

Introduction of Medical Examiner system and reforms to death certification

South Yorkshire Workshop

Reform

- The death certification system in England has remained largely unchanged for over 50 years, and it is now being reformed.
- Regulations introducing changes to the death certification process were laid before Parliament on 15 April 2024 and will come into force on **09 September 2024**.
- The reforms change the way in which the causes of deaths are scrutinised and certified with the introduction of a statutory medical examiner system (currently non-statutory).
- The regulations also introduce new medical certificates of cause of death (MCCD) to be used by attending practitioners and medical examiners from 9 September 2024.

Legislation

- Coroners and Justice Act 2009 (Sections 19, 20, & 21)
- Health and Care Act 2022 (Section 169)
- The Medical Certificate of Cause of Death Regulations 2024
- The Medical Examiners (England) Regulations 2024
- The National Medical Examiner (Additional Functions) Regulations 2024
- Notification of Deaths Regulations 2019
- Registration of Births and Deaths Regulations 1987
- Cremation (England and Wales) Regulations 2008

Attending Practitioner

- A medical practitioner will be eligible to be an Attending Practitioner if they have attended the deceased in their lifetime.
Previously, the medical practitioner must have attended the patient within the 28 days prior to death and seen the body after death.
- The Attending Practitioner will:
 - Complete a Medical Certificate of Cause of Death (MCCD)
 - Propose a cause of death (if they can do so)
 - Share the MCCD and proposed cause of death with a Medical Examiner, who will scrutinise these before submission to the Registrar.
 - Continue to notify deaths that meet the criteria directly to the Coroner, who will determine what further action is appropriate.

Medical Certificate of Cause of Death

- Current MCCDs should be used until 09 September 2024.
- There will then be 4 versions of the new MCCD to be used:
 - Attending Practitioner MCCD
 - Attending Practitioner MCCD to certify the cause of death of a live-born child dying within the first 28 days of life
 - Medical Examiner MCCD
 - Medical Examiner MCCD to certify the cause of death of a live-born child dying within the first 28 days of life
- A 6 month supply will be sent, with automated deliveries every 6 months, and a passcode for ordering additional MCCDs.
- Guidance on completing the new MCCDs will be published later in the year.

<https://www.gov.uk/guidance/receiving-the-new-medical-certificate-of-cause-of-death-mccd>

Medical Certificate of Cause of Death

New information included in the MCCD:

- Medical Examiner who scrutinised cause of death
- Ethnicity, as self-declared by the patient on the medical record
- Maternal deaths, and a new line for the cause of death
- Medical devices and implants – this will be transferred to the Certificate for Burial or Cremation (contained in the green form) completed by the Registrar

Medical Examiner

- Medical Examiners provide independent scrutiny of causes of death.
- They will be a senior medical practitioner who is contracted for a number of sessions a week outside of their usual clinical duties.
- They will be trained in the legal and clinical elements of death certification processes, and not have been involved in caring for the person when they were alive.
- They will carry out a proportionate medical records and give bereaved people the opportunity to ask questions or raise concerns (supported by Medical Examiner Officers, under delegation).

<https://www.england.nhs.uk/patient-safety/patient-safety-insight/national-medical-examiner-system/>

Medical Examiner structure

National

- National Medical Examiner

Regional

- Regional Medical Examiner

Local

- NHS Trust Medical Examiner Offices

No Attending Practitioner

- If there is no Attending Practitioner or an Attending Practitioner is not available within a reasonable time, the death must be referred to the Senior Coroner by a referring medical practitioner (not a Medical Examiner).
- All actions to identify an Attending Practitioner must first have been exhausted by the referring practitioner.
- Where the Coroner decides not to investigate, they will refer the case to a Medical Examiner to certify death by completing a Medical Examiner MCCD.

Coronial Process

- The Notification of Deaths Regulations 2019 remain in force.
- Attending Practitioners should continue to notify deaths that meet the criteria to the Coroner. There is requirement to inform the Medical Examiner that they have done this.
- The Coroner will determine what further action is appropriate.
- If the Coroner declines jurisdiction, they will advise the Attending Practitioner (not the Registrar). The Attending Practitioner will then complete the MCCD and submit it for Medical Examiner scrutiny.
- If the Coroner has jurisdiction, the Coroner will advise the Registrar post-inquest (as per the current process) and also of any investigation discontinuation.

