

Your next of kin: Information for patients, relatives and carers

This leaflet explains the importance of nominating a 'next of kin' when you go into hospital.

All competent adult patients are asked to nominate their next of kin (NoK) formally on admission to hospital. This is not simply a contact number but has potential significance, as the person you choose must be willing to best reflect what they believe would have been your wishes in the event of your incapacity or death. It is this person that we would turn to for advice/guidance/help about your care if you were unable to respond yourself. For example, this might be because you are unconscious or unable to communicate due to illness or injury. In the event of your death, it is your NoK who would be consulted about bereavement issues such as making funeral arrangements, hospital post mortem or organ/tissue donation.

You are not obliged to give a next of kin, although if you don't initially, you can change your mind at any time.

If you depend on someone for care when you are at home, let ward staff know that they are an unpaid carer and signpost them to support: www.royalberkshire.nhs.uk/patients-and-visitors/carers-information/

If the patient is unable to make decisions about their health because of mental capacity issues, then those caring for them may have set up a Lasting Power of Attorney (LPA). The LPA allows people to choose someone (the 'attorney') who can make decisions about their health and welfare, if they become unable to do so for themselves. This is not to be used until the person has become unable to make decisions for themselves.

A patient may also have registered an Advance Decision. This allows someone to specify the types of treatment that they do not want, should they lack the mental capacity to decide this for themselves in the future. This may include refusal of life-sustaining treatment. Valid advance decisions are legally binding and must be followed by health professionals, provided the treatment and circumstances set out by the Advance Decision apply to the situation.

For more information on this, see our leaflet called 'The Mental Capacity Act 2005' available on our website www.royalberkshire.nhs.uk/media/rsxbkjar/mca-public-leaflet_jun20.pdf.

Q: What is the role of my NoK?

A: Your NoK cannot consent or withhold consent for care on your behalf if you lose mental capacity. But as your NoK, their views will be sought on what you would have decided if you had mental capacity. These views will contribute to the decision that the clinicians caring for you (and who have a duty to act in your best interests) will make regarding your treatment and care. Thus, if you cannot make that decision for yourself, the final decision of care rests with the clinician in charge of your care. Very occasionally, an application to the Court of Protection may need to be made.

If, in the case of an emergency, you have not had the opportunity to nominate anybody as your NoK, we would seek advice from whoever we believe to be 'closest' to you and best able to reflect your wishes; for example, your current partner, closest relative or eldest child.

Q: Who can be my NoK?

A: Historically, the NoK was the spouse or nearest relative of the patient, but modern day families may have a different structure – cohabiting but unmarried, long term relationships but not co-habiting, same-sex partners etc. Your NoK does not need to be a blood relative or spouse; they may be your long-term partner, cohabitee or even a close friend.

Whoever they are, you must ensure the person you nominate is aware of the duty/responsibility that being NoK may entail, e.g. they may have to pass on your views and wishes under very difficult and upsetting circumstances. You must ask them if they are willing to be nominated as your NoK. You should also make sure your nominated NoK is aware of any specific views and wishes you may have.

Q: What about children?

A: Children's NoK are most likely to be someone with 'parental responsibility'. The following have parental responsibility:

- the mother;
- the father if he is married to the mother of the child at the time of the child's birth;
- unmarried fathers who are present to register as the child's father on the birth certificate on or after 1 December 2003. However, unmarried fathers whose children were born before that date will need to sign a parental responsibility agreement with the mother or apply for a court order for parental responsibility;
- parental responsibility can also be held by a legally appointed guardian; the local authority (if the child is subject of a care order); or a person named in a residence order.

Q: Will my NoK have any legal liabilities?

A: No, your NoK is a source of support and guidance and is not a legal appointment. Your NoK will not be legally responsible for funeral costs and will have no legal rights to your medical notes or your personal possessions.

Q: How do I tell the hospital about my NoK?

A: When you are admitted to hospital, the nurse or admissions clerk will check your details on the computer, e.g. full name, address, date of birth, and ask you for other information such as your religion, ethnic background, dietary preferences, and details of your GP and your NoK. As well as the name of your NoK, the hospital will also need a contact number for the person you have nominated. It is important that you tell your nominated NoK that you are doing this in case they have the anonymous call rejection (ACR) facility on their telephone. If they do have ACR, it means that the hospital switchboard may be unable to place a call through to your NoK in an emergency, so they may need to give you an alternative telephone number where they can be reached.

If you wish to change your nominated NoK at any time, please contact our Health Records Department in writing to update your central record.

Q: What if I have nominated someone as Lasting Power of Attorney (LPA) for my health and welfare?

A: If you lose mental capacity, your LPA must be contacted. To help with that, please let us know who your LPA is. Your LPA does not need to be your nominated NOK.

Organ/tissue donation

In England, all adults are now considered to be an organ donor when they die unless they have recorded a decision not to donate or are in one of the excluded groups (under 18's, people who have lived in England for less than 12 months or who are not living here voluntarily, and people who lack mental capacity to understand the change.

Adults covered by the changes will still have a choice whether they want to be an organ donor and which organs they would like to donate, and their families will still be involved before organ donation goes ahead. It is important to note that your family will always be involved before donation takes place, so it is really important that you choose whether you want to be a donor and discuss what you want to happy with your family, so your decision is clear and they can have peace of mind knowing your decision is being honoured.

More information about organ/tissue donation is available from NHS Blood and Transplant by calling the donation line on 0300 123 2323 or by visiting the websites www.organdonation.nhs.uk/ and www.blood.co.uk.

Useful contacts

Patient Advice and Liaison Service (PALS)

0118 322 8338

Email: PALS@royalberkshire.nhs.uk

Health Records Department

Tel: 0118 322 7057 / 0118 322 7635

Email: rbb-tr.accesstohealth@nhs.net

To find out more about our Trust visit www.royalberkshire.nhs.uk

Please ask if you need this information in another language or format.

Patient Experience Team, November 2023

Next review due: November 2025