

Statutory Duty to Report Deaths

The Ministry of Justice have recently published their consultation response on the Coroners and Death Certification Bill dealing with in particular the proposed statutory duty to report deaths.

Although the Ministry of Justice have considered placing the duty on other personnel (including nurses, fire service, paramedics and ambulance crew), the stated preference is for the duty to apply to registered medical practitioners. It is proposed that the following categories of cases should be referred to the Coroner:

- death resulting from self harm and neglect (excluding deaths from alcohol or nicotine abuse where the death would not be investigated but for those reasons);
- death resulting from neglect or abuse where there is an established duty of care by a public authority, other organisations and individuals¹;
- death occurring during or shortly after a period of detention²;
- death caused or contributed to by the conduct of the police or any other state authority or public organisation;
- death relating to past or present employment;
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¹ Likely to cover many healthcare services

² Presumably to include the Mental Health Act

death resulting from lack of care or appropriate treatment, defective treatment and adverse reaction to prescribed medicine;

- death of a child where it is unexpected;
- death where a violent crime is suspected;
- sudden and accidental death, and deaths resulting from traffic incidents;
- where a death has not been certified as the doctor is unable to identify with any confidence the cause of death;
- death where there is reason to believe it may have been caused or contributed to by a disease or condition that has been specified as being reportable to the coroner because of regional social history, for example lung disease caused through working in the coal industry; and
- death associated with pregnancy and childbirth.

These proposals are still subject to further consideration. The Bill has not been included in the current legislative programme and the government have said that this Bill will only be brought before Parliament “as soon as time allows”. Nevertheless, the government is committed to reforming the Coroner service for England and Wales.

For more information on Healthcare Law contact Andrew Parsons at RadcliffesLeBrasseur on 020 7227 7282, or email: andrew.parsons@rlb-law.com.

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