



MUSLIM BURIAL COUNCIL OF LEICESTERSHIRE

RESPONSE TO



STATUTORY DUTY FOR DOCTORS AND OTHER PUBLIC PERSONNEL TO REPORT DEATHS TO THE CORONER

(A consultation produced by the Ministry of Justice)

September 2007



Muslim Burial Council of Leicestershire (MBCOL) set up in August 1994 coordinates all of the Mosques in the Leicestershire area in order to deal with religious funeral preferences and requirements of its Muslim communities. With the co-operation of all of the parties which by necessity have to be involved in the process, a successful program to meet the needs of the Muslim community was formulated.

In October 1995 MBCOL signed a historic legal agreement with Leicester City Council, the first of its kind in Europe which gave MBCOL authority to carry out burials seven days a week at the Saffron Hill Cemetery in Leicester. The organisation was awarded the Queen's Jubilee Award for Voluntary Service in July 2007, is also a Registered Charity (No: 1087143) and a Limited Company by Guarantee (No: 5406938).

MBCOL has also been involved with consultation programs with local and central governmental departments in relation to the Coroners, death registration, burial grounds, Coroner procedural reforms and other matters related to death.

MBCOL has built partnerships with many organisations including the Leicester City Council, The NHS Trust, The Coroners and Registrars offices and many other statutory authorities in order to provide the services that it does. MBCOL provides staff training in order to maintain and strengthening those partnerships. Although MBCOL's name suggests that it is a Muslim organisation it is in fact dedicated to improving services which would directly benefit and be in the best interest of all communities.

MBCOL supports research that may produce alternative methods to invasive autopsies. Following the hugely disturbing events surrounding the Alder Hays organ retention scandal, which had far reaching repercussions on hundreds of families from all sectors of the community; finding alternative methods to invasive autopsies has become an even higher priority. MRI and CT scanning may well be that system which could replace invasive autopsies in the near future. The implementation of this system, which may even reach European level, will not only act as a safeguard against scandals like the one mentioned but will also satisfy the religious requirements of the Muslim community and will meet the religious requirements of other faith communities also where post mortems are not acceptable such as the Jewish faith.

RESPONSE

Consultation on “STATUTORY DUTY FOR DOCTORS AND OTHER PUBLIC PERSONNEL TO REPORT DEATHS TO THE CORONER”

Introduction

The responses to the questions set out have been considered by the Board of Trustees of the Muslim Burial Council of Leicestershire (MBCOL) of 394 East Park Road, Leicester LE5 5HH United Kingdom. Consideration has been given to the issues by the Trustees. The responses given in this document are based on MBCOL’s own experience in the way that it has operated for the last few years. The Trustees of MBCOL recognise that the answers given in this document is not meant to be in any way final or complete. In addition it must also be noted that the responses set out in this document reflect the majority opinion held by the different schools of thought of Islamic jurisprudence.

Question 1:

Are these the right types of public service personnel who should be given a statutory requirement to report a death to a coroner?

If not, who else should be placed under this duty and why?

Are there authorities on this list who do not need to be?

Response:

The list of those personnel who should be given a statutory requirement to report deaths to the Coroner should be restricted to Prison Governors and Police Officers, adopting the New Zealand model through its Coroners Act of 2006

Question 2:

Do you believe the proposed list of reportable deaths to the coroner is workable, effective and proportionate?

Response:

We would adopt the reportable deaths in accordance with the New Zealand model with amendments to “When a person dies while under anaesthetic or during or following a medical procedure, or as a result of anaesthetic or a medical procedure” by including “any deaths resulting from defective treatment or adverse reaction to prescribed medicine” and also including “deaths relating to employment”

Question 3:

Are there any additional circumstances not mentioned in the proposed list where you believe there should be a statutory duty to report a death to the coroner?

Response:

MBCOL feel that additional circumstances not mentioned in the proposed list should cover deaths occurring abroad and particular issues affecting the Muslim community such as those people who travel to other countries on pilgrimage, religious visits and deaths abroad. For example where death has occurred as a result of honour killings. These additional circumstances would only be for British citizens.

Question 4:

Are there any circumstances where deaths are reported to the coroner unnecessarily? If yes, please specify. (Please do not mention deaths occurring outside of England and Wales in this section.)

Response:

Yes there are circumstances where deaths are reported unnecessarily to the Coroner. From MBCOL's experience these would include deaths that have occurred through a long and protracted illness and old age where time limits are arbitrary

Question 5:

Do you agree that the 14 day rule is arbitrary and unnecessary? If not, what length of time limit would you suggest?

Response:

Yes the 14day rule is arbitrary and unnecessary as it doesn't create any safeguards. MBCOL believe that it should be on a case by case basis and there should be some scope for discretion in each individual case

Question 6:

Do you believe that a deliberate or wilful failure to discharge this duty on the part of a doctor or other public service professional should be dealt with as a criminal offence as described? We would be interested to hear any reasons behind your

views.

Response:

MBCOL believes that where there is a wilful failure to discharge a statutory duty by those persons listed in the act it should be treated as a criminal offence. The reasons behind our views would be to protect the rights of the individual and to prevent possible collusion to hide a criminal death.

Question 7:

Do you agree that the most appropriate sanction is through the employer’s code of conduct and the relevant professional regulatory body? Again, we would be interested to hear any reasons behind your views.

Response:

MBCOL do not believe that sanctions through the employers code of conduct or a professional regulatory body is appropriate. MBCOL believe that it should be subject to the criminal procedures that are in place and that any investigations should be carried out by the Police and that the sanctions should be decided by the criminal courts.

Question 8:

Do you believe that these sanctions will fit with the Government’s White Paper, “Trust Assurance and Safety – The Regulation of Health Professionals in the 21st Century”? If not, please give your reasons.

Response:

Yes MBCOL believe that the sanctions as we have set out in our response to question 7 would satisfy the “Trust Assurance Safety” considerations in the Governments current White Paper.

Question 9:

Do you foresee any practical difficulties arising from the introduction of a second scrutiny of death certificates and the list of reportable deaths?

Response:

MBCOL believe that the practical difficulties of the introduction of a second scrutiny would be one of time and in terms of delay this would be a significant issue for Muslim, Jewish and other faith groups that require early burial.

Question 10

Do consultees agree with the principles which will inform a reporting system?

Response:

MBCOL generally agree with the principles of the reporting system however we have concerns in relation to any delays these principles may cause. Reducing delays is paramount for MBCOL as this is a requirement of the Islamic faith. MBCOL believe that this is not an exclusive view held by the Muslim community but is also shared by the Jewish and other faiths.

Appendix

Trustees of the Muslim Burial Council of Leicestershire:-

Suleman Nagdi MBE - Chair
Yakoob Dassu - Vice Chair
Adam Y. Sabat - Secretary
Rafique D. Patel- Treasurer
Hashim Bahadur
Zubeir Hassam
Muhammad Muneer
Mohamed Omarji
Iqbal A. Sattar

Personal message from our Chairman

I hope and pray that the responsible authorities work together to bring about a cohesive workable system that is both acceptable and sensitive to our collective and individual faith needs. The Trustees join me in extending their sincere thanks and gratitude to the assistance given by its legal advisor, Faizal Essat for his contribution and hard work.

Suleman Nagdi MBE

Chairman

September 2007

Muslim Burial Council of Leicestershire
394 East Park Road
Leicester
LE5 5HH
United Kingdom

Tel/Fax 0116 273 0141
Email: admin@mbcol.org.uk
Web Site: www.mbcol.org.uk