

## Chief Medical Officer Directorate

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NHS Board Directors of Public Health  
NHS Board Medical Directors - to cascade to all doctors including GPs  
NHS Board Primary Care Leads  
National Records of Scotland  
Police Scotland  
Death Certification Review Service  
COPFS  
NHS Board and Special Board Chairs  
NHS Board and Special Board Chief Executives  
NHS Board Directors of Nursing  
Bereavement Co-ordinators of Health Boards  
Chief Officers of Integration Joint Boards  
Local Authority Registration Managers  
British Medical Association  
General Medical Council  
Medical and Dental Defence Union of Scotland  
Medical Protection Society  
Medical Defence Union  
Academy of Medical Royal Colleges and Faculties in Scotland  
Police Care Network, NHS National Services Scotland (NSS)  
Care Inspectorate  
National Association of Funeral Directors  
The National Society Of Allied And Independent Funeral Directors  
Independent healthcare

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24 March 2020

Dear Colleague

### **Re: Guidance to Medical Practitioners for Death Certification during the COVID-19 Pandemic**

1. This communication is to provide guidance to doctors, colleagues in Police Scotland, Crown Office and Procurator Fiscal Service, and the Scottish Registration Service to help the processes for providing the Medical Certificate of Cause of Death (MCCD, or Form 11), during the COVID-19 Pandemic.

#### **Background**

2. The Scottish Government made new regulations to make COVID-19 a Notifiable Disease, which came into force on 22 February 2020. The CMO letter can be accessed through the link below.

[https://www.sehd.scot.nhs.uk/cmo/CMO\(2020\)04.pdf](https://www.sehd.scot.nhs.uk/cmo/CMO(2020)04.pdf)

3. Subsequently, the World Health Organisation (WHO) declared COVID-19 to be Pandemic on the 11 March 2020. The severity, spread in the population and duration of the

Pandemic is unpredictable at this stage. Recent experience of other countries suggest that there will be an increased number of deaths that will require to be certified.

4. In addition, due to public health reasons, there may be increased pressure for the rapid registration/burial/cremation/other processes of those who have died. The method may also be specified, if required for the protection of the public.

## Principles

5. This letter is intended to adopt uniform terminology of the disease and the virus, and support the reduction in time to provide the Medical Certificate of the Cause of Death (MCCD/Form 11) during this challenging time.

6. WHO has said that for the purposes of the International Classification of Diseases (ICD), the official name of the Disease is Coronavirus disease (COVID -19) (just as the Disease is called AIDS).

The official name of the Virus by the International Committee on Taxonomy of Viruses (ICTV) is Severe Acute Respiratory Syndrome Coronavirus 2 (SARS-CoV-2) (just as the relevant virus causing AIDS is called HIV).

Therefore, the use of the terms COVID-19 disease or SARS-CoV-2 infection in MCCD/Form 11 is acceptable.

7. As COVID-19 disease is a notifiable disease, the hazards box on the MCCD/Form 11 (DH1) as always, should be ticked.

8. 3(d) of COPFS guidance - '[Reporting deaths to the Procurator Fiscal- Information and Guidance to Medical Practitioners](#)', requires certifying doctors to report a death to the Procurator Fiscal (PF), where the individual dies of a disease or organism 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. COPFS has decided that, with immediate effect, the exception to this are deaths due to COVID-19 disease or SARS-CoV-2 infection or presumed COVID-19 disease or SARS-CoV-2 infection.

This suspension will be reviewed at the end of July 2020 and a decision will be taken at that time to either revert to the status quo or extend the suspension as appropriate.

Certifying doctors do require to report a death to the PF where a person has COVID-19 disease or presumed COVID-19 disease and the death falls under another category defined by section 3 of the guidance to medical practitioners e.g. death in prison.

The PF box in the MCCD/Form 11 should not be ticked.

9. The new guidance in Annex A 'fast-tracks' the completion of the MCCD to indicate where the cause of death is 'pandemic COVID-19 disease' or 'presumed COVID-19 disease', gives examples of situations, and outlines the circumstances that can be legitimately considered for certification. It is hoped that this combination will reduce delays in the registration of deaths from diagnosed COVID-19 disease and enable doctors to provide an MCCD/Form 11.

