



# FAQs on Inquests in England and Wales

## Part I: Overview

This is Part I of 4 fact sheets on inquests in England and Wales.

Our fact sheets are designed to give a brief overview of the inquest process, what to expect and who is involved.

**Part 2: Preparing for an Inquest**

**Part 3: What Happens at an Inquest?**

**Part 4: Making a Civil Claim After an Inquest**

### I Why is there going to be an inquest?

An inquest is an investigation led by a Coroner to determine how someone has died. During the inquest process, the Coroner will seek to answer four questions:

- The name of the deceased (**Who**)
- The place of death (**Where**)
- The time of death (**When**)
- How the death occurred (**How**)

It is important to understand that an inquest is not a place to assign blame. It is a process to discover the facts.

An inquest will usually be held if the death was sudden, violent or unnatural, or where the cause of death is unknown. An inquest may also be held if there is a possibility that medical negligence contributed or caused the death. In a natural causes death an inquest will only be held if the Coroner considers it is in the public interest.

If the death occurred in State Detention the Coroner will widen the scope to also consider 'in what circumstances' the death occurred. This is due to the States duty, under Article 2 of the Human Rights Act, to preserve life. Examples are where the death occurred in police or prison custody; during inpatient stay under the Mental Health Act; and in some circumstances whilst in outpatient services.

## I What happens when a decision is made to hold an inquest?

Usually a Coroner will open an inquest within 6 months following the death. This allows time for the death to be recorded and the Coroner to give authorisation for a funeral to take place.

A temporary death certificate will be issued (often referred to as the 'interim death certificate'), which will enable you to start the process of closing bank accounts and obtaining probate. This can be requested from the Coroner.

Once the inquest has been opened, it may be postponed until after any other investigations have been carried out. This is particularly the case if there is an ongoing criminal investigation. It can take anything from a couple of months to a number of years for an inquest to be completed.

## I What can I expect from an inquest?

The extent of the inquest is determined by law, as the Coroner has to follow the requirements in the Coroners and Justice Act 2009; Coroners Guidance and Law Sheets. It is important to note that not all your questions may be answered - it is the Coroner who controls the proceedings and decides the extent or limit of the evidence to be considered. Therefore, it is the Coroner's decision as to how wide the scope of the inquest will be.

The Coroner is in charge. They are normally legally or medically qualified and appointed by the local authority. The Coroner will have a Coroner's officer to assist them and will follow guidance issued by the Chief Coroner. If there is a jury then the Coroner will conduct the inquest hearing and then provide directions to the jury

in respect of conclusions that can be reached based on the evidence (see below: What could be the outcome?).

The inquest is not going to make any conclusions about blame – you may feel that a person or organisation is to blame for your loved one's death, but the inquest is entirely fact finding and its main aims are to establish the identity of the deceased and where, when and how (medically) they died.

The inquest cannot be held to establish any criminal or civil liability. It may be the case that you would also like to bring a civil claim such as a 'fatal claim' if you believe that your loved one died as a result of negligence or breach of a Statutory Duty. To succeed with a fatal claim, it has to be proven that the care/treatment of your loved one was inadequate and that this caused or contributed to their death. For more information, please see FAQs Part 4.

## I What will happen at the inquest hearing(s)?

In advance of the inquest the Coroner will decide matters such as who should be an interested party; what witnesses will be called to give evidence; the scope of the inquest; whether Article 2 should be considered and whether there will be a Jury. There may be a pre-inquest review hearing to assist the Coroner at this stage. The Coroner will gather evidence and prepare a bundle of documents. At the final hearing the Coroner will start by asking the witnesses questions to help answer the who; what; where and how questions mentioned above. An inquest also gives those close to the deceased the opportunity to raise direct queries relating to the death. Interested parties can include any organisations to be scrutinised, as well as local authorities and health and social care professionals. You may be asked to make a statement (pen portrait) and provide relevant documentation to the Coroner.



## I How can I prepare for the inquest?

It can take some time between the opening of the initial inquest to the actual inquest. We understand that this may be difficult as a lot of families feel that they are unable to find closure until the inquest has concluded.

We believe that taking the steps below might help you to feel more prepared for the inquest:

- Understanding the process of the inquest
- Writing down questions that you think are important
- Preparing a pen portrait to tell the Coroner about your loved one in life
- Obtaining independent legal advice

You are entitled to see the evidence that will be considered at the inquest. Once you have read through this information, you can then think of some questions or ask for other documents you feel are necessary to help you prepare for the hearing.

## I What could be the outcome?

Once a Coroner or jury have heard and considered all the evidence, a conclusion will be recorded as to how the person died. The Coroner will consider what conclusions may be available and will have to be satisfied on the 'balance of probabilities' that the recorded outcome is correct. This means that, based on the facts and evidence, it is more likely than not, that is how the person died. If the inquest is with a jury then the Coroner will direct the jury as to available outcomes.

The Coroner or jury may give a 'short-form conclusion' (one or two words), for example:

- Natural causes
- Accident or misadventure
- Unlawful or lawful killing
- Alcohol - or drugs-related
- Suicide
- Industrial disease
- Road traffic collision
- Neglect (usually contributing to another conclusion)
- Open - meaning there is not enough evidence to decide the cause of death.

Alternatively, when a short-form conclusion is not available on the facts, the Coroner or jury will provide a more descriptive outline of the factual findings in what is known as a 'narrative conclusion' (anything from one or two sentences in length, to a longer paragraph).

## I What happens after the inquest?

The full and final death certificate will be issued to you after the conclusion of the inquest. This will usually be available for you to collect from the Coroner's office.

While the inquest may provide answers to some questions you have about the circumstances of the death, it does not have many of the other elements important to a grieving family, such as obtaining an admission of liability, an apology or compensation to ease financial problems following the death. A fatal claim can help to achieve these.

We know that money is not likely to be your priority when a loved one has died, but many families are hugely relieved to know they can claim compensation to help with the financial loss. If the deceased was a salary earner at the time of their death, the loss of their income can be a huge cause of concern, and impact upon the household finances. Equally, if the deceased was responsible for caring for children then their death may mean that a great deal of additional care/support is required to look after the family. A fatal claim seeks to put you back in the same financial position you would have been in otherwise, meaning you can focus on other areas during this difficult and emotional time. Please see FAQs Part 4 for further information.

### Contact us for further advice

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