Specialist course in ‘DEATH, AUTOPSY AND LAW’

Course Directors
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Introduction

Course structure
The course is divided into two modules: 4 and 5. Module 4 is a taught component and Module 5 is for the mini-project. You will complete your in-course assessment for module 4 at end of the module before the Easter break. The teaching in module 4 is a combination of lectures, seminars (with students expected to contribute to discussion constructively), small group tutorials, debates, group presentations and practical sessions.

You will be expected to attend compulsory practical sessions aimed at providing experience in areas covered by the course. These will include:
1. Attending at least one Coroners court inquest.

The practical sessions are organized in conjunction with the Coroner and the Criminal Court. As far as possible we will try to adhere to the scheduled times for these practical sessions. However, late changes in the scheduled times may occasionally be unavoidable. Unless stated otherwise, morning slots run from 09.30 to 12.30; afternoon slots from 14.00 to 17.00. Students may be required to make themselves available outside of these hours for individual supervisions, or coroner’s sessions.

Your course tutors are Dr Mike Osborn (Pathology and Autopsy) and Dr Wing May Kong (medical ethics and law). We are fortunate to have Her Majesty’s Coroner for Inner West London and other leading experts in the field as guest lecturers delivering aspects of the course.

Course requirements
A large proportion of the teaching takes the form of small group work and practical sessions. The group work requires students to actively contribute to discussions and to reflect and respond to the contribution of their fellow students. The small group work and practical sessions form an essential part of the learning process for the course which cannot be acquired through textbooks or lecture notes. In addition guest lecturers and the Westminster coroner will be delivering aspects of the course and student absenteeism may jeopardise their participation in future years. Therefore attendance for ALL parts of the course is compulsory. If exceptional circumstances mean that absence is unavoidable, the tutor and course directors should be notified at the earliest opportunity (in advance if possible). Documentary evidence may be required. Persistent unauthorised absence may lead to mark penalties being imposed.

A key aspect of this course is critical reflection and analysis of the law and coronial system in the context of death and autopsy. For this you will firstly need to acquire a sound knowledge of the law pertaining to these areas, understand the application and purpose of the law in relation to issues raised by death and autopsy and then learn to analyse how the law and coronial system perform. Through the course of this special study module you will develop the ability to bring together clinical and pathological information, ethical reasoning and legal analysis to produce a reasoned argument. This is a skill you’ll be expected to demonstrate informally in small group work and seminar sessions and through formal assessment.
There is a considerable reading and writing load associated with the course including compulsory preparatory reading prior to scheduled tutorials.

Assessment
The course is assessed through a short answer question paper and one coursework assignment, a mini-project and oral presentation (contribution to overall mark given in %). Further details of these will be given during scheduled classes.

Module 4 assessment
1. 20% - 1 hour short answer question paper (4 x 15 minute questions) covering law and pathology on the last day of module 4
2. 20% - 1000 word essay discussing one strength and one weakness of the coronial system in England informed by the practical sessions during module 4 (to be handed in with SBA paper)

Module 5 assessment
1. 40% - Research mini project
2. 20% oral presentation of mini-project

Further details regarding the mini-project and oral presentation are provided under the teaching schedule below.

Reading list and viewings
Most of the readings required for this course will be provided in electronic format on the course Virtual Learning Environment (WebCT) or as photocopies. However, you will need to study some texts in detail and it is recommended that you purchase the recommended books.

Feedback on the course
We care passionately about the course and are constantly striving to improve it, and make it as useful and interesting to students as possible. We value your comments, suggestions and feedback. While there are some aspects that are out of our control (such as the allocation process and the room bookings), we would like to hear from you if there are things we can improve (such as the course structure, the topics covered, the instructions for assignments, or the range in teaching approaches). Feedback informally in class or by meeting with one of us is helpful and allows us to address problems as they arise. It is also very useful if you fill out SOLE for the course.

Class schedule

Module 4 – Topics covered
The order of teaching these modules will be finalized in early February when the timetable will be released on Blackboard

1: Introduction to Autopsy and the Law, Forensic pathology and the Mental Health Act

This section will explain the framework within which autopsy pathology is conducted in the UK; provide an overview of the legal structure in England and an introduction to legal reasoning and analysis including approaching primary and secondary legal sources

Teaching will cover, how and why a post mortem is conducted, what the post mortem can and cannot reveal and an introduction to the Human Tissue Act and its impact on post mortems, research and public health. There will be an exploration of the purpose and function of the coroner and the coroner’s court, the Coroner’s Act, the relationship of the
Coroner's court with the civil and criminal courts and analysis of the impact of the coroner's verdict on healthcare organisations/institutions

The second half of the week will examine the Mental Health Act focussing on protection of the individual v protection of third parties v the autonomy rights of the individual and the approach to sociopathic personality disorders under the MHA.

