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Guidance for Families Attending Inquests

Personal Legal Services

What is an inquest?

An inquest is a public hearing held by a Coroner following a death.

The purpose of the inquest is to answer four questions:

- Who has died;
- When they died;
- Where they died; and
- How they died.

When is a death reported to the Coroner?

The Coroner becomes involved when someone dies in a violent or unnatural manner or where there is a sudden death of which the cause is unknown.

A death is usually reported to the Coroner by the police or by a doctor. Once the death has been reported, the Coroner will decide whether an inquest is required.

Whenever a death is reported to the Coroner, the Registrar of Births, Deaths and Marriages must wait for the Coroner to finish any enquiries before the death can be registered.

The Coroner will issue an interim death certificate which will enable the funeral to be held, allow family members to notify organisations such as banks of the death and apply for Probate. However, a final death certificate will not be issued until the inquest has concluded.

What is a Post Mortem?

Before the inquest is held a post mortem will usually be performed to assist the Coroner in determining the medical cause of death. The Coroner must take into account the wishes of the family when considering whether a post mortem is required. A pathologist will carry out the post mortem. If you are unhappy about the results of the post mortem, you have the right to request a second post mortem at your own expense. Toxicology testing may also be carried out.

When and where will the inquest be held?

In most circumstances the inquest will be opened soon after the death for the formal business of recording the person's identity. After that, the length of time before the full hearing will depend on the extent of further investigations that are required. Sometimes the inquest will take place within a few months of the death. Other times it may be a number of years after the death before the inquest is held. Coroners are now under a duty to hold inquests where possible within 6 months of being notified of the death and must notify the Chief Coroner if an inquest has not concluded within 12 months.

Some cities have specific Coroners' Courts in which inquests are held. In smaller towns and cities an inquest may be held in the Magistrates' Court or possibly in a room in the town hall.

Will I be able to see the evidence before the inquest?

The Coroner will decide which evidence will be obtained. However legal representatives can assist with this process and ensure that appropriate investigations and reports are commissioned. The Coroner is then obliged to disclose relevant evidence to the family before the inquest.

Will there be a jury?

Most inquests are held without a jury. Occasionally, however, a jury will be needed. This will be the case if your relative died a violent or unnatural death or where the cause of death was unknown in custody or State detention, following an act or omission from a police officer or staff member or if their death occurred whilst they were at work. State detention includes being detained under the Mental Health Act 1983 and arguably, under Deprivation of Liberty Safeguards. There may also be a jury if the Coroner feels it would be helpful or in the public interest.

If a jury is called, it is the jury, not the Coroner, who return the conclusion.

What is an Article 2 inquest?

Article 2 of the European Convention on Human Rights is the right to life. An Article 2 inquest will be engaged where it is suspected that the State has caused, contributed to or failed to prevent the death.

Examples of Article 2 inquests include where individuals have died in prison, whilst detained in a psychiatric hospital or as a result of the use of lethal force by a police officer.

An Article 2 inquest is similar to any other inquest, in that the Coroner or jury must enquire into four main questions – who the deceased was and where, when and how did the death occur. However, an Article 2 inquest is a wider reaching enquiry in which the Coroner or jury must consider not only “how” the death occurred but also “in what circumstances”.

What is a Pre-Inquest Review (PIR)?

A PIR is a preliminary hearing in preparation for an inquest to ensure that it runs as smoothly as possible. The PIR is primarily for ‘housekeeping’ matters e.g. which witnesses will give evidence, what evidence will be disclosed, whether there will be a jury, whether Article 2 applies, how long the inquest will last and when it will be held.

In some cases there may not be a PIR at all but in other cases it may be beneficial to hold several PIRs before the inquest takes place.

What will happen at the inquest?

The Coroner will begin the inquest and if there is a jury then its members will be required to take an oath. The Coroner will explain to them what their duties are. The Coroner will also usually explain that the inquest is not held to establish any criminal or civil liability and that it cannot blame individuals or organisations for the death.

The Coroner will then call each witness to give their evidence. Sometimes witnesses will not actually attend the inquest, but their written statement or report will be read out by the Coroner.

There is likely to be a short break mid-morning and another mid-afternoon together with a longer break for lunchtime. Aside from these breaks, you can leave when you want and come back whenever you like. Some Coroners will mention in open court when post-mortem or other distressing evidence is coming up to allow you the opportunity to leave if you want to.

