

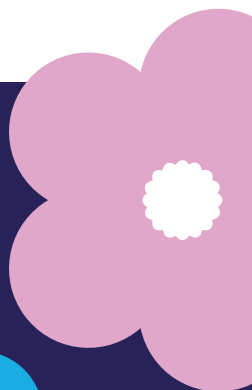
Mesothelioma and the Coroner's Role



MESOTHELIOMA UK

www.mesothelioma.uk.com

0800 169 2409



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Introduction

This information booklet has been written for patients, carers and health care professionals to explain why the coroner needs to be informed when a person dies from mesothelioma, how to inform 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, due to washing the work clothes of a family member who was exposed to asbestos, during DIY or building renovation. Sometimes it is not immediately clear how a person has come in to contact with asbestos. The source of exposure may be unusual.

When a patient with mesothelioma dies, the Coroner has to conduct an investigation because in most cases the death is not natural; it is due to exposure to asbestos at work and is therefore classed as an industrial disease. The coroner is required by law to hold an inquest into such deaths.

Who is the coroner?

The coroner is an independent judicial office holder, appointed by a local authority. Coroners are often 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

www.courtsni.gov.uk/en-GB/Services/Coroners/Pages/default.aspx

Scotland

www.crownoffice.gov.uk

The remainder of this leaflet explains the coronial process in 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 answer four questions:

1. Who has died
2. When
3. Where
4. How

Who is the 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 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 about a death from mesothelioma 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

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office 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:

- Notify the GP or out of hours doctor that the patient has died. It may be prudent to remind or inform them that the patient had mesothelioma and ask that a referral to the coroner is made.
- Co-operate fully with the coroner's office and promptly provide all information that is relevant to the investigation. If the patient has made or is in the process of making a claim, their solicitor may be able to assist by providing relevant information to the coroner such as their witness statement and employment record.
- 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 many cases the patient will have had a biopsy during their lifetime which confirmed the diagnosis of mesothelioma and therefore the coroner may not require a post-mortem examination to take place.

However, if there is no confirmed diagnosis, perhaps because the patient was too unwell to have a biopsy or because the results of the biopsy were inconclusive, then the coroner may decide that the deceased be

taken to the local hospital so that a post mortem examination can be carried out by a consultant pathologist.

It is the coroner's decision whether or not to order that a post mortem examination is carried out however sometimes the family of the deceased may be asked for their views. If the patient was in the process of making a legal claim for compensation it is advisable to contact the solicitor acting for advice about whether a post mortem examination may be needed for the legal claim.

Following the post mortem examination, the pathologist may need to

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retain tissue samples for further medical investigation to provide a definitive diagnosis. It may take several weeks for the test results to become available. The coroner's officer will discuss this with the family and once the tests have been completed, the family may be asked what they wish to do with the tissue samples. Again, if the patient was in the process of making a claim or the family are anticipating commencing a claim, advice should be sought from the solicitor acting as to whether the tissue samples should be retained.

Whilst it is unusual, if there is any dispute about

the diagnosis the tissue samples may need to be tested again so it is prudent that they are retained whilst the claim is ongoing.

Will the funeral be delayed?

If the coroner orders a post mortem examination, it will need to be undertaken first. The coroner will then 'release' the deceased to the family so funeral arrangements can be made and issue a document for the cremation or burial to go ahead. The coroner will also decide whether an inquest is necessary (see below). Whilst this may cause a short delay, it is usually only a few days.

Registering the death

The death cannot be registered by the deceased's family until the inquest is concluded. Often the inquest can be undertaken quickly, particularly if the patient had a definitive tissue biopsy during life and a post mortem examination is not necessary.

However, if a post mortem examination is undertaken it usually takes several weeks for the test results to be available and the inquest cannot be carried out until the results are available to the coroner. In that situation an interim death certificate will be prepared. 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.

When a person has died from mesothelioma the inquest is often only a formality. The coroner may decide to conduct the inquest 'on the papers' which means that the coroner will conduct the inquest without anyone

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needing to attend, although the hearing will be recorded. If the inquest is conducted like this it can be concluded quite quickly, often within a few days.

Sometimes the coroner will decide to hold a hearing and if so, the deceased's family may be invited to attend. Where possible, the hearing will be held within six months of the death. On rare occasions a family member may be asked to attend to give evidence at the hearing. This may sound daunting but is nothing to worry about. The coroner will ask questions, usually relating to the deceased's working life, exposure to asbestos

and diagnosis.

At the inquest the Coroner will make 'findings' as to the cause of death to be recorded on the death certificate and reach a 'verdict' from a specified list. Usually a verdict of 'Industrial Disease' is given. However, if occupational exposure to asbestos is not certain another verdict may be given such as 'Natural Causes' or the coroner may give a 'Narrative' verdict in which the Coroner will explain what he/she considers led to the death.

If the deceased was in the process of making a claim for compensation through a solicitor then again, the solicitor may be able to

provide advice and support regarding the inquest process.

The solicitor can also provide the coroner with documents such as the deceased's witness statement, HMRC schedule of employment and medical evidence regarding the deceased's diagnosis.

Support and Information

It is a distressing time for bereaved relatives. The coroner's officer is contactable to assist with any questions and remember to seek advice and support from the deceased's solicitor if a claim for compensation is being pursued, or take advice yourself if a solicitor was not instructed during the deceased's lifetime.

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.

Mesothelioma UK

provides specialist, impartial, up to date support and information.



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Email | info@mesothelioma.uk.com

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Website | www.mesothelioma.uk.com

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