

4. Reporting deaths to the Procurator Fiscal

4.1 Medical practitioners must report certain deaths to the Procurator Fiscal, including:

Unnatural causes of death:

Deaths which cannot be entirely attributed to natural causes (whether the primary cause or a contributing factor) including:

- Suspicious deaths – i.e. where homicide cannot be ruled out.
- Drug-related deaths – including deaths due to adverse drug reactions.
- Accidental deaths (including those resulting from falls).
- Deaths resulting from an accident in the course of employment.
- Deaths of children from overlaying or suffocation.
- Deaths where the circumstances indicate the possibility of suicide.

Natural causes of death:

Deaths which may be due in whole or part to natural causes but occur in the following circumstances:

(a) Any death due to natural causes where the cause of death cannot be identified by a medical practitioner to the best of his or her knowledge and belief.

(b) Deaths where there is an allegation or possibility that the death was the result of neglect (including self neglect) or fault on the part of another person, body or organisation.

(c) Certain child deaths including Sudden Unexpected Death in Infancy/Childhood (SUDI / SUDIC) and any child or young person who is 'looked after' by a local authority.

(d) Deaths from notifiable industrial / infectious diseases.

(e) Certain deaths under medical or dental care:

- Deaths which are subject to complaint from nearest relatives about medical treatment which may have contributed to the death.
- Circumstances which indicate failure of a piece of equipment which may have caused or contributed to the death.
- Circumstances which are likely to be subject to an Adverse Event Review (as defined by Healthcare Improvement Scotland).
- Caused by withdrawal of life sustaining treatment or other medical treatment to a patient in a permanent vegetative state.
- Occurs in circumstances raising issues of public safety.

(f) Deaths of persons subject to compulsory treatment under mental health legislation including detention or community based compulsory treatment order.

(g) Deaths of persons subject to legal custody.

4.2 Full details are contained in guidance from the Crown Office and Procurator Fiscal Service, [Reporting Deaths to the Procurator Fiscal: Information and Guidance for Medical Practitioners](#).

- 4.3 There is **no** specific requirement to report deaths occurring within 24 hours of admission, within 24 hours of an operation or when the patient had not been seen by their GP for some time. Deaths in such circumstances would be referred to a Coroner in England & Wales, but are not reportable to the Procurator Fiscal in Scotland.
- 4.4 If in doubt about an individual case, after consulting senior medical staff, contact the Procurator Fiscal for advice **before issuing a Medical Certificate of Cause of Death (MCCD)**.
- 4.5 Reportable deaths must be notified to the Scottish Fatalities Investigation Unit of the Crown Office and Procurator Fiscal Service as soon as possible after occurrence and before any steps are taken to issue an MCCD. In normal circumstances, death reports should be made during office hours. In situations of urgency, including when the cause of death is suspicious or there is a need for the process to begin quickly (e.g. for religious, cultural, compassionate or practical reasons or to facilitate organ / tissue donation) a death report may be made outside office hours to the on-call service, contactable through Police Scotland, Tel: 101. This facility should be used in exceptional cases only where the matter cannot wait until the next working day.
- 4.6 Deaths should be reported to the Scottish Fatalities Investigation Unit team in whose area the significant event leading to the death occurred. For most deaths in NHS Lothian this will be the SFIU East team based in Edinburgh.
- 4.7 Contact details for the regional Scottish Fatalities Investigation Units:
- SFIU East Tel. 0300 020 3702
 - SFIU West Tel. 0300 020 1798
 - SFIU North Tel. 0300 020 2387
- 4.8 When a death is reported, the Procurator Fiscal will require the following information:
- Details of the reporting doctor.
 - Full name, age and date of birth of the deceased.
 - Deceased's home address.
 - Place, date and time of death.
 - GP's name, address and phone number.
 - Any religious / cultural preferences.
 - Family member(s) details: name, relationship, contact details and whether they have any special needs e.g. translation.
 - Reason for reporting the death to the PF.
 - Relevant past medical history and relevant medication.
 - Summary of main events prior to death.
 - Any special clinical questions / concerns to be addressed.
 - Whether the circumstances of the death and referral to the PF have been discussed with the family. If so, who by, when, and have the family expressed any concerns about the circumstances.
 - Whether the reporting doctor is willing to issue an MCCD.
 - Cause of death if certification being offered.
 - Presumed cause of death if certification not being offered.
 - The name of the doctor who proposes to sign any death certificate.
 - Whether it is a suspected asbestosis/mesothelioma death.

- 4.9 If the death is associated with medical care, the doctor reporting the death by telephone should also complete Form PM8 (see Appendix 1) and forward this to the Procurator Fiscal without delay.
- 4.10 The deceased person's family must be informed that the death has been (or will be) reported to the Procurator Fiscal, and given advice about what will happen next and the likely timescales involved. The [When Someone Has Died](#) pack contains basic information on the role of the Procurator Fiscal in the investigation of deaths. Further information can be found in the COPFS booklet available from their [website](#) or Bereavement Service [intranet](#).
- 4.11 The member of staff who reports the death to the Procurator Fiscal must record this in the deceased person's health records.
- 4.12 The mortuary staff / contract funeral director must be informed of all deaths reported / being reported to the Procurator Fiscal. This can be recorded on Mortuary Card DC1 that accompanies the deceased patient. The mortuary staff / contract funeral director must also be informed of the Procurator Fiscal's decision e.g. to instruct post-mortem or allow medical staff to issue the Medical Certificate of Cause of Death. Contact mortuary via phone (ext 27177) or email – LHBMortuary/Autopsy.PathologyService@nhslothian.scot.nhs.uk.
- 4.13 In cases where the causes of death might include accidents, errors, equipment failure or misuse, possible or probable suicide, etc, the area of death must be kept intact. All bedding, clothing, any relevant equipment, medical devices or other items connected to the death, and the surrounding area must be left undisturbed until the relevant authorities (police and / or Health and Safety Executive) have investigated and given permission. Note that any disturbance of relevant items in such circumstances that was not required in attempts to save life, prevent injury or otherwise remove imminent dangers, could constitute interference with a potential crime scene – a serious criminal offence.
- 4.14 Medical interventional equipment can be removed prior to transferring the deceased person to the mortuary and the Procurator Fiscal process. However it is important that the sites of insertion or attempted insertion of medical equipment are clearly and accurately recorded to enable the Procurator Fiscal to distinguish actual injuries from appropriate medical interventions. The [Medical Interventional Equipment Record Sheet](#) may be used for this purpose.
- 4.15 Further information can be found on the Crown Office and Procurator Fiscal Service website at www.copfs.gov.uk.