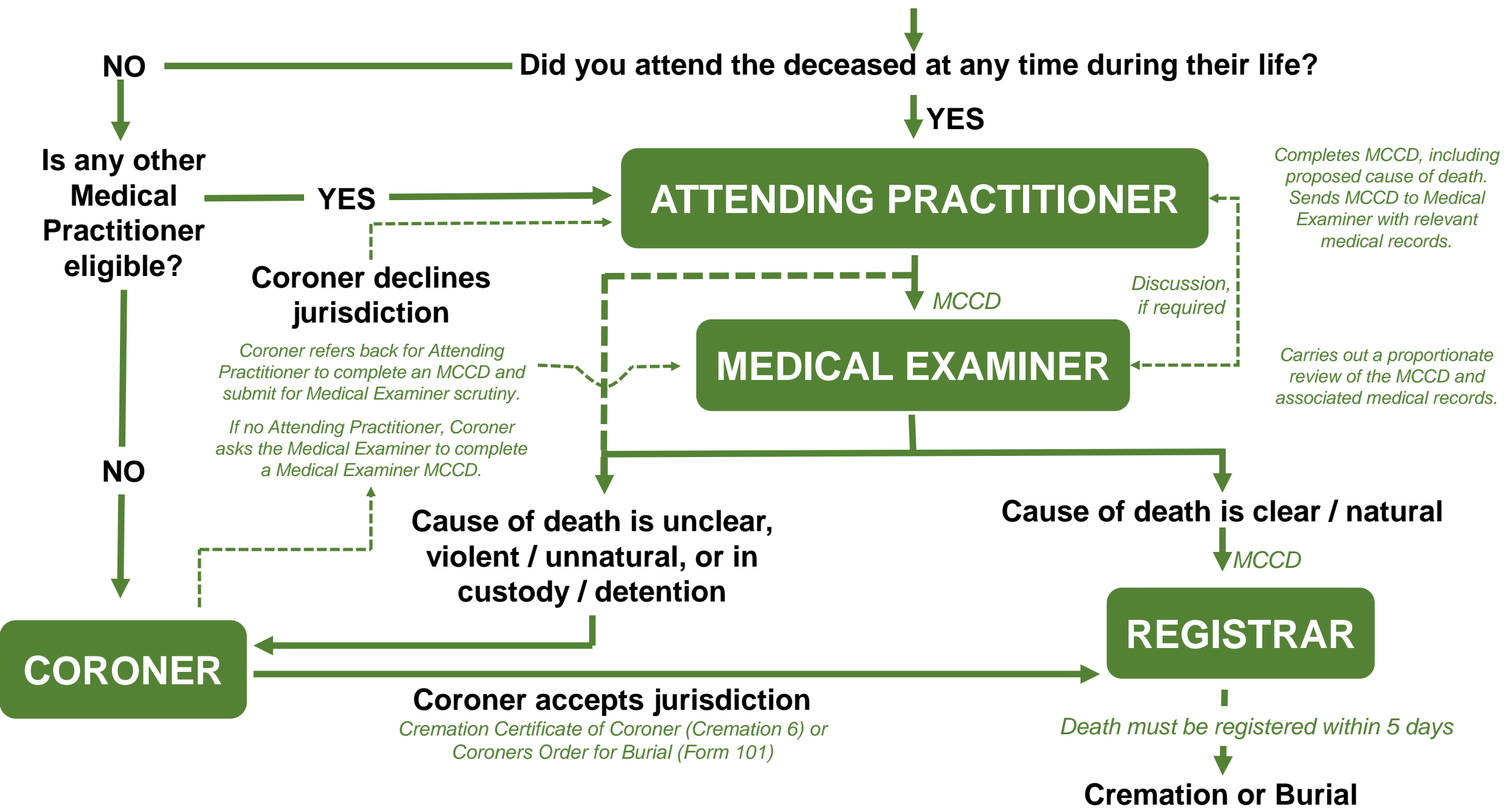
Death Registration

- Deaths will not be registered until the registrar receives notification of the cause of death from the Medical Examiner or the Coroner.
- This notification will also start the 5-day statutory time frame to register a death.
- Registrars will not be required to refer deaths to the Coroner.
- The Attending Practitioner or the Medical Examiner will determine which deaths need to be referred to the Coroner.
- Unless the Coroner is providing a certificate for registration following an inquest or a discontinued case, there will be no interaction between the Coroner and the Registrar.

Cremation & Burial

- The Medical Examiner's scrutiny will make the form Cremation 4 confirmation obsolete, and the regulatory requirement for Medical Referee scrutiny may therefore no longer be required.
- Information about medical devices and implants in the body of the deceased (which is currently on form Cremation 4) will be included in the MCCD and in the Certificate for Burial or Cremation (Green Form).
- In Coronial cases, the Coroner will continue to certify the cause of death using form Cremation 6 (Certificate of Coroner) or the Coroner's Order for Burial (for 101), which will both be amended to record information on medical devices and implants.
- Medical referees will remain in post while the statutory medical examiner system is embedded.

DEATH OCCURS





GROUP DISCUSSION