Inquests

Inquests are held when a coroner has reason to suspect that someone’s death was sudden, unexplained or violent. If a coroner opens an inquest into the circumstances in which a loved one died it can provide an opportunity to have questions answered and concerns raised.

What is an inquest?

An inquest is an investigation to find out how someone came by their death. It is led by a coroner whose role is to answer four main questions:

1. The name of the deceased
2. The place of their death
3. The time of their death
4. How the death occurred

The coroner’s role is not to identify whether any particular individual, hospital or company was to blame for the death but, instead, will focus on how the death occurred. The investigation starts when the coroner opens the file and often concludes with an inquest hearing, where evidence is heard and a conclusion as to the cause of death is delivered.

What is an Article 2 inquest?

You may have heard an inquest being referred to as an ‘Article 2 inquest’. This refers to an inquest where Article 2 of the European Convention on Human Rights (ECHR) is engaged. This is a complex area, but in essence it will usually apply where a person died whilst ‘in the care of the state’, such as in a secure mental health unit, immigration detention centre, in police custody, or prison.

An Article 2 inquest means that the state have to carry out an ‘enhanced investigation’ and will look at the wider circumstances surrounding a person’s death.

Will there be a jury?

Some inquests are heard by way of a jury, rather than by the coroner alone. A jury is required when someone has died in the care of the state and the cause of death is unknown or the coroner suspects that the death was violent or unnatural. A jury is also required when the coroner suspects that the death has been caused from an act or omission of the police.

The coroner also has discretion to hold an inquest with a jury if he or she feels there is ‘sufficient reason for doing so’ which can include when the coroner believes an inquest is likely to be of high public interest and therefore requires a greater degree of public accountability.

What is likely to happen before, during and after the inquest?

The process of an inquest can take place over many months, or even years, depending on the particular circumstances of the case and the complexities involved.

At the start of the inquest process, the coroner will usually arrange for a post mortem to be performed, where a pathologist examines the body and prepares a report of their findings as to the person’s medical cause of death.
Pre-inquest review hearing

There may be a pre-inquest review hearing. This is a hearing where the coroner will plan for the arrangements of the inquest. This will likely focus on what documents and evidence is needed for the inquest, which witnesses need to prepare statements and appear at the inquest itself, and practical issues such as the length and date of the inquest.

The inquest hearing

During the inquest hearing the coroner will hear evidence in relation to the death. This can be from reading aloud statements or reports that the coroner has gathered, or by asking witnesses to give evidence in person and putting questions to them. The coroner, and anyone else deemed to have a proper interest in the proceedings (known as an ‘interested person’), will then have the opportunity to ask questions of the witnesses who have been called to give evidence in person.

Once all of the witnesses have been called, the coroner sums up the evidence that has been heard. The coroner will give his/her conclusion (previously known as the ‘verdict’) and will also complete the Record of Inquest form to note the findings that were reached. If there is a jury then it is the jury who will determine the conclusion at the end of the inquest. The coroner will give the jury guidance as to which conclusions they may reach (based on the evidence that has been heard).

What is an interested person?

An ‘interested person’ is someone who has the right to actively participate in the inquest proceedings. The family is likely to be an interested person because of their relationship to the person who died. Hospitals or other organisations who were involved in the deceased’s care or had any involvement in the circumstances of their death are also likely to be an interested person.

Interested persons will have key rights during the inquest, including

- to be provided with copies of relevant documents held by the coroner;
- to see written evidence and to object to it being used as evidence at the inquest hearing;
- to question witnesses at the inquest hearing.

Interested persons can be legally represented at the inquest.

Do I need a solicitor?

Whilst it is not mandatory to have legal representation at an inquest hearing, it is often recommended. A specialist lawyer will guide you through the inquest process, including preparing documents, identifying any missing evidence or statements from key witnesses, as well as attending the inquest with you and questioning witnesses on your behalf.

If you are unsure whether you need representation, please get in touch with us and we can discuss this with you further. Inquest representation can often be arranged at no cost to you, either through Legal Aid or through a ‘no win, no fee’ agreement where there may be a claim against an organisation that was involved in the death of a loved one after the inquest.

This leaflet has been prepared by Royds Withy King, a law firm with a specialist team who can advise following the death of someone close to you.

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More information is available on our website at: roydswithyking.com/bereaved