

2

YOUR RIGHTS AND THE BODY OF YOUR RELATIVE POST MORTEM EXAMINATION

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Can I view the body?

Yes. The coroner's officer will arrange for you to view the body.

Who does the body belong to?

Because the person died in circumstances in which it is necessary to hold an inquest, the state, in the form of the coroner, has temporary control of the body and it cannot be released for the funeral without the permission/consent of the coroner.

Who should identify the body?

Any relative or friend of the deceased.

Can I prepare the body for the funeral?

The coroner will release the body to the family when all the required medical tests have been completed.

If there is a post mortem when will the body be released for the funeral?

The body will be released when the coroner is satisfied that the medical procedures necessary for determining the medical cause of death have been completed. It is difficult to give an accurate time scale but if there is a straightforward cause of death it will be completed a few days after the death. If, however, you are having a second post mortem obviously that will cause some delay. If there are body tissue tests that need to be done some families want to delay the funeral until their completion. Usually the coroner will allow the body to be released for the funeral before the test results have been received.

When can I make the funeral arrangements?

The funeral cannot take place until the coroner has agreed to release the body but it may be helpful to contact a funeral director of your choice at an early stage. He or she will be able to give you practical help with the

procedures involved. If you are in receipt of Income Support or other benefits you may be entitled to a Social Fund payment that would meet the cost of a simple funeral. You can get further details about this from your local social security office. Booklet D49 "What to do after a death in England and Wales" explains benefits procedures.

POST MORTEM EXAMINATION

What is a post mortem?

A post mortem is a medical procedure where a body is examined to find out what caused the death. It is a rare procedure and only held when the cause of death is unnatural or unknown. The procedure involves extensive cutting of the body and removal of the internal organs for examination before replacing them in the body cavity. Families should be aware that if they view a body after a post mortem there may be marks which look like bruises which will have been caused by the post mortem procedure. There can also be marks caused if there was an attempt to resuscitate the person prior to their death. It is often very distressing to see the body without this information.

When does it happen?

It is held after the death on behalf of the coroner as part of his/her investigation in establishing the cause of death.

The Coroners Rules 1984 Rule 7 stipulate that the coroner must inform the relatives of the deceased of the time and place at which the examination is to be made if the relatives have told the coroner that they wish to be informed. The relatives have the right to be represented by a medical practitioner.

In reality this very rarely happens and many families are not aware of their rights until it is too late and the post mortem has already taken place.

Where the police are investigating the death because they think a crime may have been committed and when someone has been or may be charged with causing the death, the coroner may delay giving permission to bury the body so that the lawyers acting for the accused can commission their own post mortem. This can be very distressing for the family, but the coroner has a duty to protect the rights of the accused in this way. If someone is charged with an offence and

there is to be a criminal trial there will not be a full inquest. The coroner can hold an inquest after a trial but in practice this is very rare.

Who may be present at the post mortem examination?

The following people are entitled by law to be present at the post mortem examination:

- a relative or relatives' representative, for example, a solicitor or doctor;
- a pathologist representing the family if they have instructed one early enough. In many cases this will not occur at the initial examination and the family's pathologist may hold a second examination at a later date;
- the GP of the person who has died;
- a representative from the hospital where the person died;
- a representative of the Health and Safety Executive if the death was caused by an accident or disease following the issuing of a "warning notice" as set out in the relevant legislation;
- any government department which has notified the coroner that it wishes to attend;
- the chief officer of police;
- any legally qualified doctor representing any of the above;
- any other person invited by the coroner.

Can I stop it?

Bereaved relatives do not have to give consent for a coroner's post mortem examination. If the Coroner decides a post mortem examination is necessary the only means of stopping it is by judicial review. It would be necessary to demonstrate that the coroner's decision was unreasonable, i.e. because the grounds for wanting a post mortem were in some way insubstantial. In reality the post mortem is often carried out very soon after the death and the family may be too shocked and distressed to have sought advice that quickly or they may not have been informed that it is taking place. The coroner will not release the body for the funeral until the procedures required have been carried out.

SECTION 2

Who carries out a post mortem examination?

A pathologist, who is a doctor, specialising in this particular area.

Where will it take place?

Usually in the hospital where the person died or was taken immediately after death or at the public mortuary related to the coroner's court.

Will any samples be kept?

At the post mortem examination the pathologist may need to carry out some specialist tests in order to discover the cause of death, or be asked to carry out specific examinations by the coroner. Sometimes parts of organs are kept so that the pathologist can examine the tissue under the microscope at a later date. In some cases it may be necessary to keep the whole or parts of the organs to undertake particular tests. You can ask for information about this from the coroner or pathologist. You can also discuss with the coroner delaying the funeral until the tests are completed so that the organs or tissue can be returned if you wish. Coroners are introducing new procedures and forms so that families are fully informed about the procedures and can take decisions about what they want to happen. Further information can be obtained from the Department of Health or the Home Office.

Can I see the post mortem report?

Under Rule 57 of the Coroners' Rules the relatives of the deceased may apply to the Coroner for a copy of the post mortem report. There is no right to see the report before the inquest but it is the practice of most coroners to release it. This is sometimes made more difficult when there are controversial circumstances surrounding the death. It can also take a long time for the post mortem report to be completed.

Can I have a second post mortem examination?

Yes, with the consent of the coroner. In practice this is very rarely denied. If it is

denied it can be the subject of a challenge by judicial review. If you consider having a second post mortem you must be aware of the need to have a solicitor to instruct the pathologist and also of the cost involved. It may delay the funeral. But if you are not happy with the information you have received about the cause of death and you have worries about the circumstances of the death you should consider a second post mortem. It is important to get advice on which pathologist to use. You also need to ensure that the body is properly preserved.

What is a toxicology report?

A toxicology report is a report done on blood and tissue to establish whether there were any toxic substances in the body which may have contributed to the death. The toxicology report will show up prescription drugs, illegal drugs, alcohol and any other chemical substances which the toxicologist has been instructed to test for. It will not always show prescription drugs which have been taken at a therapeutic level. You can ask for a copy of this with the post mortem report.