

# Guidance for families attending inquests

## Reassurance, insight and understanding

Attending an inquest is a very distressing time. In this leaflet you will find some simple suggestions to help you to get through this difficult time.

### What is an inquest?

An inquest is a public hearing, known as an Inquiry in England and Wales, held by a Coroner following a death. An inquest is usually held where the cause of death is not clear, where the death is a result of an accident at work or industrial disease or where there are questions over medical treatment received by the deceased. In Scotland procedures are different. Information relating to Scottish procedure can be found at the end of this leaflet.

### Reporting a death

A death is usually reported by the police or by a doctor. Whenever a death is reported to the Coroner, the Registrar of Births, Deaths and Marriages, must wait for the Coroner to finish any enquiries before the death can be registered. These enquiries may take time, so it is always best to contact the Coroner's Office before any funeral arrangements are made.

### Post mortem

Prior to the inquest a post mortem will usually be held to assist the coroner in determining the cause of death. A pathologist will carry out the post mortem. Tests for toxins and other relevant tests will often be carried out.

### Legal Advice

Irwin Mitchell are regularly instructed by families where a loved one has died either as a result of an accident, injury at work, industrial related disease or through medical treatment. We are able to assist in the preparation for an inquest and at the inquest itself. Many families find the possibility of an

inquest daunting, particularly when the other parties in the inquest are likely to have legal assistance. We can obtain and examine the medical records, this helps us to identify and ask relevant questions to the witnesses. In medically related cases we can ask those responsible about care provided to try to ensure that families' questions are answered.

### Inquest procedures

It usually takes 3-4 months, or longer if the matter is complicated, before the coroner is able to hold the inquest. Some coroners have fast track procedures for simple cases.

The purpose of the inquest is to answer 4 questions:

- Who has died?
- When they died?
- Where they died?
- How they died?

At the inquest the coroner will hear evidence from the family of the deceased and, in a medical case, from the doctors and nurses or midwives involved in the deceased's treatment. The Healthcare Trust responsible for the hospital where the death occurred will usually be represented by a lawyer if there is a possibility of criticism of the hospital. The family of the deceased, or their legal representative, is given the opportunity to ask questions of the witnesses and make submissions to the coroner. At the end of the inquest the coroner will give answers to the questions above and a specific 'verdict'.

### Jury

Most inquests are held without a jury. There are particular reasons when a jury will be called, for example if the matter is very complex, if the deceased has died in custody or whilst being detained under a section of the Mental Health Act. In every inquest held with a jury, it is the jury, and not the coroner, which makes the final decision and returns the verdict.

### Preparation before the inquest

- Do you know how to get to the Coroner's Court? Where you can park if you are coming by car? Do you know how long you will be in the Court and how long the parking tickets are valid for?
- Ask the Coroner's Officer if you can see inside the Coroner's Court before the inquest. Find out where you will be sitting and where you will have to stand if you have to give evidence as a witness. Will water be provided? Can you bring in your own water bottles?
- Find out if there is a family room you can use during the day of the inquest. Is there a drinks machine? Do you need change for the machine? Is there somewhere you can smoke if you or other family members need to?
- Where is the nearest cafe to the Coroner's Court? Can you go and get something to eat? Can you sit down there? Is there a park nearby where you can go and stretch your legs and walk off the tension you will be feeling?
- Do you have a good friend who is not emotionally involved with the inquest, who can come with you and look after you during the inquest hearing?

- Learn how to do some simple relaxation exercises to help you during the inquest. It is really important that you practice relaxing before the inquest so you are confident in doing something which helps you. The simplest relaxation techniques involve noticing your breathing – trying to breathe out for a longer period than you breathe in. The easiest way to do this is to count five as you breathe in and seven as you breathe out. If this is too long for you, start with breathing in to a count of three and breathing out to a count of five. You can also make both your hands into fists and push them together hard. Then concentrate on relaxing your hands and fingers and letting them fall on your lap. As your hands relax, so will the rest of your body.
- If you have a solicitor or barrister representing you at the inquest, have you talked to them recently to make sure they know all the questions you want to raise at the inquest?
- Are you sure you know what time the inquest starts and what time you and your family should be at the Coroner's Court?
- If there is going to be media interest in the inquest, talk to the Irwin Mitchell media department about how to prepare, for example what to do if journalists approach you and who is going to talk to the press after the inquest.
- Sometimes the coroner will have a jury in court, sometimes they will not. Discuss this with your solicitor beforehand so you know what to expect.

