

**Gathering public views on new arrangements for death certification**

**Discussion with members of the Muslim community,  
Kings Cross Hospital, Dundee**

**March 2015**

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Published March 2015

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## **1. Background**

The arrangements for death certification and registration have been extensively reviewed and in 2011 new laws were passed by the Scottish Parliament to:

- streamline the current process
- improve the accuracy of death certification, and
- provide improved public health information about causes of death in Scotland.

The Certification of Death (Scotland) Act 2011 introduces a number of changes to the current system. In particular, it introduces checks on the accuracy of Medical Certificate of Cause of Death (MCCDs) by setting up a new national review system. Under the new system, a sample of MCCDs will be selected for review. Sampling and review will be required regardless of whether burial or cremation is chosen. At the moment, a burial can take place before the death is registered. The new system is due to start in April 2015 and from then all deaths must be registered before a body is buried or cremated.

The Certification of Death (Scotland) Act 2011 states that Healthcare Improvement Scotland will implement the Death Certification Review programme and run the service.

The MCCDs Healthcare Improvement Scotland reviews will fall under one of two categories. For Level 1 reviews the medical reviewer will check the MCCD and speak to the certifying doctor. This should take one working day. In addition to these reviews, there will be a smaller number of Level 2 reviews where the medical reviewer will speak to the certifying doctor and also check relevant medical records. This should take three working days.

## **2. Introduction**

The Death Certification Review Programme team from Healthcare Improvement Scotland requested the support of the Scottish Health Council to convene a number of discussion groups across Scotland to engage with members of the public to share information and gather views on the new Death Certification Review Programme which begins in May 2015.

This discussion group was held with eight members of the Muslim community in Tayside on Tuesday 25 November 2014 at Kings Cross Hospital in Dundee. Three members of the Death Certification Review Programme team – Dr George Fernie, Senior Medical Reviewer; Caroline McGeachie, Programme Manager; and Tammy Fenton, Project Officer - attended the session to discuss the programme and answer

any specific questions participants had. Three Scottish Health Council members of staff were in attendance to facilitate and record the discussion which took place.

The session lasted 2½ hours and started with a presentation outlining the background to the new programme, the impact on people who are bereaved and details of the *advance registration* and *interested person* review processes.

Participants were asked for their comments on the programme, in particular the *advance registration* process which has a particular impact on some members of the public, including those from the Muslim faith. Where the discussion was of a more general nature this has also been recorded.

### 3. Overview of presentation

- The new review process for death certification is being implemented following establishment of the Certification of Death (Scotland) Act 2011 which included that a new death certification system would be introduced in Scotland and the quality and accuracy of MCCDs were to be improved.
- There will be two types of review:
  - Level 1 - shorter review taking one working day, estimated to be around 10% of all deaths
  - Level 2 - comprehensive review taking 3 working days, estimated to be around 4% of all death
- In the past there has been a degree of scrutiny of MCCDs prior to cremation, but the new process will review certificates prior to cremation and burial.
- It is estimated that around 10% of MCCDs will be selected for Level 1 review, with additional Level 2 reviews, through a random selection process. In addition, reviews will also be available on request by '*interested persons*' or be self-selected by medical reviewers. It is estimated that 21 MCCDs will be reviewed per day and that around one of these will be from an impacted faith group.
- The new process will review the MCCD and will not directly look at the care provided.
- From May 2015, although initial funeral arrangements can take place while a review is underway, the funeral itself cannot take place until the review is complete and the Certificate of Registration of Death form has been produced by a registrar. Even where there is no review of the MCCD, registration of a death will need to be completed before a burial/cremation can take place. The only exception to this is where an *advance registration* application is made and granted (see page 8). Senior Medical Reviewer Dr George Fernie has

encouraged those from the most impacted faith groups to go to register a death as soon as possible.

- A public information leaflet is being produced which explains the review process.
- The new scrutiny system will be reviewing the MCCD and not looking directly at the care provided prior to a person's death.
- NHS National Education Scotland is currently providing an education programme for medical staff on completing the paper MCCD (which mirrors the electronic MCCD soon to be implemented).
- MCCDs can be completed by the doctor either electronically or on paper. Paper MCCDs will be selected for review when the informant attends the registrar. Electronically completed MCCDs will be selected as soon as they are completed by the doctor, so the review might already be complete by the time the informant attends the registrar.

### **Questions and responses on presentation**

**Comment: While I appreciate need for scrutiny, I worry the new system will cause delays.**

Response: Where a case is selected for review an *advance registration* application can be made and a decision will be made within two hours. If the *advance registration* is granted, a funeral can then go ahead without waiting for completion of the MCCD review.

