

The Coroner's Inquest: A Brief Guide

Having to deal with bereavement is hard enough but also having to cope with the involvement of the Coroner and possibly an inquest can be a confusing and worrying experience.

The following guidance is not intended to be exhaustive and is rather an overview of some of the key features of Inquests for anyone unfamiliar with them and wanting to know more.

The Coroner and Deaths

The coroner is an independent judicial officer under the Crown and appointed by the local council. Details of the coroner for your area are available from your local council.

The coroner has compulsory jurisdiction if there is reasonable cause to suspect that the deceased died;

- (a) a violent or unnatural death;
- (b) a sudden death whose cause is unknown; or
- (c) in prison.

A death which appears to be due to natural causes can still be one in which the coroner's jurisdiction is invoked. Indeed of the just over 27,500 inquests held in 2006 one quarter ended in verdicts of natural causes (DCA Statistical Bulletin April 2007).

The law provides that anyone can report a death to a coroner. This means that if instructed by a family whose relative is dying or has died in circumstances which it is believed warrant investigation no coroner will object to being contacted and warned of the death or impending death. In medical cases, deaths will be reported to the coroner if the doctor cannot give a cause of death, the death occurred unexpectedly or of the death occurred after an operation.

The coroner will regularly investigate cases of death following medical intervention, traffic collisions, deaths at work and because of industrial disease. In medical cases, it is usual that the Coroner will call medical, surgical and nursing staff to the inquest to give evidence. In a traffic case, a member of the Police or ambulance service might be called as well as members of the public.

The Coroner's Inquest: A Brief Guide

The Purpose of the Inquest

Most people think of any Court process as being a battle between two sides and most times they would be right. However, the inquest hearing is quite the opposite where the intention is that the Coroner finds the answers to four questions:

- Who was the deceased?
- How the deceased came by his death?
- When the deceased came by this death?
- Where the deceased came by his death?

The Coroner is not allowed to apportion blame. He or she can however, take up matters with relevant authorities to try to make sure that the facts are not repeated.

The evidence to be given at the inquest is entirely within the control of the coroner. He decides which experts and which lay witnesses to call. The coroner at their discretion will usually make the evidence available to interested parties prior to the inquest hearing. It is not possible for interested parties to call their own evidence. Instead such evidence should be supplied to the coroner who can decide whether a particular witness or item of evidence should be called.

Representation at the Inquest

The Coroner's Rules allow a "properly interested person" (such as a spouse, parent or child of the deceased) to ask questions themselves or through a lawyer. In practice you should bear in mind the stress and emotional toll of the hearing. A lawyer will appreciate the line of questioning that the Coroner might disallow and will be able to make a submission to the Coroner on the law and the verdict at the end of the inquest.

The Coroner's Inquest: A Brief Guide

The Media

The inquest is held in public so the press may be there and are entitled to report the proceedings. Consideration should therefore be given to what is said to the press if anything. The media will usually look for a statement afterwards. It might be helpful to prepare in advance a short written statement which can be read or handed out as appropriate.

Free Inquest Advice

Contact our specialist medical negligence claims team at Boyce Hatton for honest, expert advice. Contact us online or call **01803 403403** for a free and confidential consultation.