

Date

Dear Colleague,

**Re: The Confirmation or Validation of the fact of death  
Not the certification of the cause of death**

The Government has not yet responded to any of Dame Janet Smith's recommendations in the Shipman inquiry. It is unchanged that doctors are responsible, to the best of their ability, to give a certificate of the cause of death of one of their patients or refer the case to the Coroner for the area. The law has never specified who can confirm the fact of death; it does not have to be a doctor but it has usually fallen to the GP as being "the only one around", especially out-of-hours. Since GPs gave up OOH, the responsibility lies with the PCT and whoever they contract to provide it.

Some discontent and problems have arisen in Dorset since DECS has provided the OOH service, with respect to some "expected" deaths. It is almost impossible to define precisely what is an "expected" or "anticipated" death, but most GPs recognise one when they come across one. The LMC has had a meeting with the Coroners, the Coroner's Officer and DECS to try to solve these problems. It should be pointed out however that this sort of confirmation only applies where death is from apparently natural causes and does not involve foul play or accident. Anything unusual must be referred to the Coroner through the Police.

The LMC has agreed :-

During "in-hours" the GPs would be expected to be called to confirm the fact of death of their patients, or those for whom they are covering, having due regard to their care of the deceased patient and the relatives. The GP is the person best able to decide if a certificate is appropriate or if the case ought to go to the Coroner. The GP must balance his responsibility to the living and possibly, seriously ill, against the distress caused by delay in attending the death.

Out-of-Hours services have arisen due to the reluctance of the profession to be on call 24/7. This reluctance, as well as financial pressures, has led and will, increasingly, lead to a doctor-light service where doctors are only involved in cases where their skills are necessary. The Coroners in East and West Dorset are happy for confirmation of the fact of death to be undertaken by Paramedics and Emergency Care Practitioners, thus allowing the removal of the body. The West Dorset Coroner also approves of registered nurses in Nursing Homes confirming fact of death. These approvals only extend to cases where the death is "expected": whenever there is any doubt in the mind of the assessing triage doctor, or the person confirming death, the case will be referred to the Coroner, usually through the Police acting as their agent in OOH periods and will usually involve an OOH doctor or Police Surgeon. However, it is not good use of scarce doctor time to go out to confirm death when there is no suggestion of foul play or difficulty with certification; another practitioner should be sent. It is also not acceptable that families or an institution should be expected always to wait until the GP becomes available (e.g. Friday PM until Monday or Bank Holiday Tuesday AM). Therefore, we must rely on the good common sense of the confirmer of death whether the case comes within their remit and colleagues should take this into account before raising any concerns. DECS will ensure each that each death notified to them will be triaged by a doctor.

It would be helpful if doctors consider advising DECS when they are "expecting" a death and are able to certify, along the lines of advice regarding terminally ill patients, so that the service available to their other patients was optimised.

Should you have any concerns with this, please contact us at the office by either e-mail, letter or telephone.

Yours sincerely,

A.H.E. D'Arcy  
Medical Director