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MESOTHELIOMA AND THE CORONER'S ROLE

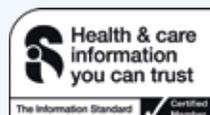
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MESOTHELIOMA UK

Supporting People With This Asbestos Cancer



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Introduction

This information booklet has been written for patients, carers and health care professionals to explain why a diagnosis of mesothelioma necessitates a referral to the coroner; how to refer a case to the coroner and to provide some information about what is likely to happen.

Why does a death from mesothelioma have to be reported to the coroner?

Mesothelioma is usually caused when someone has been exposed to asbestos. Asbestos exposure can occur in the workplace, or in some circumstances in a domestic environment; for example, during DIY or building renovation.

When a patient with mesothelioma dies, the Coroner has to conduct an investigation to establish if the death was due to an industrial

disease (mesothelioma) which is considered an unnatural cause of death. The coroner is required by law to hold an inquest into such deaths.

What is a coroner?

The coroner is an independent judicial office holder, appointed by a local authority. Coroners are usually lawyers but will be familiar with medical causes of death. In Scotland it is the procurator fiscal who carries out similar functions.

To find contact details for the coroner/procurator fiscal covering your area, visit:

England and Wales

www.coronersociety.org.uk

Northern Ireland

<https://www.courtsni.gov.uk/en-GB/Services/Coroners/Pages/default.aspx>

Scotland

www.crownoffice.gov.uk

England and Wales

A coroner investigates deaths, where the cause is unknown, unnatural, violent or if the person died in custody or another type of state detention. In such cases coroners must investigate to find out, for the benefit of bereaved people, and for official records, who has died and how, when, and where they died.

What is a coroner's officer?

The coroner's officer works under the direction of the coroner to investigate deaths. They receive reports of deaths and make enquiries on behalf of the coroner. They are the point of contact for bereaved families, liaising with them; the police, doctors, witnesses, funeral directors and other agencies. Occasionally, a uniformed police officer may perform this role.

What happens next?

When someone dies with a known or suspected diagnosis of mesothelioma, whether it is sudden or expected, regardless of where the death occurred (at home, within a hospital or hospice) the death has to be referred to the coroner.

The GP or Out of Hours doctor will be called to confirm that the patient has died and this doctor is required by law to inform the coroner without delay. If the doctor omits to do this, the Registrar of Births and Deaths should recognise the omission when the family attempts to register the death. The registrar will refer to the coroner at this point. As soon as possible after the death has been reported to the coroner, a member of the coroner's office, usually a coroner's officer will make contact with the family.

In some cases arrangements may need to be made for a post mortem examination to be conducted.

Your role

Your role in a coroner's investigation is very important and you have certain responsibilities.

You should:

- Co-operate fully with the coroner's office and promptly provide all information that is relevant to the investigation;
- Wherever possible nominate one individual as the 'next of kin' for communication with the coroner's office. This helps ensure prompt and accurate sharing of information;
- Inform the coroner's office of any change of circumstances, such as address or contact number, so you can be contacted promptly;

Why might a post-mortem examination be required?

In some cases where there has been a biopsy which confirmed the diagnosis of mesothelioma the coroner may not require a post-mortem examination to take place.

However, if there is no confirmed diagnosis then the coroner will need to make arrangements for the deceased to be taken to the local hospital so that a post mortem examination can be carried out by a consultant pathologist.

In many cases, the pathologist may need to retain tissue samples for further medical investigation to provide a definitive diagnosis. The coroner's officer will discuss this with the family as well as informing them about the inquest process and what happens next.

Will the funeral be delayed?

Once the coroner has decided an inquest is required, an inquest will be opened in the Coroner's Court. In most cases the family are not required to attend the opening of the inquest.

At the same time, the coroner will issue a document for the cremation or burial to go ahead.

Registering the death

If the coroner is opening an inquest then the death cannot be registered by the family. At the conclusion of the inquest the coroner will send a document to the Registrar of Births and Deaths to register the death. For registration purposes, the coroner will confirm all personal details with the family.

What is an inquest?

An inquest is a public court hearing. (In Scotland this is called a fatal accident inquiry). It is a full enquiry into who a person was, when, where and how they died. Where possible, it is usually held within six months of the death. However, a paper inquest can be completed in a few days.

When the coroner has heard all the evidence they come to a conclusion and legal "determination" which states who the person was, when where and how they died. The coroner also makes 'findings' to allow the cause of death to be registered. As part of the conclusion, the coroner may use one of the following terms:

- Natural causes
- Accident or misadventure
- Alcohol /drug related
- Industrial disease
- Lawful killing
- Unlawful killing
- Open
- Road Traffic Collision
- Stillbirth
- Suicide
- Or the coroner may make a brief 'narrative' conclusion.

Although it is not necessary in most cases, the family may instruct a solicitor to represent them at the inquest if they wish.

It is useful to retain copies of any documents that relate to any legal claims; list the patient's work history and possible asbestos exposure, diagnosis and treatment dates.

You may request disclosure of documents / reports that are relevant to the investigation.

The coroner's office will not make a charge for these documents before or during the inquest, but may make a charge if the request for disclosure is made after the inquest.

Support and Information

It is a distressing time for bereaved relatives and your local coroners office and health care team are able to offer you information and support.

You can also contact Mesothelioma UK on freephone 0800 169 2409 or email info@mesothelioma.uk.com where one of our team will be happy to help you.