



INQUEST FACTSHEET

An inquest is an investigation 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, sometimes the inquest process will result in a finding of fact that an individual's actions caused the death, or, within the context of a clinical negligence claim, information that indicates the standard of care provided by a healthcare provider fell short of what was reasonably expected or the death arose from a systemic failure. This can result in the coroner making recommendations for action to be taken to prevent future similar deaths.

In terms of understanding the events leading up to someone's death, an inquest can be an important aspect of the investigation of a potential civil claim for personal injury or clinical negligence. The conclusions of a coroner 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 helping our initial 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. An inquest can offer families an important opportunity to gain clarity about these circumstances as well as to raise their concerns and find out information that is important to them.

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.

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' can 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 clinicians involved;
- deciding which individuals (if any) to call to give oral evidence at the inquest hearing;
- 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;



- deciding whether investigations carried out by other bodies (eg the police) have sufficiently clear findings for the coroner to accept them without a further hearing.

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 conclusion (formally called a verdict). Conclusions may be short, and include one of the following verdicts:

1. Natural causes
2. Stillbirth
3. Suicide
4. Narrative conclusions
5. Road traffic collision
6. Accident or misadventure
7. Open verdict

Narrative conclusions are common in medical inquests, where the coroner will summarise their factual findings based on the evidence they have 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'. Neglect is not a conclusion in itself – it is a finding which is attached to one of the statutory conclusions. It only occurs when the coroner is satisfied that there has been a gross failure to provide a dependent person (ie someone particularly vulnerable by virtue of their age, physical or mental illness, or incarceration) with basic medical attention which has

led to their death. Where a coroner does make a finding of neglect, it does not mean there has been negligence but it does mean there has been a level of fault which justifies the finding.

Longer conclusions will accompany inquests which are intended to be compliant with Article 2 of the European Convention on Human Rights (ECHR), which is sometimes referred to as the 'right to life'. There are often complicated legal arguments about whether an inquest is an 'Article 2 inquest'.

A coroner can make recommendations to public bodies such as NHS trusts or Highways Authorities to put in place measures to avoid similar deaths. These measures are contained in a prevention of future deaths (PFD) report. The coroner has a duty to make a PFD report when their investigation gives rise to a concern that there is a risk of deaths in the future from similar circumstances, and that action needs to be taken to reduce or eliminate that risk.

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. We can also assist with obtaining independent medico-legal expert evidence to investigate the claim and help guide the inquest investigations on your behalf.

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 we will seek to cover those costs within the costs of the personal injury/clinical negligence claim. We can offer



conditional fee agreements ('no win no fee agreements') for some inquests and can discuss this further with you.

Please ask for our separate factsheet on conditional fee agreements. In other cases, we can assist on a fixed fee basis. We can provide you with further information relating to the potential costs involved with an inquest and how to fund these.

FIND OUT MORE

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

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