



INQUESTS

An inquest is an investigation and fact-finding process led by a coroner into how, when and where a deceased person came about their death. It is not the job of the coroner to make a finding about liability or to allocate blame for a person's death. However, the coroner can make findings about the failings and errors that led to a person's death and make recommendations for action to be taken to prevent future similar deaths.

In terms of understanding the events leading up to someone's death and the findings by the coroner, an inquest can therefore be an important aspect of the investigation of a claim and can be influential in the parties' assessment of any associated claim.

We regularly advise on and assist families with the inquest process. As well as often assisting in the investigation of a claim, it is important for a bereaved family to be able to understand the circumstances surrounding the death of a loved one.

WHEN IS AN INQUEST REQUIRED?

A coroner has a duty to investigate deaths which have been reported to them if it appears that:

- the death was violent or unnatural
- the cause of death is unknown; or
- the deceased died in prison, police custody or state detention (for example, in an NHS mental health hospital)

In these cases, a coroner is obliged to investigate the circumstances of the person's death for the benefit of the bereaved family and as a matter of official record. A decision to open an inquest is usually made very soon after the death is reported but it sometimes happens later due to concerns raised by families or others about the circumstances leading to a death.

If an investigation is found to be necessary, a coroner will usually arrange for a pathologist to carry out a post-mortem examination of the body and will then decide what further steps are necessary.

WHAT HAPPENS IF A CORONER DECIDES AN INQUEST IS NECESSARY?

Once a coroner has decided that an inquest is necessary, they must make attempts to inform the deceased's next of kin of their decision. The inquest ought to be held within six months of the date on which the death was reported or as soon as reasonably practicable after that date.

The coroner will then decide who are the 'interested persons' – ie those who are recognised as having sufficient interest to participate in the investigation into the death. The 'interested persons' include not only the deceased's family but also hospital trusts, insurers and trade union representatives.

The coroner will then take the following steps which can include:

- requesting the medical records of the deceased
- deciding whether to appoint a medical expert to prepare a report on the death
- requesting statements from the family and/or the doctors involved
- deciding which individuals (if any) to call to give oral evidence
- deciding on whether a Pre-Inquest Review (PIR) hearing is required. This is a procedural hearing to assist the coroner with determining the scope of the inquest and identifying any witnesses or further documentation required

The family can request that certain witnesses be called upon to give oral evidence but this is ultimately a matter of discretion for the coroner.

WHAT IS THE PURPOSE OF AN INQUEST?

The scope of an inquest is limited to determining the answers to the following four questions:

1. the identity of the deceased
2. how he or she came about their death
3. when the deceased died
4. where the deceased died



HOW WILL THE CORONER CONCLUDE THE INQUEST?

Once the coroner has heard the evidence, he or she will set out their findings and verdict. This may include a 'narrative conclusion' which will summarise his or her factual findings based on the evidence the coroner has heard. In some cases, this can involve a detailed summary of the factors that the coroner believes led to a person's death.

In exceptional circumstances, a coroner may make a finding of 'neglect'. This only occurs when they are satisfied that there has been a gross failure to provide the deceased with his or her basic needs which has led to their death. A coroner can make recommendations to public bodies such as NHS trusts to put in place measures to avoid similar deaths. These measures are called prevention of future deaths (PFDs).

HOW CAN WE HELP?

We understand that the inquest process can be an overwhelming and daunting experience. If you have suffered the loss of a loved one and have been notified that an inquest is due to take place, we can offer you support and assist you to participate in the process.

We will start by identifying what information is available and any questions you may have about the circumstances surrounding the death. We will then liaise with the coroner and other appropriate bodies to obtain further details. We usually discuss with the coroner the witnesses who will be called and highlight the issues we think need to be considered.

If appropriate, we will instruct a barrister to represent you on the day of the inquest and whose role it will be to question the witnesses and make legal submissions to the coroner.

Often, if there is a potential claim, we will deal with the inquest as part of the investigation of the claim and the costs are also covered within the claim. In other cases, we can assist on a fixed fee basis.

FIND OUT MORE

For further information or to discuss your case with an experienced solicitor, please contact:

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