

## Inquests

When an individual dies in unclear circumstances it is a particularly traumatic time for the bereaved family because they will often have many unanswered questions regarding the circumstances surrounding the death.

## Inquests and Coroners

An inquest is a public hearing held by a Coroner following a death to establish **who** the person was, and **where, when** and **how** they died.

Examples of when an inquest is likely to be held are where a death occurs: at work; in prison or police custody; or in a hospital or a care establishment and there are questions over medical treatment received by the deceased.

A death is usually reported by a doctor who is not able to give a death certificate because he/she is uncertain about the cause of death. Whenever a death is reported to the Coroner, the Registrar of Births, Deaths and Marriages must wait for the Coroner to finish his/her enquiries before the death can be registered. The body can be released for funeral once the Coroner is satisfied that the medical procedures necessary for determining the medical cause of death have been completed.

It is important to note that an inquest cannot apportion blame for a death or establish any criminal or civil liability on the part of a named individual or organisation. However, evidence obtained at an inquest might then be used to investigate a civil claim if there has been criticism of treatment the deceased received prior to his/her death.

## Post Mortem and Disclosure

Before the inquest a Pathologist will carry out a post mortem to help in determining the cause of death. After the post mortem report and initial investigations, a Coroner may decide that an inquest is unnecessary and that the death was "natural".

In advance of the inquest, the family can apply to the Coroner for disclosure of a copy of the post mortem report and the Coroner must supply the report. They can also obtain copy medical records.

## Procedure at the inquest

Prior to the inquest, a family representative will usually provide a statement to the Coroner. The statement should deal with circumstances surrounding the death but also set out the family's concerns so that the Coroner can address them when questioning witnesses. In medical cases, the Coroner will usually require witness statements from all the doctors and medical staff directly involved in the deceased's treatment. Although there is no right to disclosure of witness statements and other documents before the inquest, as a matter of good practice the Coroner will usually agree to such a request. If the Coroner refuses to disclose the documents without good reason there may be a remedy to a higher court.

At the inquest the Coroner will hear the evidence and ask questions of the witnesses. The family of the deceased, or their legal representative is also given the opportunity to ask questions. In medical cases, the Healthcare Trust responsible for the hospital where the death occurred will be represented by a lawyer if there is a suggestion that the treatment the deceased received may be the subject of criticism.

At the end of the inquest the Coroner will give answers to the questions **who, when, where** and **how** and a specific "verdict" on the cause of death.

## Legal Advice

We understand the importance of the inquest to families in finding out what happened by investigating thoroughly the circumstances surrounding a death and to have as many questions answered as possible.

Burnetts' Medical Law team is experienced in representing families at inquest. We will obtain and examine the medical records which will enable us to identify and ask the relevant questions of the witnesses. In some cases we ask independent medical experts for their opinion and this evidence may then be allowed at the inquest.

There are a number of ways to fund your legal advice, but we will discuss your options at our first meeting. See also our leaflet on funding.



Monday - Friday 9.00 a.m. - 5.30 p.m. Saturday 9.00 a.m. - 12 noon

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