### On the day of the inquest

- Take plenty of tissues which are easily accessible with you. Boiled sweets or mints to suck during the inquest are also useful – these will help you feel more relaxed and will help you concentrate on what is being said.
- Your solicitor or barrister may want to talk with you and immediate family members before the inquest starts. They will explain to you what will happen and what individuals need to do. Agree with them what time you will meet them at court.

### If you are called as a witness

- The usher will take you to the witness box and will ask you if you wish to give your evidence on oath swearing on the Bible, another Holy Book or if you wish to affirm that you will tell the truth. If you wish to swear on a Holy Book, you will be asked to hold it in your right hand while you read the words from a card in front of you. If you affirm, you just read the words from a different card.
- Take some tissues with you into the witness box and don't be afraid to use them if you become distressed.
- The Coroner will guide you in how to give your evidence. When you have finished, they will ask you questions to make things as clear as they can be. Your solicitor or barrister or other solicitors or barristers may also ask you questions. When you answer any questions, you should always direct your answers to the Coroner and not to the person who is asking the question.
- Try to speak as loudly as you can so everyone can hear you. The proceedings will be taped and if you speak very quietly, the microphones will not be able to pick up what you have said.
- If you feel faint or dizzy or have a condition which makes it difficult for you to stand up for any length of time, ask the coroner if you can give your evidence sitting down.

- If you become distressed and find it difficult to talk, ask the coroner if you can take a break before continuing with your evidence. You may be required to sit near the witness box and not talk to anyone if you do take a break because you will still be on oath.
- No matter what questions you are asked, do not become angry with the questioner. Answer simply and politely, no matter how you feel inside. If you do not understand the question or feel it is totally inappropriate, tell the coroner how you feel and they may ask the questioner to explain why they are asking the question and how they think it will help the inquest.
- It is very unlikely you will be in the witness box for a very long time. The maximum time would probably be an hour and it is likely it will be much shorter than this.

### Listening to evidence

- Listening to evidence can be very distressing. If you need to go out because you feel angry or upset or you just can't take any more, don't worry, slip quietly from your seat and make your way out of the court. Go to the family room, if there is one, and have a drink and think about something completely different. When you feel more composed you can come back into court and resume your seat if you wish.
- The coroner may ask if you wish to leave the court while the pathologist is giving their evidence. The pathologist is the doctor who examines dead bodies and tries to discover what caused their death. You may not wish to hear what the pathologist says or see photographs if there are any. Ask someone to tell you when the pathologist has finished giving evidence, so you can go back into the court.
- No matter what anyone says, do not get angry in court. Do not make loud comments and do not call anyone a liar. Try not to seem to be influencing the jury, if there is one, by reacting to evidence given by witnesses. The coroner may feel this



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is inappropriate and ask you to leave the court.

- If you feel you are unable to control your emotions, leave the court quietly and go somewhere out of earshot and explode there! Go for a walk, have a cup of tea or practice your relaxation exercises. Do not drink anything alcoholic. Alcohol acts as a depressant and will inhibit your natural "good sense". If you feel disinhibited you may do something which you regret later. No matter what happens, do not threaten other witnesses or people attending the court either physically or verbally - you could be arrested for assault or threatening behaviour. If you do not feel you will be safe or a member of your family will not be safe attending the court, ask someone to take you or them away from the situation if things get tense. It is better to preplan for difficult situations rather than have to react to them if they occur.
- Take a notebook and try to make notes of important points you want to remember.

### When it's all over

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- When the Coroner and the jury, if there is one, reach their verdict you will feel a variety of emotions. Talk to your solicitor or barrister about what happens next.
- If you want media involvement, talk to your solicitor and the Irwin Mitchell media department and they will help to arrange everything for you. Similarly, if there are journalists present in the Coroner's Court but you don't want to talk to them, tell your solicitor and they will know what to do.
- If there is a lot of press interest in your case, it may be an idea to plan a short break or holiday immediately after the inquest or go and stay with relatives or friends where the press cannot reach you. Our media department can provide information and advice to you.
- Whatever happens, you may well feel exhausted at the end of the inquest. Make sure you know how you are getting home and, if you are driving, that you are safe to do so.
- When you get home, do something to help yourself relax. It is very easy to re-live every aspect of the inquest and it is important to try and switch off from what has been a traumatic day. Some people find it helpful to sit down with family or friends and watch TV or a favourite film, others like to eat something they enjoy or go for a walk with the dog. Try not to think too much about what has happened. It will take time for everything to sink in.
- If you live alone, think about arranging for someone to be there with you.
- If you have not already sought counselling for your loss, this might be the time to think about talking to someone outside the family, to whom you can offload your burdens and talk about how to cope with the future.