**Question: How will MCCDs be chosen for review?**

Response: National Records of Scotland (NRS) will have an electronic algorithm which will randomly select MCCDs for review. NRS and statisticians advised that the 10% for Level 1 reviews, with additional Level 2 reviews, selected should cover the whole of Scotland in a random fashion within two years.

**Question: So there will be randomly selected Level 1 reviews and only Level 2 where necessary?**

Response: Around 1000 MCCDs each year will be randomly selected for a Level 2 review. Other Level 2 cases will come from cases escalated from Level 1 and from Interested Person Reviews.

**Question: I have some concern that the randomness of the process may miss certificates that need reviewed e.g. following a fall.**

Response: These certificates will still go to the Procurator Fiscal. A recommendation from the Vale of Leven Review was that there should be discussions with senior doctors but we feel that younger doctors also should be included in education and awareness raising sessions in order to improve the quality of completion of MCCDs.

**Comment: Sometimes people do not want to contact the Procurator Fiscal because it might cause a delay in the burial or cremation.**

Response: The Procurator Fiscal is currently in the process of revamping the service and this is currently being piloted in three areas. Interaction between the Procurator Fiscal and the Review Team will hopefully lead to further improvements in the service. Dr Fernie assured that the project team are aware of this issue.

**Question: Will the reviews be carried out only Monday to Friday?**

Response: The core hours of the Review Team will be Monday to Friday but there will also be an out-of-hours service with the ability to deal with urgent requests. The number of out-of-hours calls is expected to be small and it will have a larger impact on registrars than the Review Team.

**Comment: Although registrars worked Monday to Friday, previously burials could be carried out over the weekend and registration of death completed afterwards.**

Response: This would no longer happen; a death must be registered prior to burial or cremation. The project team are sympathetic with the impact this will have on certain communities and advised that they first met with representatives of the Muslim and Jewish faiths in 2004.

**Comment: I appreciate the opportunity to take part in this meeting but what about similar engagement with the local registrars?**

Response: Dr Fernie said he had been at a Local Implementation Group at Ninewells Hospital last week which included registrars but there was no representation from any faith groups. The local authorities/registrars are aware of the situation and of the concerns of faith groups. It was agreed that they need more than just awareness and need to engage with the most impacted faith groups.

**Question: How will local communities know that this is happening?**

Response: Local registrars need to communicate changes to provision of their services e.g. out-of-hours. One of the first opportunities for a person to find out is

from the certifying doctor who should provide advice, including the importance of contacting the registrar.

**Question: Will GPs have information to give people?**

Response: There will be a public information leaflet which should be provided by the certifying doctors – the leaflet will contain key contact information. It will also be available at [www.healthcareimprovementscotland.org](http://www.healthcareimprovementscotland.org). All those involved in the process will have a responsibility to advertise the change, helping to ensure people are aware. The information leaflet will also be available from registrars.

**Comment: Doctors don't always take time to explain things to a bereaved family. There is no guarantee the doctor will let them know about this new process and the implications for the family i.e. immediate registration of a death where a quick burial is required.**

Response: Dr Fernie said he would hope that doctors will take the time to explain and that his team will encourage doctors to do this.

**Question: What will happen if a person dies at home with no doctors present? In cases such as these, the Imam will be the first point of contact for the family.**

Response: The GP (or GP out-of-hours service) will need to be contacted as soon as possible and the doctor will be able to provide an MCCD. Once the MCCD is available, the registrar needs to be contacted through their out-of-hours service. The registrar will then advise if the MCCD has been selected for review. If not selected, registration will take place and burial can be carried out as usual. If selected, an *advance registration* application will need to be made. Once completed, the registrar will contact the Death Certification Review Team through their out-of-hours service and forward them the application form electronically. Provided there is enough information on the application and the certificate does not need referred to the Procurator Fiscal, it will be processed by the Review Team within two hours and a decision given – denial of application will be rare.

#### **4. Advance Registration Process and Application**

- If an MCCD is selected for review, the person who attends the registrar's office to register the death (the informant) will be told at that time that a review is taking place and that they can apply for an *advance registration*. If granted, this will enable registration of the death to go ahead while the review is taking place, thus allowing the funeral to take place more quickly.