Aims
- Provide practical information about the course structure
- Explain what an autopsy consists of and how one is conducted
- Explain the different types of autopsy and the differences between them
- Explain what each type of post mortem can and cannot reveal
- Define a “suspicious death”.
- Explain the features of a history, autopsy and ancillary investigations which suggest a death may be suspicious.
- Introduce the concept of specialist evidence such as DNA
- Explain the role of the Coroner and what cases must be reported to him
- Explain how the Coronial system works and the range of verdicts open to the Coroner
- Provide an overview of the legal structure and development of the law in England
- Provide an introduction to jurisprudence
- Outline the basic tenets of the Human Tissue and Mental Health Acts and their role in current society
- Consider the key arguments around balancing the autonomy of the individual and the protection of the individual and the public from harm.
- Provide a practical demonstration of how to search legal databases and regal law reports

Learning outcomes
By the end of this section the student should be able to:
- Explain the role and responsibilities of the Coroner
- Recognise the situations in which cases should be referred to the coroner
- Explain what an autopsy entails and how a Coronial and consented hospital autopsy differ in terms of the need for consent and entitlement to take and retain material
- Define what constitutes a “suspicious death” and describe how to differentiate such a death from a non-suspicious death through history, autopsy or ancillary investigations.
- Explain the basic principles of and problems with the Human Tissue Act as it relates to autopsy
- Describe the legal structure in England
- Outline the development of law in England
- Discuss the contribution of morality, justice and politics in the development of law in England
- Explain the basic role, functions and difficulties with the Mental Health Act
- Search for primary and secondary sources of legal information

2: Human Rights and Assisted suicide:

This section will examine the legal and ethical issues raised by assisted suicide, resource allocation and requests for life sustaining treatment in England and consider the legal position in other legal jurisdictions in the USA and Europe. There will be an overview of the Human Rights Act and case law in assisted suicide. The law on assisted suicide/euthanasia
in other countries - Oregon, Holland, Switzerland and its societal impact will be considered and used to inform the ethical analysis of assisted suicide and euthanasia.

**Aims**

- Discuss the historical and ethical background to the Human Rights Act.
- Explain the key functions of the Human Rights Act
- Review the law and its application in England and Wales relating to assisted suicide, euthanasia and refusal and request of life sustaining treatment and compare this with the legal position in other legal jurisdictions in the USA and Europe
- Facilitate debate on the current legal position in England and Wales on assisted suicide and euthanasia with reference to recent legal cases
- Facilitate discussion on the role of the law in safeguarding the liberty of the individual whilst protecting the public and individual from harm

**Learning Outcomes**

By the end of this section the student should be able to:

- Discuss the historical and ethical background to the Human Rights Act
- Describe the key functions of the Human Rights Act and their relevance to assisted suicide, euthanasia
- Discuss and analyse the current legal position in England and Wales on assisted suicide and euthanasia
- Respond appropriately to patient/relative led discussions on assisted suicide and euthanasia
- Discuss the legal tension between safeguarding the liberty of the individual and protecting others and the individual from harm.
- Explain how the law varies in regard to these issues between England and other countries.
- Discuss the legal and ethical aspects of topics such as resource allocation and life sustaining treatment.

**3: Death due to Natural Causes, Alcohol, Drugs and Neglect:**

This section will detail the common causes of “natural” and “accidental” death in the UK including deaths associated with drugs and alcohol and those following medical treatment. The law concerning negligence will be reviewed together with concepts such as group action and corporate manslaughter and the role of autopsy in determining legal causality will be discussed. The public health and societal impact of substance of abuse will be explored and used to inform a discussion of the role of public policy and science in guiding legislation in this area. This discussion will be supported by an introduction to political philosophy and the remits and limits of a just society

**Aims**

- Explain the common causes of sudden unexpected but non suspicious death in adults in the community in the UK, including deaths occurring soon after admission to hospital but which are unrelated to treatment and which are due to pathologies originating outside hospital.
- Explain the patterns and mechanisms of injury associated with non-suspicious accidental trauma most commonly seen in the UK.
- Explain the role of illicit drug and alcohol intoxication in unexpected but non suspicious deaths in the community.
- Facilitate discussion as to autonomy versus paternalism regarding issues such as drugs and alcohol
• Explain the role of toxicology is helping to assess the causes of sudden unexpected death in the community.
• Explain the role of autopsy and pathology in determining the cause of death in deaths following or associated with medical treatment.
• Discuss the role and limits of the law in improving standards of care in medical treatment.
• Explain the role of autopsy and pathology in determining the cause of death associated with medical care.
• Explain the legal concept of negligence and neglect including the concepts of group action and corporate manslaughter.

