Management of Hospital Post-mortem Examinations: Draft Standards
Response from the Scottish Council of Jewish Communities

The Scottish Council of Jewish Communities (SCoJeC) is the representative body of all the Jewish communities in Scotland. SCoJeC advances public understanding about the Jewish religion, culture and community, by providing information and assistance to educational, health, and welfare organisations, representing the Jewish community in Scotland to Government and other statutory and official bodies, and liaising with Ministers, MSPs, Churches, Trades Unions, and others on matters affecting the Jewish community. SCoJeC also provides a support network for the smaller communities and for individuals and families who live outwith any Jewish community or are not connected with any Jewish communities, and assists organisations within the Scottish Jewish community to comply with various regulatory requirements. SCoJeC also promotes dialogue and understanding between the Jewish community and other communities in Scotland, and works in partnership with other organisations and stakeholders to promote equality, good relations, and understanding among community groups.

The Jewish Community in Scotland

The majority of the Jewish community in Scotland is affiliated to Orthodox Judaism, which has four synagogues in Glasgow, and one in each of Edinburgh, and Aberdeen. In addition there is a Reform Synagogue in Glasgow, a Liberal Jewish community in Edinburgh, and an unaffiliated Synagogue in Dundee. There are also several welfare organisations, including organisations providing care services to people with chronic, life-shortening, and terminal illnesses or conditions.

In preparing this response we have consulted widely among members of the Scottish Jewish community.

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We welcome Healthcare Improvement Scotland’s commitment to equality and diversity, particularly that “The deceased, and people who have been bereaved, are treated with sensitivity and dignity, and their personal, spiritual, cultural values beliefs and wishes are respected.” (3.1).

Jewish Law regards the human body – including all body parts and tissue – as sacrosanct, and requires that it should always be treated with dignity. Once death has occurred, tradition requires there should be as little interference with the body as possible. Ideally, it should not be left unattended, and burial should take place as early as possible, preferably before sunset on the day death occurred. Although funerals are sometimes delayed to enable distant family to attend or because access to the cemetery is not possible, in most cases, delay or procedures such as a post-
mortem examination are likely to be particularly distressing to the family of the deceased. In addition, the shiva (initial period of mourning) cannot begin until after the burial has taken place, and consequently any postponement will delay the grieving process and inevitably cause great psychological distress to the bereaved. Liberal Judaism, however, tends to place less emphasis on delay generally, and on the avoidance of post-mortem examinations in particular, and also permits cremation.

**Authorisation**

We welcome the requirement for “discussion about the deceased’s wishes and preferences” (2.1) but are concerned by the possibility that strongly held religious beliefs against post-mortem examination may be set aside if the “authorising individual” holds a contrary view. We therefore commend the proposed training about “spiritual and cultural issues” (6.1), so that staff will, for example, be aware that it is unlikely that an observant Jewish person would accept an invasive post-mortem, and so has the option of asking for guidance from an appropriate religious authority if a post-mortem is being urged by the next of kin.

**Timescales**

Hospital post-mortems on Jewish patients only take place in a tiny minority of cases, when there are overriding questions to which the bereaved family is seeking an answer, and in those cases when a post-mortem has been agreed, it should be carried out without delay. Three days is a long time for those bereaved families for whom a funeral within 24 hours would be the expectation, and we therefore recommend that 4.6 should be revised to state that:

“A post-mortem examination should be carried out as soon as possible, especially when the deceased is from a community that requires early burial, but in any case, not longer than 3 working days after receipt of the authorisation form.”

Furthermore, the body should be released immediately after the main part of the post-mortem has been completed, before tissue analysis and a report of the findings, since this will minimise the delay to burial.

**Disposal of retained organs**

We are concerned that the wishes of the bereaved family in relation to disposal of retained organs will only be “taken into account”. (Standard 5, Rationale). The wishes of the deceased and his or her family should be paramount. 5.5 should, therefore be revised to state:

“The wishes of the deceased and people who have been bereaved should be respected in relation to all aspects of the hospital post-mortem examination and disposal. Both wishes and compliance, should be fully documented.”

**Training**

It is, of course, essential that all training materials are accurate and up to date, and drafts should therefore always be referred to authoritative sources in the relevant community for checking. When this does not take place individuals’ mistaken or even prejudiced opinions may be incorporated, and we are aware of a number of cases in
which this has resulted in information about Judaism being presented as authoritative that is fact bears no relation to the reality.

Support

We agree with the importance of providing “information or signposting to bereavement, spiritual and cultural support” (3.2), and emphasise that up-to-date contact details of communities and appropriate organisations should be available in all hospitals. We have not infrequently been contacted by staff who tell us they “had to look on the internet to find a number for the Jewish community because there aren’t any Jewish people in this area so it’s not listed in the book”. The census shows that there are Jewish people living in every Health Board area, as well as large numbers of tourists and others travelling on main transportation routes, and we therefore urge that contact details for the Jewish community should be made available to staff throughout Scotland.¹

¹ The Scottish Council of Jewish Communities acts as secretariat to the Jewish chaplaincy service, and facilitates contact with all branches of Judaism in Scotland as appropriate. In case of emergency we can be contacted out-of-hours at the phone number below. Although our office is not manned on the Jewish Sabbath (sunset on Friday evening until nightfall on Saturday) and Festivals, urgent voicemail messages will be returned shortly after the Sabbath or Festival has ended. Tel: 0141 638 6411; e-mail: scojec@scojec.org