- The registrar will provide an informant with information on the *advance registration* process and an application form. *Advance registration* application forms will also be available at [www.healthcareimprovementscotland.org](http://www.healthcareimprovementscotland.org)
- The completed application form will then be sent electronically by the registrar to the Medical Review team who will decide within two hours of receiving the application if *advance registration* can take place. The Medical Review team will tell the registrar if the request was successful and the registrar will tell the informant.
- If an *advance registration* request is accepted, registration of the death can be completed and the funeral can take place before the review is complete.
- In rare cases, it may not be possible for an *advance registration* to take place e.g. where the review of the MCCD suggests further investigation or the case needs to be referred to the Procurator Fiscal.
- *Advance registration* will not affect the thoroughness of a review itself. There is a clinical governance requirement for the review and for information to be fed back to medical staff in order to improve care.

### **Questions and responses on *advance registration***

**Comment: There should be an electronic form available as during the time of a bereavement people do not have time to run around going to an office to collect one.**

Response: The form will usually be provided by the registrar and completed at the registrar office. However, if someone prefers to complete the form before attending the registrar (in case an MCCD is selected) it will also be available online at [www.healthcareimprovementscotland.org](http://www.healthcareimprovementscotland.org). Completed *advance registration* forms will not be scrutinised by the medical reviewer e.g. checking that the person is really a practicing Muslim. What is written on the form will be taken at face value.

**Question: Is *advance registration* only relevant for Level 1 reviews?**

Response: It will apply to both Level 1 and Level 2.

**Comment: The need for *advance registration* will be rare; I'm more concerned with the registration of death before burial and lessening the potential chaos.**

Response: Following next year's launch it will be reviewed and we may find that we need to make changes.

**Question: The term "*advance registration*" gives the impression that it means registration before death. Can this be changed to, for example, "pre-review registration"?**

Response: There have already been changes to the name of this process – previous to this name it was called "expedited review" but feedback from previous focus groups showed that people did not understand that term. The name is by no means finalised yet.

**Question: Is this subject to public sector equality duty? If so, language used is a key factor.**

Response: Yes it is subject to the scrutiny.

## **5. Interested Person Review Process and Application**

- An *interested person* can apply for a review of an MCCD from May 2015 onwards. This may be requested up to three years after the death. However, any MCCDs already reviewed or referred to the Procurator Fiscal will not be reviewed again. A broad list of people can apply for an Interested Person Review.
- An *interested person* application form will only be available at [www.healthcareimprovementscotland.org](http://www.healthcareimprovementscotland.org) and can be requested by post or email.
- This review will be similar to the more comprehensive Level 2 review and results will be given to the *interested person* in writing.
- If the review request is declined, the *interested person* will be told of this in writing, with an explanation why.

## Questions and responses on an Interested Person Review

**Question: If a review is carried out at an *interested person's* request, would a relative be entitled to a copy of the review?**

Response: Only on request - there is a duty of confidentiality which extends following death and also the review team will not have access to contact details for the next of kin so they would be unable to make contact with the family. Where a close family relative wants a copy of the review it should not be an issue unless the deceased relative had expressed otherwise.

**Question: Will the information leaflet have different language options?**

Response: There needs to be an online version and there was a suggestion for an electronic link from the mosque especially if the Imam was not available to discuss. The information needs to be disseminated not only electronically but also through paper copies which could be requested by areas in advance

Comment: The first category of informant needs to be clearer.

## 6. General discussion

It will be really important that registrars are available out of hours and that as soon as a death occurs the registrar is contacted so that the death can be registered or, where needed, an *advance registration* takes place. The impact is significant but the remedy is simple – a registrar will only be occasionally called out of hours (it is estimated that it will be around one per day in Scotland). At all meetings the project team go to they are emphasising the importance of registering a death as soon as possible.

It was suggested that packs containing information on the process could be shared with community groups. This can be done after the final *advance registration* and *interested person* forms are completed and the information leaflet is available.

It is important that information on this new process is widely publicly available and that it should be in different languages, especially important for elderly ones who may speak little English. A step-by-step guide to the process, including information on *advance registration*, would be very useful. It was also suggested that mosques could have electronic links to information on the process on their websites. This will enable people to get information in circumstances where they are unable to contact an Imam. The project team advised that information will be available in different languages on their website [www.healthcareimprovementscotland.org](http://www.healthcareimprovementscotland.org) but if there are particular languages that it would be beneficial to have in hard copies then the project team asked that people let them know and that can be looked at.

It was agreed that details of those who wish to be kept up-to-date with the review be forwarded by the Scottish Health Council to Healthcare Improvement Scotland Programme Manager Caroline McGeachie so that they can receive ongoing information direct from the project team. From January 2015, more information will be available. If anyone feels that important information is not available, then they can feed this back to the project team.

Dr Fernie said that once the system is in place and people are finding specific issues with the process, to let him and the project team know about this as if they are not told, they likely won't know.

