

Guidance For Families Attending Inquests

At Moore Blatch Resolve we understand how traumatic an inquest can be for you and your family following the sudden death of a loved one. We have many years of experience as a leading national firm of Solicitors of preparing and dealing with Inquests. You can be certain that with our experience and understanding, we will help guide you through the process.

Why is an Inquest necessary?

If death occurs in any of the following circumstances, the doctor may report it to the Coroner:

- After an accident or injury;
- Following an industrial disease;
- During a surgical operation;
- Before recovery from an anaesthetic;
- If the cause of death is unknown;
- If a death was violent or unnatural, for example, suicide, accident or drug or alcohol overdose;
- If a death was sudden and unexplained, for instance, a sudden infant death (cot death).

In addition to this, if the deceased was not seen by the doctor issuing the medical certificate after he or she died, or during the 14 days before the death, the death must be reported to the Coroner.

Anyone who is concerned about the cause of death can inform a Coroner about it, but in most cases a death will be reported to the Coroner by a doctor or the police.

What happens once a death is reported to the Coroner?

The Coroner may be the only person able to certify the cause of death. The doctor will provide a Formal Notice that the death has been referred to the Coroner. The Formal Notice is issued to you by the attending doctor and is a document which explains how you register the death.

The Coroner will then decide whether there should be further investigation into the death – and the Registrar cannot register the death until notified of the Coroner's decision. This means that the funeral will usually be delayed. Where a post-mortem has taken place, the Coroner must give permission for cremation.

Post Mortems

In some cases, the Coroner will need to order a post-mortem. This is a medical examination of the body to find out more about the cause of death. In these cases, the body will be taken to the hospital for this to be carried out.

You do not have a right to object to a post-mortem ordered by the Coroner, but you should tell the Coroner if you have religious or other strong objections. In cases where death is reported to a Coroner because a person has not seen a doctor in the previous 14 days, the Coroner will consult with the deceased person's doctor and will usually not need to order a post-mortem.

If a post-mortem shows that death was due to natural causes, the Coroner will issue a notification of this (called a Pink Form B-Form 100), so that the death can be registered. The notification is usually sent directly to the Registrar, but in some cases, it may be given to you to deliver. If a body is to be cremated, the Coroner will also give you the form which allows for this to take place (called a Certificate of Cremation Form E).

What is an Inquest?

An inquest is a legal enquiry into the medical causes and circumstances of a death. It is held in public – sometimes with a jury – by a Coroner in cases where the death was:

- Violent or unnatural;
- Took place in prison or police custody or;
- When cause of death is still uncertain after a post-mortem.

Coroners hold inquests in these circumstances, even if the death occurred abroad (and the body is returned to Britain). If a body is lost, for example at sea, a Coroner can hold an inquest by order of the Secretary of State.

If an inquest is held the Coroner must inform:

- The married or civil partner of the deceased;
- The nearest relative (if different from the above); and
- The personal representative (if different from the above).

Relatives can also attend an inquest and ask questions of witnesses – these questions can only be about the medical cause and circumstances of the death. Relatives can also ask a lawyer to represent them.

It may be particularly important to have a lawyer to represent you if a death was caused by medical treatment, road accident, an accident at work, or other circumstances which would lead to a claim for compensation.

Legal Advice

Moore Blatch Resolve are regularly instructed by families where a loved one has died, either as the result of an accident, injury at work, industrial related disease or following medical treatment. We are able to assist in the preparation for an inquest and at the inquest itself. Obviously attending an inquest is very distressing and daunting, particularly where the other parties at an inquest are likely to have legal assistance.

The purpose of an inquest is an enquiry to find out who has died and how, when and where they died, together with the information needed by the Registrar of Deaths so that the death can be registered. Most inquests are held without a jury. However, there are particular reasons when a jury will be called, including:

- If a death occurred in prison or in police custody; or
- If a death resulted from an incident at work.

In every inquest held with a jury, it is the jury and not the Coroner which makes the final decision.

An inquest is usually opened primarily to record that a death has occurred and to identify the dead person. It will then be adjourned until any police enquiries and the Coroner's investigations are completed. A full inquest can then be resumed.

When the Coroner's investigations are complete, a date for the resumed inquest is set and the people entitled to be notified will be told if their details are known to the Coroner. Inquests are open to the public and journalists are usually present. We will be able to assist you in your dealings with the media.

Coroners decide who should give evidence as a witness. Anyone who believes they may help, can offer to give evidence by informing the Coroner. Anyone who believes that a particular witness should be called should inform the Coroner. Witnesses can be compelled to attend.

Witnesses will first be questioned by the Coroner and there may be further questions by "properly interested persons" or their legal representative. Questions must be relevant to the purpose of the inquest.

Persons with a proper interest include:

- Parent, child, spouse, civil partner or legal personal representative of a deceased;
- Person who may have a responsibility for the death;
- A beneficiary from an insurance policy relating to the deceased;
- Representatives of any relevant insurance company;
- A representative from a relevant trade union (if a death arose in connection with the person's employment or is due to industrial disease);
- Certain inspectors or representatives of enforcing authorities or persons appointed by a Government department;
- The police;
- Any other persons the Coroner considers to have a legitimate interest for the purposes of the inquest.

Inquest Verdicts

Inquests do not determine blame and the verdict must not identify someone as having criminal or civil liability. Possible verdicts include:

- Natural causes;
- Accidents;
- Suicide;
- Unlawful or lawful killing;
- Industrial disease;
- Open verdicts – where there is insufficient evidence for any other verdict.

A verdict may also be set out in narrative form.

The Coroner may also report the death to any appropriate person or authority, if action is needed to prevent more deaths in similar circumstances.

It is possible to challenge a Coroner's decision or verdict, but the grounds for doing so are complex. An application for judicial review can be made, but this must be done within 3 months of completion of the inquest.

If you wish to challenge the verdict of an inquest, then you should instruct Moore Blatch Resolve as soon as possible following the initial inquest.

Notes of evidence at an inquest can be seen by properly interested persons or copies may be obtained on payment of a fee. The record may be a transcript from a tape recording of a Coroner's own notes.

Do you need our assistance?

If you require representation at an inquest, please do not hesitate to contact Moore Blatch Resolve and we will arrange this for you.

Useful Organisations

CRUSE Bereavement Care

Tel: 0844 477 9400 (National Help Line)

Web: www.cruisebereavementcare.org.uk

CRUSE is a leading charity specialising in bereavement. CRUSE has a wide range of leaflets and books available.

Childhood Bereavement Network

Tel: 0207 843 6309 (Help Line)

8 Wakley Street

Web: www.childhoodbereavementnetwork.org.uk

London EC1V 7QE

The Childhood Bereavement Network works in partnership with service providers to improve the range and quality of bereavement support for children throughout the UK.