



# FAQs on Inquests in England and Wales

## Part 2: Preparing for an Inquest

This is Part 2 of 4 fact sheets on inquests in England and Wales.

It gives advice on preparing for an inquest. Other fact sheets in the series, which give an overview of the inquest process, are:

**Part 1: Overview**

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

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

### Who will I be dealing with?

The Coroner is the person who will lead the inquest. They delegate many of their functions to the Coroner's officers, who may contact you throughout the process. They also talk with legal representatives, the police, doctors and witnesses.

### How can I prepare for the inquest?

Understanding the inquest process is very important. As the family of the deceased, you are called 'interested persons' and have the right to attend and be involved in the inquest process. You are also entitled to see in advance any information or evidence that will be considered at the inquest. This could include the post-mortem and toxicology report and should include statements from witnesses too.

When you have received this information, you can then try to prepare any questions for the inquest hearing.

You can also create a 'pen portrait' that provides the Coroner with information on your loved one, who they were and what they enjoyed doing, along with a photograph. Lots of families feel it's important to do this to make the inquest feel more personal to their loved one.

It may be beneficial to appoint one family member to be the point of contact. The Coroner's officer can then exchange contact details.

You can write to the Coroner in advance to set out your main concerns and can even make suggestions to the Coroner regarding evidence and witnesses that you think may assist.

Children are not usually permitted to attend an inquest hearing, however, in limited cases the Coroner may allow this. If there is a reason why a family member aged under 18 years wants to attend then it is important that you contact the Coroner in advance. You can do this by email, in writing or over the telephone.

## I Do I need a solicitor to help me?

Engaging a solicitor can be extremely helpful, as they can liaise with the Coroner on your behalf and can provide representation at the inquest, asking witnesses questions. This can be very beneficial to families as experienced legal representatives will recognise that this is an extremely difficult time for you and can provide support and guidance.

If your loved one has died while in the care of an institution such as mental health services or in prison, or following contact with those working for a public authority such as the police, we advise you to seek specialist legal advice as soon as possible.

## I Do I have to pay for legal representation?

Unfortunately, there is no automatic public funding for a family's legal costs at an inquest. However, public funding might be available depending on your financial circumstances and the particular nature of your loved one's death.

Public funding for assistance in the preparatory stages of an inquest is often referred to as 'legal help and assistance' and is usually available if:

- 1 You fall within the financial threshold set by the Legal Aid Agency, or;
- 2 You exceed the financial threshold, but the inquest falls into a certain category of cases. These will usually be:
  - Cases that engage Article 2 of the European Convention on Human Rights (the 'right to life'). Article 2 will often apply to deaths that took place while the deceased was in the care or custody of the state, such as
    - while in prison;
    - while in police custody or following police contact;

- while detained under the Mental Health Act 1983; or
- while subject to an order depriving them of their liberty.

- Cases that the coroner decides could engage Article 2.

Public funding to assist with **advocacy and representation** at an inquest hearing is often referred to as 'legal aid' and is usually only available if the case falls into the categories specified at point 2 above.

If you are unsure whether you are eligible for free assistance, do not hesitate to contact a specialist solicitor who can provide you with further guidance. This firm would be happy to provide further information and assistance.

## I Are there any organisations who can help?

There are some organisations who will be able to provide you with general advice, and in certain cases they might also directly support you.

### INQUEST

[www.inquest.org.uk](http://www.inquest.org.uk)

### IF U CARE SHARE

[www.ifucareshare.co.uk](http://www.ifucareshare.co.uk)

### Action Against Medical Accidents (AvMA)

[www.avma.org.uk/help-advice/inquests](http://www.avma.org.uk/help-advice/inquests)

### The Coroners' Courts Support Service (CCSS)

[www.coronerscourtsupportservice.org.uk](http://www.coronerscourtsupportservice.org.uk)

### Contact us for further advice

[www.watsonwoodhouse.co.uk](http://www.watsonwoodhouse.co.uk)

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