### Inquests in Scotland

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In Scotland, the investigation of deaths is slightly different. The inquiries are the responsibility of the Procurator Fiscal's Office and come under two categories.

#### Sudden, suspicious and unexplained deaths

The Procurator Fiscal enquires into all sudden deaths that occur in their jurisdiction. Their aim is to find out whether any criminal act has caused or contributed to the death, or to discover whether the death has arisen from hazardous circumstances where action may prevent future deaths or injuries. The Procurator Fiscal also undertakes enquiries into circumstances that may suggest suicide.

Certain deaths in medical care are investigated, as are any deaths that may be linked to a defect in a medicinal product. The Procurator Fiscal also investigates any death occurring in legal custody, whether in a police station or prison. Sudden deaths usually come to the attention of the Procurator Fiscal through a report from the police, doctor or the local registrar of births, deaths and marriages.

#### Fatal Accident Inquiry

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A Fatal Accident Inquiry (FAI) is a statutory public inquiry held in the Sheriff Court at the instance of the Procurator Fiscal. A FAI must be held where the death was caused by an accident in the course of employment or where the death occurred in legal custody. In addition, crown counsel on behalf of the Lord Advocate may order a fatal accident inquiry, if it is considered expedient in the public interest, in relation to any death that is sudden, suspicious or unexplained or which has occurred in circumstances giving rise to serious public concern.

## Useful organisations

### CRUSE Bereavement Care

0844 4779400 (National Helpline)

Web: [www.cruisebereavementcare.org.uk](http://www.cruisebereavementcare.org.uk)

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

### Childhood Bereavement Network

8 Wakley Street, London, EC1V 7QE

Helpline: 020 7843 6309

Web:

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

The Childhood Bereavement Network works in partnership with service providers to improve the range and quality of bereavement support for children throughout the UK. There is an online searchable database of local and national "open access" services which is regularly updated.

### If I Should Die.co.uk

This website looks at all aspects of bereavement from the practical to the emotional.

Web: [www.ifishoulddie.co.uk](http://www.ifishoulddie.co.uk)

### The Child Bereavement Charity (CBC)

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

Support and Information Team

Tel: 01494 446648

Email: [support@childbereavement.org.uk](mailto:support@childbereavement.org.uk)

The Child Bereavement Charity (CBC) provides specialised support, information and training to all those affected when a baby or child dies, or when a child is bereaved. The Charity supports both individuals and professionals.

## Useful leaflets

### Inquests about the death of a child

Leaflet produced by The Compassionate Friends.

Web: [www.tcf.org.uk](http://www.tcf.org.uk)

### Information about Coroners

Information produced by the Home Office.

Web: [www.homeoffice.gov.uk](http://www.homeoffice.gov.uk)

### Sudden death, Help is at Hand

Published by the Department of Health.

Information about the practical and emotional issues involved in losing a loved one to suicide or traumatic bereavement.

If you require further copies of the title, quote 274206/Help is at Hand and contact:

DH Publications Orderline,

PO Box 777,

London

SE1 6XH

Email: [dh@prolog.uk.com](mailto:dh@prolog.uk.com)

Tel: 08701 555 455

Fax: 01623 724 524

Textphone: 08700 102 870

(8am to 6pm Monday to Friday)

[www.dh.gov.uk/publications](http://www.dh.gov.uk/publications)

## Useful Contacts

If you require further guidance, please do not hesitate to contact:

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[www.irwinmitchell.com](http://www.irwinmitchell.com)

Talk to a specialist advisor today

Freephone **08000 23 22 33** or visit [www.irwinmitchell.com](http://www.irwinmitchell.com)

Text claim to **61993** and someone will call you back



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