

## **NHS Education for Scotland**

Transcript of 'Managing Legal Processes After A Death – Medical Certification of Cause of Death (NES Bereavement Conference, 2019)' video – Dr. George Fernie

My name's George Fernie, I'm the Senior Medical Reviewer for Scotland and I work for Healthcare Improvement Scotland.

Our main function is to proportionately review 14% of all the non-Procurator Fiscal deaths that occur in Scotland and that works out at about 6000 reviews per year. In addition to that, we look at around 200 repatriation deaths where people have died out with the UK and they come back to Scotland for burial or cremation.

The first category that's there, they tend to be expected, inverted comma, 'normal', anticipated deaths. All deaths are tragic, but most people would understand that eventually we're all going to die and that that will occur with a relative at some point in their lives. The distinction with the repatriations is that those are typically very upsetting, unexpected deaths and there's a lot of associated grief with that and understandable problems with the relatives coming to terms with the loss of somebody that's much loved, and indeed may often be quite a young person as well.

We know from the reviews that we do, that around 3% of the deaths that we look at in the Death Certification Review Service at Healthcare Improvement Scotland, should have been reported to the Procurator Fiscal in the first instance, but there's a lack of awareness in certain circumstances that that's required, so there's an interaction there in connection with the Scottish deaths, with those that have occurred abroad, if it's sudden, unexpected or unexplained, then there is a possibility of the Procurator Fiscal investigating those further now with the new Fatal Accident Inquiry legislation. So, we have dealings, probably not on a weekly basis, but a couple of times a month, we would be in touch with David's colleagues in order to consider whether or not a case would be one that he would wish to look into further.

The main priorities with Death Certification Review Service have remained the same since the inception of the service in 2015. That's to improve the quality and accuracy of Medical Certificates of Cause of Death, to provide better public health information, and to enhance clinical governance. So that hasn't changed. One of the beneficial by-products as I call it, of the service, has been the success of our enquiries line, where doctors, not all but most probably in primary care in general practice will phone up to see if they can issue a Medical Certificate of Cause of Death to somebody perhaps that's been found either out of hours or at the weekend, no suspicious circumstances but were they in attendance of the person who's died, which is not a concept that's necessarily required in Scots law, but also, is it reasonable to do this, can they certify to the best of their knowledge and belief, which is the standard that's required in those circumstances.

It makes an enormous difference to the relatives of the person who have had their loved one die, as I say, typically an elderly person, found behind a locked door at the weekend, and what we want to do is make sure there's an as accurate cause of death as possible on the Certificate but allow them to make the funeral arrangements and not cause them any unnecessary distress that can be avoided in such upsetting situations. I think we make the, the process of being able to have a funeral and bury or cremate your loved one more straight forward. Before the service came into being, you used to have to get cremation certificates which caused an additional delay with that. With us, although we have a proportion randomly selected as I've explained, we look at these death certificates real time, so there isn't, a delay with them, there isn't a waiting list. We have something like a 1.5% breach rate with our service level agreements with that, so we're managing it in a way that causes the least distress to bereaved relatives. They've got enough to do when they've lost someone close to them, but what we don't want is to compound that by us not delivering a service timeously. We also want to make sure we deliver it with dignity and respect, with the care and compassion that you would hopefully anticipate we would provide in such circumstances.

The film was produced in March 2020 and can be found at <u>www.sad.scot.nhs.uk</u> or <u>https://vimeo.com/392434038</u>

For more information visit <u>www.sad.scot.nhs.uk</u> or contact <u>supportarounddeath@nes.scot.nhs.uk</u>

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