

DEATHS THAT MUST BE REPORTED TO THE PROCURATOR FISCAL

Extract from Reporting Deaths to the Procurator Fiscal. Information and Guidance for Medical Practitioners. (COPFS, 2014)

<http://www.copfs.gov.uk/images/Documents/Deaths/Reporting%20Deaths%20to%20the%20Procurator%20Fiscal%20-%20June%202015.pdf>

Categories of death to be reported

The following deaths must be reported to the Procurator Fiscal:

Unnatural cause of death

Any death 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 reportable under the MHRA Yellow Card Scheme
- 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 cause 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/her knowledge and belief.
- (b) Deaths as a result of neglect/fault, i.e. any death:
 - which may be related to a suggestion of neglect (including self neglect) or exposure
 - where there is an allegation or possibility of fault on the part of another person, body or organisation.
- (c) A death of a child:
 - which is a sudden, unexpected and unexplained perinatal death
 - where the body of a newborn is found
 - where the death may be categorised as a Sudden Unexpected Death in Infancy (SUDI)
 - which arises following a concealed pregnancy

Any death of a child or young person under the age of eighteen years who is 'looked after' by a local authority, including:

- a child whose name is on the Child Protection Register
- a child who is subject to a supervision requirement made by a Children's Hearing
- a child who is subject to an order, authorisation or warrant made by a Court or Children's Hearing (e.g. a child being accommodated by a local authority in foster care, kinship care, residential accommodation or secure accommodation)
- a child who is otherwise being accommodated by a local authority

(d) Deaths from notifiable industrial/infectious diseases, i.e. any death:

- due to a notifiable industrial disease or disease acquired as a consequence of the deceased's occupation in terms of column 1 of Part 1 of Schedule 3 to the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995
- which poses an acute and serious risk to public health due to either a Notifiable Infectious Disease or Organism in terms of Schedule 1 of the Public Health (Scotland) Act 2008

(e) Deaths under medical or dental care Any death:

- the circumstances of which are the subject of concern to, or complaint by, the nearest relatives of the deceased about the medical treatment given to the deceased with a suggestion that the medical treatment may have contributed to the death of the patient.
- the circumstances of which might indicate fault or neglect on the part of medical staff or where medical staff have concerns regarding the circumstances of death
- the circumstances of which indicate that the failure of a piece of equipment may have caused or contributed to the death
- the circumstances of which are likely to be subject to an Adverse Event Review (as defined by Healthcare Improvement Scotland)
- where, at any time, a death certificate has been issued and a complaint is later received by a doctor or by the Health Board, which suggests that an act or omission by Medical staff caused or contributed to the death
- caused by the withdrawal of life sustaining treatment or other medical treatment to a patient in a permanent vegetative state (whether with or without the authority of the Court of Session)
- which occurs in circumstances raising issues of public safety

(f) Any death not falling into any of the foregoing categories where the circumstances surrounding the death may cause public anxiety.

Deaths in legal custody

Any death of a person subject to legal custody. This includes (but is not restricted to) all persons:

- detained in prison
- arrested or detained in police offices
- in the course of transportation to and from prisons, police offices or otherwise beyond custodial premises e.g. a prisoner who has been admitted to hospital or a prisoner on home leave

Common misconceptions

Only deaths which fall into the categories set out above require to be reported. In circumstances where the death does not fall into one of the above categories, **the following are not reasons for rendering the death reportable:**

- That the death occurred within 24 hours (or any other timescale) of admission to hospital;
- That the death occurred within 24 hours (or any other timescale) of an operation;
- That the deceased, who had a terminal illness died earlier than expected;
- That the deceased had not been seen by a GP for some time; and
- That a consultant has instructed that the death be reported without specifying the reasons why

Crown Office and Procurator Fiscal Service (2014):

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