required	
Payroll	Stop salary payment and coordinate the update of the employee record in accordance with internal HR processes.	Immediately	
	Check with the relevant HR staff member if the nominated supervisor has confirmed any outstanding leave applications/flex debit/flex credit.	As required	
	Check whether the staff member had an outstanding overpayment.	As required	
	Check whether the staff member had a commuter club or pre-tax parking arrangements. If yes, notify Concierge. Termination payment must be reduced by the full amount outstanding for commuter club.	As required	
	Check whether the staff member has a negative long service or annual leave balance. Termination payment must be reduced by the value of the negative leave.	As required	

	Check with the relevant HR staff member if the staff member has an outstanding claim for recognition of prior service. This will need to be finalised prior to calculating any long service leave accrual and advised to Payroll.	As required	
	Check if there is any modification to final ordinary pay allowances or deductions.	As required	
	Complete an audit of annual and long service leave on ACU staff members only.	As required	
	Liaise with the WHS and Wellbeing team in relation to any matters relating to a current action, such as possible workers compensation and/or public liability claims, for university staff working in Australia or overseas.	As required	
	Once all the above steps have been finalised ensure appropriate payroll action and payment of termination monies. Advise relevant HR staff member stating when termination payment has been made to allow a confirmation letter to be provided to the next of kin.	As required	
	Label personnel and payroll files and archive appropriately.	As required	
Senior HR Officer - Super and Salary Packaging	Senior HR Officer – Super and Salary Packaging to action the following: <ul style="list-style-type: none"> ○ Advise UniSuper of the staff member’s death (if a member of UniSuper); ○ Contact UniSuper if the staff member is in receipt a temporary incapacity benefit; and ○ Contact salary packaging provider if staff member is in receipt of salary packaging. 	Within 3 working days	

Notes/Comments

Prepared by:	Checked by:
Date:	Date:

Attachment 1 – Template Letter Example

14 September 2020

[Next of kin name and address]

Dear salutation

Please accept my personal condolences to you and your family in relation to the passing of your [relation], [staff member's name].

There are matters relating to [staff member's name] employment with the University that I need to raise with you. This concerns entitlements owed.

- 1. As you would appreciate the estate of [staff member's name] is due outstanding salary and a range of statutory entitlements pertaining to annual leave and long service leave (where relevant). The outstanding amounts are as follows:

	Entitlement	\$ amount
Outstanding Salary		
Annual Leave: # Hours		
Annual Leave Loading		
Long Service Leave: # Hours		
[Any other payments, including overpayments]		
Total		

- 2. Normally payment of outstanding monies from the University to the Executor of the estate can occur following receipt of appropriate advice from the Executor, which usually occurs following production of probate of the will or letters of administration of the estate of the deceased. Therefore, the formal advice required by the University is either probate of the will or letters of administration.

I would appreciate it if the Executor could also advise how this money could best be transferred. The University can then make the payment into a nominated bank account.

- 3. In relation to superannuation benefits, [staff member's name] was a member of UniSuper and the fund has been notified. The University does not administer these benefits. The contact details for UniSuper can be obtained through the employee services contact number 1800 331 685.

I know these matters take time and if you need further assistance please do not hesitate to contact me on [area code + full telephone number] or via email [email address].

Yours sincerely

HR Staff Member
Human Resources

Attachment 2 – Internal Email Example

Dear Colleagues

It is with great sadness that I inform you of the death yesterday of [staff member]. [Staff member] was a valued colleague who made a substantial contribution to the [university/campus] over the [insert period of time]. Our thoughts are with [staff member's first name] family at this sad time.

[Staff member's] family have advised [insert funeral details]

or

The details of [staff member's] funeral will be communicated shortly.

I take this opportunity to remind you of the [Employee Assistance Program \(EAP\)](#) should you or any of your colleagues want to seek support at this time.