10. NRS are taking powers via the UK emergency bill to facilitate plans for remote registration without any face-to-face contact with the informant (usually next of kin).

Certifying doctors will also need to stop face-to-face contact and the handing over a paper MCCD/Form 11 (or the Certificate of Stillbirth/Form 6) to whoever usually collects the MCCD/Form 11 (usually the next of kin/informant). Instead the signed copy of the printed/paper MCCD/Form 11 (or the Certificate of Stillbirth/Form 6) should be scanned and e-mailed to the registration office where the next of kin/informant says they would like to register the death, as well as to the next of kin/informant themselves.

Certifying doctors are also asked to put a hard copy in the post to the registrar.

### **Action**

11. We would be grateful if you could bring this guidance to the attention of relevant colleagues in your organisations and enable the dissemination of this information to all doctors in the area as soon as possible.

12. Thank you very much for your help in this matter.

Yours sincerely

**DR CATHERINE CALDERWOOD**  
Chief Medical Officer

**PAUL LOWE**  
Registrar General and Keeper of the Records of Scotland

**DAVID HARVIE**  
Crown Agent and Chief Executive of COPFS

**DCC Malcolm Graham**  
Police Scotland

## **ANNEX A**

### **Guidance to Medical Practitioners for Death Certification during the COVID-19 Pandemic**

This guidance is intended to assist medical practitioners with their clinical responsibility for the appropriate certification of deaths during the COVID-19 Pandemic. Whilst the guidance is not all inclusive, it is intended to give medical practitioners assistance and support with their clinical responsibility for the appropriate certification of death and provision of the MCCD/Form 11.

The aim is to provide information that will assist in the certification process and to give medical practitioners the confidence to act appropriately when operating in an altered and pressurised environment. This approach to deaths during the COVID-19 Pandemic has been produced with the approval of the Directorate of the Chief Medical Officer, the Crown Office and Procurator Fiscal Service (COPFS), Police Scotland, and National Records of Scotland (NRS), with the view to assisting medical practitioners in the process of certification of death during the COVID-19 Pandemic.

During the COVID-19 Pandemic, there will be an increased number of deaths that will require to be certified. This increase may be so significant that that it will put pressure on medical practitioners and wider services as a whole. It is likely that some medical practitioners and colleagues from other services such as Police Scotland, Crown Office and Procurator Fiscal Service, forensic pathologists, funeral directors, burial and cremation authorities, local authority registrars and others, will themselves be incapacitated by COVID-19 for periods of time and this will put an even greater strain on capacity within current systems.

In addition, due to public health reasons there may be increased pressure for the rapid disposal of those who have died, as well as requirements about the type of disposal procedures that need to be followed.

## Reporting to the Procurator Fiscal

Any deaths due to COVID-19 disease are reportable to COPFS under the current 'Information and Guidance for Medical Practitioners'. [See link](#)

This is on the basis of section 3(d) of the guidance given that COVID-19 is an infectious disease that poses an acute and serious risk to public health due to it being a Notifiable Disease or Organism in terms of Schedule 1 of the Public Health (Scotland) Act 2008.

Now that a pandemic has been declared by the World Health Organisation (as of 11 March 2020), the Lord Advocate has instructed that medical practitioners do not report deaths as a result of COVID-19 disease or presumed COVID-19 disease to the Procurator Fiscal where they would otherwise require to be reported in terms of section 3(d) only. This suspension will be reviewed at the end of July 2020 and a decision will be taken at that time to either revert to the status quo or extend the suspension as appropriate.

It is important to note that where a person has COVID-19 disease or presumed COVID-19 disease but the death falls under another category defined by section 3 of the aforementioned guidance to medical practitioners, then the death must be reported to the Procurator Fiscal. This will include the following deaths:

- suspicious deaths
- drugs related deaths
- accidental deaths
- deaths as a result of an accident in the course of employment
- deaths of children from overlaying or suffocation
- deaths where the circumstances indicate the possibility of suicide
- deaths as a result of neglect/fault
- death of a child (other than where COVID-19 disease or presumed COVID-19 disease is the cause of death)
- deaths from other notifiable/infectious diseases
- deaths under medical or dental care in the circumstances defined in section 3(e)
- deaths while subject to compulsory treatment under the mental health legislation
- deaths in legal custody

It should be borne in mind by medical practitioners that their clinical responsibility for appropriate certification of death requires that they be satisfied, ***on the balance of probabilities***, as to the likely cause of death. This complies with the concept of certification, ***to the best of one's knowledge and belief***, as required by the Registrar General for Scotland and written into the MCCD/Form 11.

