



Guide

Inquests: what to expect



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An inquest is an investigation led by a coroner to find out how someone died. An inquest is held where a death was sudden, unexpected, the cause is unknown or where someone has died whilst in the State's care. During the inquest process the coroner will establish the answers to 4 questions: who died, where they died, when they died and how they died. It's usually the 'how' which is the key focus of an inquest.

An inquest is a fact-finding inquiry. It is not like a civil or criminal trial and the coroner is not allowed to determine issues of civil or criminal liability. The coroner has wide discretion as to how they manage the case and each coroner has their own approach to collecting evidence and running the inquest hearing. Except for the most straightforward of cases, the coroner's investigation takes place over many months, but it can take longer in more complicated cases or where a particular court has a large backlog.

Often the inquest process is useful as a way of gathering evidence about a potential negligence claim, but it is important to recognise that an inquest is a separate and different legal process and therefore the outcome in an inquest does not in itself determine whether a claim would be successful.

Specialist legal representation

It can be helpful to get legal advice at all stages of the inquest process and it is never too early or late to contact a legal representative to see if they can help you. As legal representatives, we liaise with the court on your behalf and explain each step of the process to you. We analyse evidence from the court, advise on what further evidence should be requested, and prepare legal submissions for the coroner.

Legal representatives are also with you in the court hearings and ask questions or make legal submissions on your behalf so you have the benefit of a specialist working alongside you to obtain answers about your loved one's death.

Interested person status

An Interested Person (IP) is a person or organisation who has the right to actively participate in the inquest proceedings. This includes the family of the person who has died but also any person or organisation involved in the circumstances of the death, such as a hospital or prison. The key rights of IPs include:

- being told by the coroner about key findings of the post mortem or toxicology analysis;
- being provided with copies of documents which the coroner considers relevant to the inquest (known as disclosure);
- making submissions to the coroner about major decisions during the inquest process;
- questioning witnesses at the inquest hearing.

The post mortem

At the outset of their investigation the coroner will usually arrange for a post mortem examination, sometimes called an autopsy, to be performed by a pathologist. Following their examination, the pathologist prepares a report of their findings as to the medical cause of death.


At this stage, the coroner may close the investigation if they feel the death has been adequately explained and no further evidence is required. If the coroner believes the investigation should continue then they will consider what other evidence may assist them in answering the 4 questions.

"For us the win was really the outcome of the inquest and all the work that you and our barrister put into this was greatly appreciated by our family. Having you there was a huge comfort for me and I felt that we did the utmost for my mother. I can't ever thank you enough for this."

Pre-inquest review hearings

There may also be a court hearing called a pre-inquest review (PIR) before the inquest. This is a hearing where arrangements are made to prepare for the inquest hearing itself. No witnesses or experts will be called to attend this hearing and usually just the IPs and their legal representatives will attend. A number of key issues are typically considered at a PIR:

- the scope of the inquest, such as the issues or the date range which will be considered as part of the coroner's inquiry
- whether the inquest will be an 'Article 2' inquest (see below)
- whether a jury will be at the final inquest
- whether the coroner has all the relevant evidence and documents that they need and, if not, what they need to get and from whom
- whether independent expert evidence will be necessary
- deciding which witnesses should be called to give evidence in person at the inquest
- practical arrangements such as the date and length of the final hearing
- whether there is a need for any further investigations and enquiries to be conducted before the inquest. For example, investigations by the police, CPS, Independent Police Complaints Commission, Health & Safety Executive, hospital trust or the Prisons & Probation Ombudsman.



A coroner may only have limited information at the outset of their investigation, so the PIR is a crucial opportunity to ensure the coroner is fully aware of the key issues and any concerns you have. In complex or long-running cases there may be several PIR hearings before the final hearing.

Article 2 inquests

'Article 2' refers to an inquest where Article 2 of the European Convention on Human Rights is invoked, such as when someone has died under the care of the state, or whilst in state custody.

If Article 2 applies in an inquest it can lead to an expanded inquiry, though the differences in practical terms may not be that significant in some cases. Perhaps most importantly for families, if Article 2 applies, it often means that the family will then be entitled to Legal Aid funding to pay for their legal representation at the inquest.

The inquest hearing

During the inquest hearing the coroner will call witnesses to give evidence under oath. The coroner usually asks their questions first and then the IPs will have the opportunity to ask relevant questions of the witnesses. If the inquest is being heard with a jury, then the jurors can also ask questions.

Sometimes a witness will not be called to attend the inquest in person but, instead, their statement will be read out in the hearing so that it still forms part of the evidence.

After all the witnesses have given their evidence, the coroner will consider and summarise all the evidence heard before giving their Conclusion (previously known as a 'verdict'). If there is a jury, then it is the jury who will determine the Conclusion at the end of the inquest. The coroner will give the jury guidance as to which conclusions they are allowed to reach, based on the evidence that has been heard and the legal principles that govern inquests.

The Coroner or jury will also complete a formal document called the Record of Inquest to record the findings of the hearing.

Conclusions

As part of the Record of Inquest, the coroner or jury will make findings of fact describing the circumstances of the person's death. They must also write a formal conclusion on the Record of Inquest leading on from the findings of fact.

Short form conclusions include: accident, misadventure, alcohol or drug related death, natural causes, stillbirth or suicide.

A narrative conclusion is a form of words which seek to explain the circumstances in a descriptive way. Coroners and juries must use 'short form' conclusions where they can and only use narrative conclusions where a short form will not be suitable.

Prevention of Future Deaths (PDF) Reports

Throughout the inquest investigation, the coroner is under a duty to consider whether there is evidence that there is an ongoing risk of death to others. If there is, the coroner must prepare a Prevention of Future Deaths report (sometimes called a Regulation 28 report) highlighting their concerns and directed to the person or organisation that has the authority to make improvements. PFD reports are published on the Government website.

Where a PFD is not prepared it is usually because there were either no systemic failings identified or the coroner is satisfied that improvements have been made which means they do not believe there is an ongoing risk.

Next steps after the inquest

After the conclusion of the inquest the final death certificate will be made available.

At this stage the family may wish to consider whether there are grounds on which to pursue a claim for compensation.

Media and the press

Inquests hearings are open to the public, unless there are exceptional circumstances. The press are entitled to attend and may well be present at a PIR or final hearing if they consider that the case is of interest to the wider public.

We recommend you speak to a legal representative about whether to engage with the press in your case. Legal representatives can help you prepare any information for the press, or to draft a statement if you wish for something to be shared publicly during or after the inquest process.

Funding legal representation

There are a number of ways that legal representation at an inquest can be funded without any upfront cost to the family including through Legal Aid public funding, an existing insurance policy, or with a 'no win, no fee' arrangement. You can always call our team for a free discussion about an inquest and what options may be available to you should

Your key contacts



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