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GLENEAGLES  
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Dear Colleague

## MESOTHELIOMA PRO FORMA FOR REPORTING DEATHS

I am writing to you to bring to your attention changes agreed with the Crown Office and Procurator Fiscal Service (COPFS) about the challenging area of reporting of certain deaths by the doctor to the Procurator Fiscal (PF), required by legislation, including the reporting of Mesothelioma.

Several concerns have been raised over the past few years including the perceived ambiguity of the guidance to doctors by the PF, complex forms to be completed for reporting to the PF, requests for further information from notifying doctors, and the reporting of deaths which can be missed, such as Mesothelioma. These issues have caused additional workload for all concerned and, importantly, unnecessary distress to the recently bereaved families, including delays to the funeral.

### Current Situation

At present the deaths required by the COPFS, which include all sudden/unexplained and suspicious deaths, are reported by GPs and hospital doctors via a telephone call to the local Scottish Fatalities Investigation Unit (SFIU) for consideration by the PF on whether a further investigation is required by the PF, including post mortems. The SFIU then notes the details of the death and informs the doctors that they will be contacted with the PF's decision or requests for further information.

From the Chief Medical Officer  
Sir Harry Burns MPH FRCS(Glas)  
FRCP(Ed) FFPH  
Crown Agent and Chief Executive  
Catherine Dyer

#### Clinical Enquiries to:

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#### Addresses

##### For action

NHS Board Medical Directors  
NHS Board Chief Executives  
NHS Board Directors of Public Health

##### For information

Hospital Doctors  
General Practitioners  
NHS Board Chairs  
NHS Board Primary Care Leads  
BMA  
MDDUS  
MPS  
MDU  
Academy of Medical Royal Colleges and Faculties in Scotland  
COPFS  
Hospices  
Private Hospitals  
Police Scotland

#### Further Enquiries

Crown Office and Procurator Fiscal Service issues  
David Green  
Head of the Scottish Fatalities Investigation Unit (SFIU) COPFS  
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## Issues

The present system has several drawbacks.

- Doctors and police officers spend an inordinate amount of time on the telephone trying to contact the PF, provide the required information and await the PF's decision.
- This has opportunity costs in time, stress to the doctors and distress to the waiting bereaved families.
- Inconsistent reporting of certain deaths to the COPFS in Scotland, including those with a confirmed or possible diagnosis of Mesothelioma.
- Also, information required by the COPFS is not collected and reported in a consistent manner. This can lead to unnecessary distressing police interviews of the bereaved and the healthcare professionals, with ensuing delays to funerals. The present situation has therefore been unsatisfactory from all concerned - the perspective of the bereaved relatives, COPFS, doctors and police officers concerned.

## Mesothelioma Pro Forma

The issues explained above, are very relevant to the area of Mesothelioma, where sufferers can claim compensation (Industrial Injuries Disablement Benefit) if the condition has been caused by occupational exposure to asbestosis. Stringent criteria must be fulfilled in order to establish the link between occupational exposure and mesothelioma which is investigated by the PF following the notification of death.

The links below may be useful to you and your patients and their carers to seek further information about asbestos related conditions.

<http://www.nhsinform.co.uk/palliativecare/planningforthefuture/compensationclaims>

<http://www.nhs.uk/conditions/asbestosis/Pages/Introduction.aspx>

[http://www.brit-thoracic.org.uk/Portals/0/Guidelines/Malignant%20Mesothelioma/299912\\_PleuralPlaques\\_a cc.pdf](http://www.brit-thoracic.org.uk/Portals/0/Guidelines/Malignant%20Mesothelioma/299912_PleuralPlaques_a cc.pdf)

The Law Society of Scotland would be able to provide a list of solicitors who deal with compensation claims in such cases. This can be accessed through the link below.

<http://www.lawscot.org.uk/>

There are also a number of support groups who provide information and advice to asbestos sufferers and bereaved relatives including Clydeside Action on Asbestos, Clydebank Asbestos Group and Asbestos Action Tayside.

A Pro Forma described in **Annex A** has been devised to reduce distress caused to relatives when a person diagnosed with mesothelioma or suspected of having mesothelioma dies. It distils information required by the PF through a structured consistent record, and enables PF to make decisions expeditiously without always requiring a post mortem to establish the facts required for a civil case for compensation to proceed.

This not only benefits the bereaved relatives, but also the COPFS and the NHS. Importantly, it obviates the need for relatives to be interviewed by the police at a very stressful time and also reduces the medical staff and the police interview time.

## Next Steps

Scottish Government has worked with COPFS and doctors to develop and agree a more co-ordinated pathway for reporting deaths to the PF to make the process efficient and effective, and improve the experience of all concerned.

The first area is related to the provision of updated appropriate forms for notifications of deaths, to be completed and transmitted electronically to the PF at the SFIU.

Currently a death is reported to the PF via a telephone call, when the details are taken and completed by the SFIU. The PF can subsequently contact the reporting/notifying doctor, usually by telephone, if he/she requires any additional information.

In the future, the intention is for the reporting doctor to complete the information on an appropriate form and send the completed form electronically to the SFIU. Any subsequent contacts with the notifying doctor by the PF can be also undertaken electronically. The technical interface is being finalised to allow the submission of notifications and information to the PF electronically.

To support the above area, the information and guidance for medical practitioners - Death and the Procurator Fiscal, produced by COPFS in October 2008, is being updated to make it easier to understand, and to enable ease of access, ease of use such as additional explanation has been included regarding some of the categories. This guidance also needs to be computer friendly.

## Action

We request you to circulate the information about mesothelioma and promote the use of the Mesothelioma Pro Forma widely amongst medical staff who certify deaths within your NHS Board area.

When the other updated guidance, forms and processes for notification of relevant deaths to the PF are completed, all necessary steps should be taken at a local level to raise awareness of them and implement them.

Thank you very much for your support in this important area.

Yours sincerely

*Harry Burns*

*Catherine Dyer*

**HARRY BURNS**

**CATHERINE DYER**

**MESOTHELIOMA PRO FORMA– Parts 1, 2 and 3**



Mesothelioma  
Pro Forma - resd...