After all the witnesses have been questioned and written evidence read out, the Coroner sums up the evidence. After the summing up, the Coroner or jury will give their conclusion.

What should I do if I am called as a witness?

If family members are giving evidence they will usually do so first.

The Coroner and any legal representatives should treat witnesses, especially the bereaved, with care and respect.

The Coroner’s officer will take each witness to the witness box and will ask them to swear an oath on their religious book or to affirm.

You will be asked questions by the Coroner and then by the other parties (either themselves or through their legal representatives). When answering questions you should direct your response to the Coroner and should call the Coroner either Sir, Ma’am or Madam.

What are the possible outcomes?

Once all of the evidence has been heard the Coroner or jury will give a conclusion.

Possible conclusions include: natural causes, accidental death, suicide, unlawful or lawful killing, neglect, industrial disease and open conclusions (where there is insufficient evidence for any other conclusions). The Coroner or jury may also deliver a ‘narrative’ conclusion which is a sentence or short paragraph setting out the facts surrounding the death in more detail.

The Coroner has a duty to act if it appears there is a risk of other deaths occurring in similar circumstances. In this situation, the Coroner will prepare a 'Regulation 28 Report' or 'Report to Prevent Future Deaths' which is sent to the people or organisations who are in a position to take action to reduce this risk. They then must reply to the Coroner within 56 days to say what action they plan to take.

The names of the people and organisations receiving the report (but no details about your loved one) are posted on the Chief Coroner's website, so it becomes a matter of public record that they have had to answer a report.

When the inquest has finished the Coroner and jury (if there is one) sign a form which records the findings of the inquest and documents the answers to the questions: who the person was, where they died, when they died, and how. You should be provided with a copy of this form.

At the conclusion of the inquest the Coroner forwards information to the Registrar of Births and Deaths to allow the death to be registered. You can then obtain death certificates from the Registrar.

Media

As an inquest is a public hearing, the press may attend and report on what has happened. You cannot stop the press from writing about the hearing, but they do have a code of ethics and should be sensitive to grieving families.

Legal Advice

Irwin Mitchell is regularly instructed by families where a loved one has died, either as a result of an accident, injury at work, industrial related disease, after contact with the police, during state detention or through medical treatment. We are able to assist in the preparation for an inquest and at the inquest itself.

Useful organisations

CRUSE Bereavement Care

CRUSE is a leading charity specialising in bereavement care, supporting those after the death of someone close.

Central office address:
Cruse Bereavement Care
PO Box 800
Richmond
Surrey
TW9 1RG

T: 0844 477 9400

E: helpline@cruse.org.uk

W: www.cruisebereavementcare.org.uk

Childhood Bereavement Network

The Childhood Bereavement Network works in partnership with service providers to improve the range and quality of bereavement support for children throughout the UK.

Head office address:
8 Wakley Street
London
EC1V 7QE

T: 02078 436 309

E: cbn@ncb.org.uk

W: www.childhoodbereavementnetwork.org.uk

Mind

Mind is a national charity providing advice and support to empower anyone experiencing a mental health problem. They campaign to improve services, raise awareness and promote understanding.

National office address:
Mind
15-19 Broadway
Stratford
London
E15 4BQ

T: 020 8519 2122

E: supporterservices@mind.org.uk

W: <http://www.mind.org.uk/>

INQUEST

INQUEST is a small charity providing free advice to people bereaved by a death in custody and detention and is entirely independent of government.

Office address:
3rd Floor
89-93 Fonthill Road
London
N4 3JH

T: 020 7263 1111

W: www.inquest.org.uk

Survivors of Bereavement by Suicide

Survivors of Bereavement by Suicide exist to meet the needs and break the isolation experienced by people over 18 who have been bereaved by suicide.

National office address:
Survivors of Bereavement by Suicide
National Office
Flamsteed Centre
Albert Street
Ilkeston
Derbyshire
DE7 5GU

T: 0115 944 1117

E: sobs.admin@care4free.net

W: www.uk-sobs.org.uk

Winston's Wish

Winston's Wish is a national organisation helping bereaved children and young people rebuild their lives after a family death.

Head office address:
3rd Floor
Cheltenham House
Clarence Street
Cheltenham
GL50 3JR

T: 08452 03 04 05

E: info@winstonswish.org.uk

W: www.winstonswish.org.uk

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