Learning outcomes
By the end of this section the student should be able to:
• Describe the common causes of sudden unexpected but non suspicious death in the community of the UK, including deaths associated with pathologies originating outside hospital but which occur soon after admission and which are unrelated to treatment.
• Explain the role drugs and alcohol play in accidental death in the UK.
• Discuss the ethical and legal arguments for and against legislation concerning substances of abuse with reference to relevant societal and clinical factors.
• Describe the role and limits of toxicology in defining the cause of death.
• Describe the key requirements for a demonstration of negligence in a Court of Law.
• Discuss the strengths and weaknesses of the legal approach to negligence, neglect and corporate manslaughter in England in relation to protecting peoples’ rights.
• Describe role and discuss the limits of autopsy and pathology in determining the cause of death in deaths following or associated with medical care.

4: Suspicious death, brainstem death and organ donation:

This section will deal with deaths associated with fire, drowning, vehicles and trauma and will examine how autopsy has led to advances in public health and clinical management and changes in legislation. Death as a biological, religious, cultural and philosophical concept will be explored over weeks 4 and 5. The clinical features of brainstem death, the persistent vegetative state (PVS) and the minimally aware state will be reviewed to provide the necessary background for consideration of the ethical and legal issue raised by these diagnoses. The ethical and legal issues around cadaveric organ donation will be explored focusing on consent, fetal and neonatal donors and elective ventilation.

Aims
• Explain the features of deaths associated with fire.
• Explain the features of deaths associated with immersion in water/liquid.
• Explain the features of vehicle related deaths.
• Explain the features of deaths associated with trauma.
• Explain the pathological and clinical features of brainstem death and the persistent vegetative state (PVS).
• Facilitate discussion on the ethical and legal aspects of brainstem death and PVS.
• Discuss the ethical and legal issues raised by cadaveric organ donation.

Learning outcomes
By the end of this section the student should be able to:
• Describe the autopsy features seen in fire, immersion, vehicle and major trauma related deaths.
Discuss the pathological and clinical features of brainstem death and the persistent vegetative state (PVS).
Discuss the ethical and legal aspects of brainstem death and PVS
Describe the legal requirement for cadaveric organ donation in the UK and how this process is facilitated
Discuss the ethical and legal arguments around elective ventilation, fetal and neonatal donors and consent relevant to cadaveric organ donation in the UK

5: Mass disaster, the dead body and death at the beginning of life:
The importance and challenges of autopsy following mass disasters will be discussed. The pathological, clinical, sociological and psychological aspects of mass disasters will be reviewed leading onto a consideration of cultural and religious perspectives on death and autopsy. Clinical and pathological features of child abuse will be covered together with key aspects of child protection. The challenges to implementing effective child protection will be discussed. The key functions of the Abortion Act and Human Fertilisation and Embryology Act relating to termination for disability and pre-implantation genetic diagnosis will be examined and the ethical and legal issues around antenatal screening and 'wrongful' birth considered.

Aims
- Explain how the dead are managed following a mass disaster or terrorist incident.
- Explain the role of the autopsy in a mass disaster or terrorist incident.
- Discuss how different cultures, religions and social groups view death and the autopsy
- Explain the key functions of the Abortion Act and Human Fertilisation and Embryology Act
- Discuss the ethical and legal issues around pre-implantation diagnosis and antenatal screening
- Explain the features of deaths associated with child abuse and cot death
- Explain the key functions of Child Protection in England
- Discuss the changing views of society toward child abuse and areas such as cot death
- Discuss the challenges to effective child protection policy

Learning outcomes
By the end of this section the student should be able to:
- Discuss how different cultures, religions and social groups view death and the autopsy
- Outline the key functions of the Abortion and Human Fertilisation and Embryology Act and how they would be applied in practice
- Discuss the ethical and legal issues around pre-implantation diagnosis and antenatal screening
- Describe and recognise the pathological features associated with non-accidental death and non-accidental injury in children
- Describe the initial approach to suspected child abuse and discuss the challenges to effective child protection in England.
- Discuss the changing views of society toward child abuse and areas such as cot death

Module 5 – Mini-Project weeks 6-10
The mini-project gives the student the opportunity to undertake original research on primary sources and to develop skills independently under supervision.
- The project should be between 3000 & 3500 words.
• The project must be related to a teaching area from the taught part of the course
• The research project may derive from:
  o Core lectures and readings
  o Suggestions from teaching staff
  o A topic of personal interest

The pathology or law should be relevant to England but may include a comparison with other legal jurisdictions:
• You will be introduced to the aims and methods of the mini-project at a workshop in the first week of module 4. You will then be asked to fill in a form, identifying a research topic / area of interest / sources you would like to use. We will use these forms to assign your project supervisor
• Supervision of the research project will take the form of a combination of individual supervisions and small group tutorials, usually once a week. The first will be scheduled for the beginning of week 6 at the start of module 5 after the Easter break.
• During the week prior to deadline, you can ask your supervisor to read and pass comment on one draft of the project.
• Oral presentations will take place in the week following the submission of the mini-project, in May.