

Crown Office and Procurator Fiscal Service submission of 5 October 2023

PE1911/QQ: Review of Human Tissue (Scotland) Act 2006 as it relates to post mortems

Thank you for your letter of 27 September in relation to the above and the further information sought by the Committee following its meeting on 6 September.

As I said in my previous letter, COPFS is the client and the recipient of forensic pathology services in Scotland to allow and Procurators Fiscal to discharge their deaths investigation duties on behalf of the Lord Advocate. COPFS would support any improvements to the death investigation process that would minimise the distress caused to families without affecting the thoroughness of the investigation, including the confirmation of a cause of death. However, it is primarily a matter for medical experts rather to comment or offer evidence on any proposed changes.

I can confirm that COPFS regularly meets with the current pathology providers and the potential future use of CT scanners has, from time to time, formed part of those discussions.

Recent discussions with the pathology providers have included the benefits and possible difficulties with the suggestion of the use of CT scanners as an alternative to invasive post mortem examinations. However, it is respectfully suggested that it would be more appropriate for the Committee to take evidence directly from pathologists, as the medical experts, on these aspects. It is noted that, following the discussions on 6 September, that the Committee intends to write to the Royal College of pathologists and obtain its views on the use of scanning and we would welcome that approach.

On the service redesign process, the Committee may have noted the recent publication of the Annual Report 2022-2023 of the HM Inspectorate of Prosecution in Scotland. The Report helpfully sets out the background to current redesign and the preferred model for a national forensic pathology service. The Inspector notes that COPFS have carried out extensive work over many years in an effort to address

its issues with pathology services, but has been limited by issues including the fact that securing new arrangements for forensic pathology services is not entirely within our control.

The Inspector further remarks that the case for reforming arrangements for pathology services is evident, but that such reform also requires the input of others such as pathologists themselves, the NHS and the Scottish Government.

I hope this information is of assistance to the Committee.