Participants advised that following this meeting today, they are going to arrange to meet with the local authority, local registrars and Procurator Fiscal in order to find out what arrangements are in place, especially for weekends. The project team also suggested it may be useful to speak to Dr Gavin Main (a consultant radiologist at Ninewells Hospital), who is the Chair of the Local Implementation Group – this group includes registrars.

At the close of the meeting all those in attendance were thanked for coming along and for their participation.

Further information about the new arrangements for death certification and registration is available at:

**[www.healthcareimprovementscotland.org/our\\_work/governance\\_and\\_assurance/death\\_certification.aspx](http://www.healthcareimprovementscotland.org/our_work/governance_and_assurance/death_certification.aspx)**

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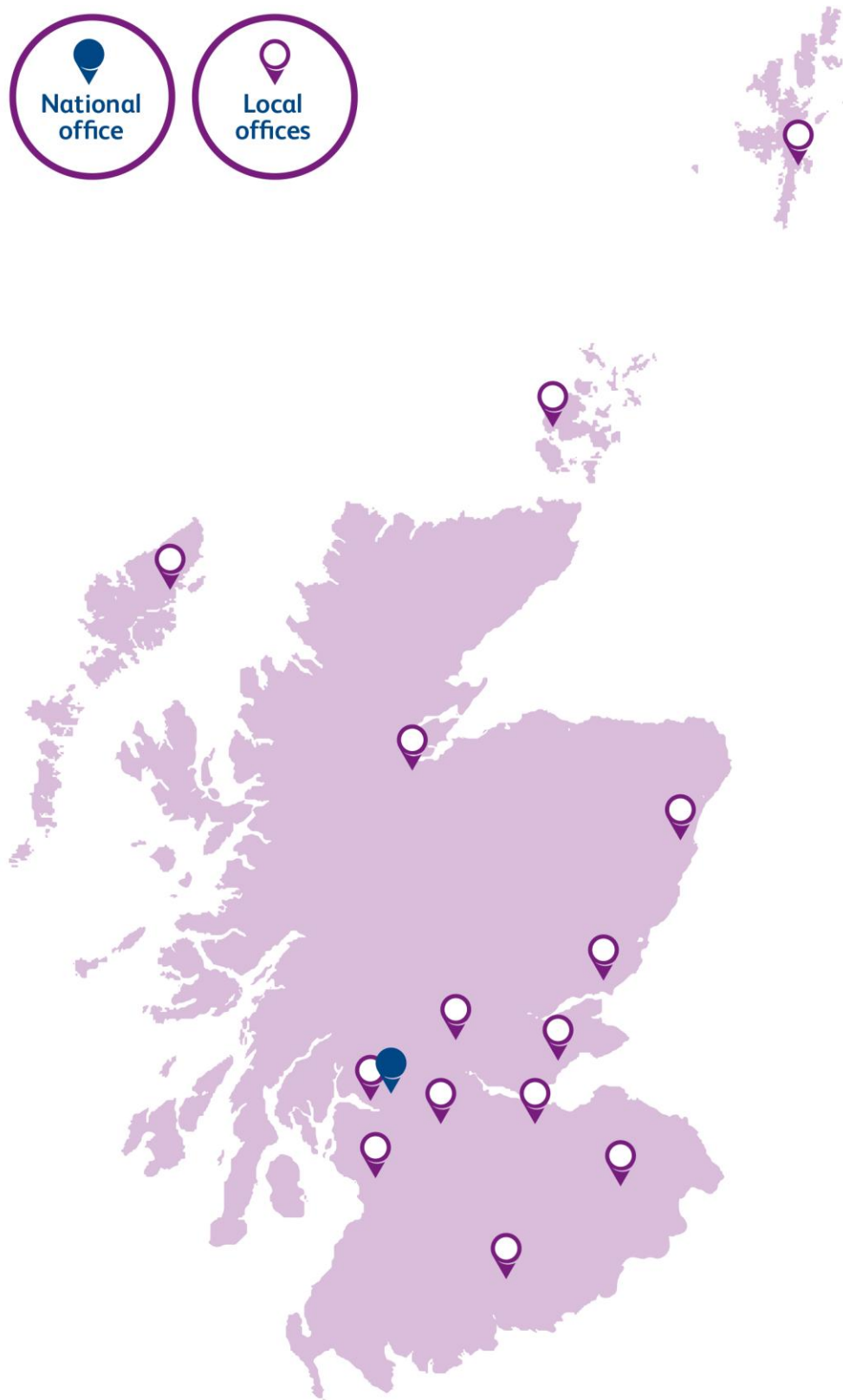
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