There are a number of situations where medical practitioners may need to consider whether a cause of death of COVID-19 disease can be certified. It is anticipated that the majority of deaths during the COVID-19 Pandemic will be readily identified as such. There may, however, be certain categories where identification of the cause of death is not straightforward:

1. There may well be deaths where there has been recent medical intervention but the medical practitioner still has some doubt as to the cause of death. In these circumstances, the medical practitioner should consider the symptoms to see whether, ***on the balance of probabilities and to the best of their knowledge and belief***, "COVID-19 Disease" is the likely cause of death. These symptoms should include a persistent cough, high temperature and shortness of breathing in adults, and in children (who may have milder symptoms).

2. There may be cases where there has been little or no recent medical intervention and the medical practitioner is short of information as to the deceased's recent state of health. In these circumstances, the medical practitioner should consider the symptoms outlined above from relatives or friends, if available, as well as looking at the wider facts and circumstances.

These wider facts and circumstances can include the fact that there is a COVID-19 Pandemic, that the COVID-19 Pandemic has struck in the locality, whether there was any evidence of medication suitable for treating the symptoms of a COVID-19 Pandemic found in or near the deceased's possessions e.g. analgesics, cough medicine, medicines to reduce the fever, etc.

3. There may also be cases where the medical practitioner finds some evidence of symptoms and/or surrounding circumstances that are compatible with, but perhaps not exclusive to, COVID-19 disease as being the cause of death. In such a case, and where there are no other indications as to the cause of death, and where there are no

suspicious circumstances, it would be considered to be clinically responsible to certify the death as “presumed COVID-19 disease”. This will be accepted as a cause of death by the local authority registrar.

4. If the practitioner is not able to satisfy himself/herself on the balance of probabilities of the likely cause of death, then the appropriate action would be to discuss the issue with the Procurator Fiscal. The Procurator Fiscal may:

- advise that a certificate can be issued with “presumed COVID-19 Disease”,
- accept the reporting of the death to them in some instances, and take over the investigation of the case with the help of Police Scotland, which may or may not involve a post mortem examination (autopsy).

The first responders at the death in the community are expected to follow the Management of Death in the Community (in hours and out of hours) implemented on the 29 February 2016. See Link below.

[www.sehd.scot.nhs.uk/cmo/CMO\(2016\)02.pdf](http://www.sehd.scot.nhs.uk/cmo/CMO(2016)02.pdf)

In Scotland, Confirmation of Death (Verification of Death/Pronouncing Life Extinct) can be undertaken by any registered healthcare professionals, trained and competent to do so.

### **The Death Certification Review Service (DCRS)**

In parallel, changes will be required to amend/suspend routine, random review of MCCDs by DCRS, when there is an adverse impact on the workload, such as a rapid increase in additional deaths due to COVID-19.

From 24 March 2020, and as an interim measure, the percentage of MCCDs selected for review by DCRS will decrease from the current 14% to 4% (3.5% for level 1 reviews and 0.5% for level 2 reviews).

In addition, legislative changes in the UK Coronavirus Bill contains a provision for the suspension of the selection and referral of MCCDs to DCRS for review. Once the Bill has received Royal Assent, Scottish Ministers will take a decision on whether to suspend the review service, and further communication will follow. If a decision to suspend the review service is made, this will mean that the MCCDs will not be randomised by NRS for scrutiny

and any MCCDs in the process of scrutiny will be completed, allowing the funeral to take place, despite the stage of the scrutiny. Any requests for Interested Person Review will be kept on hold and re-visited once the pandemic is declared to be over. Interested Persons will be informed of this action.

However, DCRS will continue to provide advice via their enquiry line on 03001231898 or [dcrs@nhs24.scot.nhs.uk](mailto:dcrs@nhs24.scot.nhs.uk) and authorise disposal of repatriations to Scotland. The Death Certification Review Service and normal guidance for death certification will recommence when the Pandemic is declared to be over following any transition period which may be required.