NEWS

Covid-19: Trust withdraws guidance that doctors need not put “covid-19” on death certificates

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An NHS hospital trust has been forced to withdraw guidance telling doctors that they need not write “covid-19” on the death certificates of patients who have died with the virus, after it was faced with legal action in the High Court.

In its “Guidance for Death Certification of Proven Covid-19 Patients During the Current Pandemic,” the unnamed trust told doctors that “pneumonia” or “community acquired pneumonia” was acceptable to list as the disease or condition leading directly to death. There was no requirement to write “Covid-19,” it advised, although this “may be mentioned, should the doctor wish” as a disease leading to the direct cause.

The Good Law Project, a non-profit organisation dedicated to holding the government to account, threatened to take the unnamed trust to the High Court unless it withdrew the guidance, informed staff that it had been withdrawn, and reviewed all death certificates issued since the guidance was put out on 3 April.

In a letter sent on 17 April the Good Law Project threatened to apply for judicial review on the grounds that the guidance was irrational, demonstrated a material error of law, and breached the European Convention on Human Rights. The letter offered not to name the trust as long as it took the actions demanded by 23 April.

On 21 April the trust agreed to the demands. It said that its medical director had emailed staff, withdrawing the document and instead directing staff to national guidance. It confirmed

that it had requested a review, which was already under way, of death certificates produced since the guidance was issued.

The Good Law Project said in a statement, “We have no way of knowing whether this faulty guidance is an isolated incident or part of a wider problem, but it is essential we find out. Those planning the UK response to this crisis need correct figures. Families need to know what happened to their loved ones. We need the trust to hold the government to account.”

The organisation is asking for signatures to a petition calling on Matt Hancock, health and social care secretary for England, to take action to ensure that all suspected deaths from covid-19 are recorded.

In its letter to the trust the Good Law Project highlighted that doctors are required to certify the cause of death “to the best of their knowledge and belief,” as NHS guidance on death certification for covid-19 cases makes clear.

And the Office for National Statistics’ guidance for doctors completing death certificates during the emergency period states, “Covid-19 is an acceptable direct or underlying cause of death for the purposes of completing the medical certificate of cause of death.”

It adds, “If you know that your patient had more than one disease or condition that was compatible with the way in which he or she died, but you cannot say which was the most likely cause of death, you should include them all on the certificate.”