

BIMA AND NBC BRIEFING NOTE

STATUTORY MEDICAL EXAMINER SYSTEM COMES INTO FORCE ON 9th SEPTEMBER 2024 in England and Wales

Highlighted below are key changes in the death certification process

What is a Medical Examiner?

Medical Examiners are senior medical doctors, experienced in various medical specialties, who are responsible for independently reviewing and scrutinising the medical causes of death. Their role is crucial in ensuring that death certifications are accurate and that any potential issues surrounding a death are properly identified and addressed. The Medical Examiners will be supported by Medical Examiner Officers who will manage the cases and obtain the relevant information and records.

What Is Changing?

Starting from 9th September 2024, it will be a **legal requirement (in England and Wales) for all deaths to be reported to a Medical Examiner (ME)** to independently scrutinise the Medical Certificate of Cause of Death (MCCD) before it is completed by the Attending Practitioner either a hospital doctor or GP for deaths in the community.

Their responsibility includes:

- **Collaboration with Medical Practitioners who have treated the patient:**
- **Proportionate Review of Medical Records** and any supporting diagnostic information.
- **Agreeing to the Cause of Death** ensuring the accuracy of the **MCCD**.
- **Engagement with Bereaved Families:** Discussing the cause of death and to provide bereaved families with the opportunity to ask questions and raise concerns.
- **Signing off the MCCD**, The Medical Examiner will sign off the MCCD and send it to the Registrars.
- **Acting as a medical advisor** for the local Coroner and respond to any queries raised by the registrar

Who is an Attending Practitioner?

- A Medical Practitioner (MP) will be eligible to be an Attending Practitioner (AP) and complete an MCCD, if they have attended the deceased **in their lifetime**. The attending practitioner will review the circumstance and the history and propose a cause of death to the Medical Examiner, if they can do so, to the best of their knowledge and belief.

What Happens if the Medical / Attending Practitioner is Not Available?

The Death Certification Reforms make it easier to find a suitable attending practitioner, because any doctor who attended the deceased can complete an MCCD if they can state the cause of death to the best of their knowledge and belief.

In exceptional circumstances where either:

- There is no medical practitioner, or
- If an attending practitioner is not available within a reasonable time.

The death can be referred to the Coroner and, in these circumstances, where the coroner decides not to investigate, they would refer the case to the Medical Examiner to certify the death by completing the Medical Examiner MCCD, provided the cause of death can be established from medical records, which would need to be available.

Who Will Report the death to the Medical Examiner?

In most cases the attending Practitioner will report the death to the Medical Examiner, however in some cases the out of hours GP service may notify the ME. If a death occurs in routine core GP hours or overnight in a normal working week (i.e. Monday at 22.00hrs), then the practice should prioritise the process of dealing

with an “urgent” request and ensure that their local ME office is aware of the high priority nature of the case. As with all deaths, the practice will need to ensure that an appropriate GP is available to refer the death to the ME. For all Hospital deaths the attending practitioner will report the death to the ME team. Check with the local trust for local protocols.

What Happens if the ME and AP are Unable to Agree on a Cause of Death

Where the AP and ME are unable to agree on a cause of death, it will be reported to the Coroner. The coroner will review the case and decide whether it is notifiable and if an investigation is required.

If the coroner decides the death is not notifiable, then the case will be returned to the ME and AP to agree on a Cause of Death and issue an MCCD.

Registering the Death

This will remain the same in the main. The registrars will **receive the MCCD from the Medical Examiner** and register as normal, however registrars will no longer make any referrals to the Coroner. Should any queries arise, they will contact the Medical Examiner for further consideration and discussion. As there will be limited interaction between the registrar and coroner in most cases, the need for **the form 100A will no longer exist** and this form will be removed. Coroners will see a new set of forms for interaction with the AP's and ME's.

How Will This Work Out of Hours?

National guidance has been provided to regional leads to ensure that areas make suitable provisions to meet community needs, particularly regarding timely burials.

The indications are that there will be limited provision out of hours and this will vary from town to town. You are therefore advised to check with your local ME office and local health Trust about local out of hours provision.

It is to be noted that in most case the challenges will include:

- **Accessing General Practitioners (GP) out of hours**
- **Time ME office is available out of hours**
- **Aligning availability of registrars and cemetery with ME service.**

Urgent Release

The Medical Examiner has published guidance to address the need for urgent release based on faith or other priorities. The guidance emphasises that MEs should make every effort to expedite the scrutiny of these cases, avoiding unnecessary delays wherever possible. Urgent release also depends on attending practitioners completing MCCDs and sending them to medical examiners as soon as possible. Please check with your Hospital Trust / Mortuary for their processes.

Coronial Process

The attending practitioner or the medical examiner will determine which deaths need to be referred to the coroner.

If the coroner is satisfied that an investigation is not required, then they will inform the attending practitioner or the ME, who can issue an MCCD in circumstances where they are able to determine the cause of death to the best of their knowledge and belief.

If the Coroner intends to carry out an investigation then on conclusion the Coroner will Issue a Form B to the registrars and release the body. Coroners will issue a burial order if they have investigated the death and issue a CN2 Form.

For Further Guidance Please See Below

Contact details for medical examiner offices: <https://www.england.nhs.uk/patient-safety/patient-safety-insight/national-medical-examiner-system/contact-details-for-medical-examiner-offices-in-england/>

What to do when someone dies: step by step: <https://www.gov.uk/when-someone-dies>

National Medical Examiner's guidance: <https://www.england.nhs.uk/long-read/national-medical-examiners-guidance-for-england-and-wales/>