

H.M. Coroner  
for Leicester City and  
South Leicestershire

Mrs Catherine E. Mason  
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*Please address all correspondence to H.M. Coroner*

Our Ref: CEM/AO/15032018

15th March 2018

Mr Salim Mangera  
Office Manager  
MBCOL  
1a Moat Road  
Leicester  
LE5 5EF

Dear Salim

#### **GUIDANCE FOR MEMBERS OF MBCOL**

Following our recent meeting, please find attached my Guidance to assist members when helping a bereaved family. Please be advised that the Guidance only relates to Leicester City and South Leicestershire

I confirm that this will be available on my web-site once I have circulated it to the hospitals and GP practices within my area. I would be grateful if you could circulate to your affiliates as agreed.

Please be re-assured that the Guidance is not as a result of any problems. It is simply to consolidate and improve on the gold standard model and good working relationships we already have and enjoy in Leicester City and South Leicestershire.

I would like to take this opportunity to thank you for all of your help and support.

Yours sincerely

Mrs Catherine E. Mason  
H.M. Senior Coroner  
Leicester City and South Leicestershire

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## **Guidance for Muslim Burial Council of Leicestershire (MBCOL)**

### **Deaths not involving the Coroner**

The guidance below explains the law that governs doctors and Coroner's in England and Wales in relation to producing a Medical Certificate of Cause of Death MCCD (also often referred to as a "Death Certificate").

You will be aware that for over 20 years MBCOL has been providing out of hours burial facilities and we hope to ensure that affiliate members of MBCOL understand the relevant rules so that they are able to assist doctors issue the Death Certificate, thus allowing the burial to proceed.

It is always quicker and less complicated for a doctor to issue a Death Certificate than it is to involve the Coroner. The affiliate members have a role in ensuring that only appropriate cases are referred to the Coroner's Service.

Salim Mangera who represents MBCOL with many years experience has agreed to work with the Coroner to assist Leicester's affiliate members with any queries they may have and will provide advice on what approaches would be helpful and least problematic. His contact details can be found at the bottom of this guidance.

### **Step 1 – When Death Occurs**

On being notified of a death MBCOL should be contacted in the first instance. They will assist in determining whether or not the Coroner needs to be involved. The following will be required before you make the call:

- The correct spelling of the deceased's full name;
- The full address of the deceased;
- The date of birth of the deceased;
- Which GP practice deals with the deceased and who is the attending GP;
- When the deceased was last seen by a doctor and for what illness.

### **Step 2 – Acquiring the Death Certificate**

In England and Wales a body cannot be buried without a Burial Order, which can only be issued, once the doctor (who was treating the deceased) has provided a Death Certificate.

The doctor has an obligation to certify various particulars and most importantly a “**cause of death**”. Please note, this is a significant responsibility as doctors who have falsified "Death Certificates" under pressure have been prosecuted<sup>1</sup> and been sent to prison. Whilst it is entirely appropriate to assist doctors, it is unjust to exert undue pressure on them to provide a Death Certificate.

There are a number of conditions that must be satisfied before a doctor can issue a "Death Certificate":

The doctor has to "*have been in attendance during the deceased's last illness*". It is unimportant when they were involved, just that they have at some point attended upon the deceased for the illness that caused the death.

Problems occur where the only GP to have treated the deceased is away on holiday or a hospital doctor has gone off-shift. Unless a doctor has treated a patient in their last illness they **CANNOT** issue a Death Certificate and the Coroner **CANNOT** assist in these circumstances.

After informing the doctor of the death, you need to ask the doctor if he or she:

- "*Was involved in the treatment of ... at any time?* If the answer is "yes" then
- "*Would he or she be able to say to the best of his or her knowledge and belief what ... has died from?* The answer to this question will determine if the Coroner is to be involved.

Doctors are used to working with high probabilities and certainty, which in the field of medical diagnosis and treatment is entirely appropriate. The test applied to a Death Certificate is of a much lower order to enable doctors to issue it.

A doctor can issue a Death Certificate for a natural disease or illness running its full course, if they can state what the disease or illness was "*to the best of his/her knowledge and belief*", which is usually interpreted as "*so far as he/she is aware*".

The test is a low-level test as it relies on the existing knowledge and whether or not the doctor believes in the cause of death they're proposing. Doctors usually want to help so my officers often explain this test to the doctor during a referral and by assisting them with the appropriate test, they are more likely to be able to conclude they can issue a Death Certificate.

However, in cases where either a previously fit person who hasn't seen their GP for years, or a person with only minor complaints has suddenly died, one can understand the medical professional's difficulty in ascertaining a cause of death. In this situation, to provide a cause of death would simply be guesswork and would fall outside the "*knowledge, belief or awareness*" test set out above.

Finally, once the doctor has ascertained a cause of death and before the doctor can issue a Death Certificate the doctor will need to have either:

- a. Seen the deceased whilst alive within 14 days of the date of death (15 or 16 days will **not** be accepted by the registrar); **or**
- b. Seen the body of the deceased after death.

Where a doctor has **not** seen the deceased whilst alive within 14 days, the doctor should be asked to view the body of the deceased after death as this will be sufficient for the Registrar to complete the formalities and issue the burial documentation. Sometimes, a doctor cannot see the

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<sup>1</sup> Births and Deaths Registration Act 1953, section 37 and Perjury Act 1911 section 4 (b)

body after death as they are dealing with medical emergencies or the body has been transported miles from where they are located.

### **Step 3 - Involving the Coroner**

Doctors will be aware of deaths that they must report to the Coroner.

Once reported the Coroner can only assist with death certification in those cases where:

- The doctor has attended the deceased in their last illness, whenever this was; and
- Is able to state a cause of death; and
- The body remains within Leicester City and South Leicestershire

If the answer is “yes” to the above three questions and after speaking to the family and doctor, the doctor will decide if the Coroner is able to assist in which case, the doctor will contact the Coroner and discuss the death. If possible the doctor will complete the necessary documentation, which will be forwarded to the Registrar together with confirmation that the Coroner has no further interest in the matter

Cases that involve more complex issues are likely to require investigation by the police or a coroner's officer, as it cannot be dealt with using the above process. In such circumstances it is also unlikely the deceased has died from a natural disease process. In addition, information may be necessary from a post-mortem examination including histology and toxicology to provide accurate information as to what caused the death.

Consequently, contacting the Coroner would not achieve anything where the death was due to an accident, violence, occurred in suspicious circumstances, occurred shortly after an operation, a suspected suicide, may have been contributed to by industrial processes (dusts or chemicals), occurred in some form of detention, where the cause of death is unknown or where the family have concerns about the death. In these cases, both the Coroner and the Police are well aware of the joint requirements to deal with the death quickly and to keep the affiliate member of MBCOL informed of the likely timescales for release of the body and when the funeral can take place. This will in turn allow them to inform the family that the death cannot be dealt with until after it is been reviewed on the next working day. Additionally, where repatriation of bodies is concerned please note that there is no out of hour's service for sending bodies out of England and Wales.

Contacts:

Salim Mangera (MBCOL) – 07803 240 493 or 07833 533 490

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