

# 1

**HOW CAN THIS PACK  
HELP YOU?**

**WHAT HAPPENS AFTER A  
SUDDEN DEATH?**

**WHAT IS AN INQUEST?**

# HOW CAN THIS PACK HELP YOU?

If someone you know has died or you are helping someone you know deal with a bereavement where an inquest is to be held, this pack will give you information about the inquest procedure and what will happen in the next few months. It is not intended to replace specialist advice from lawyers or the organisations listed, but to be in an addition to that advice. The pack will be of assistance to anyone who has to attend an inquest or is involved in counselling or advising people in that situation.

Preparing for an inquest can be a traumatic and bewildering experience on top of the shock and distress caused by the death. Many people feel that the legal procedures and the processes trying to discover the truth about the circumstances of a death are the last thing they can cope with after losing someone close – and subsequently regret not having sought help or advice before the inquest. Sometimes they may feel very angry and determined to take those responsible to court and get justice – resulting in them feeling completely let down by the limitations of the law.

This pack should provide some help towards guiding bereaved people through the legal and emotional difficulties that can follow a sudden and unnatural death. It is written in informal language in a question and answer format to make it easier to understand. It is not intended to be the definitive guide to every aspect of the inquest procedure, but is written on the basis of over 20 years experience of advising and supporting bereaved people. In particular circumstances a suggestion will be made to seek advice and help from specific organisations that specialise in areas in which INQUEST has only limited experience. A list of further reading is included at the back of the pack.

The inquest system is not there to establish who was responsible for a death. Its purpose,

put simply, is to answer your questions on behalf of the state:

- Who someone was;
- Where they died;
- When they died;
- How they came to their death.

It is important to have a realistic understanding of the limitations of the inquest process from the outset.

Being clear about the limitations of the inquest process from the start can help set realistic targets about what might be achieved at the inquest, and may help to reduce the subsequent inevitable and natural frustration often felt by people.

## WHAT HAPPENS AFTER A SUDDEN DEATH?

According to the Coroner's Act 1988 when someone dies "a violent or unnatural death" or "a sudden death of which the cause is unknown" the death has to be reported to the coroner and there has to be an inquest to identify the person and to answer the questions "how, when and where" the person died and if there are to be no criminal proceedings. (See below: What is an inquest?)

### **Are the procedures the same in all cases?**

No. There are different investigations done and different legal avenues to pursue depending on the circumstances of the death. In Section 5 of the pack there are details on specific procedures following deaths in prison, police custody, at work, deaths due to carbon monoxide poisoning or fire, or where medical care is involved. This will help you through the processes and also guide you to where you may be able to obtain more assistance. We also provide information about where to go for help in other circumstances. However, the information in the pack will help anyone who has to attend an inquest regardless of the particular circumstances of death.

### **Should I see a solicitor?**

If you are concerned about the circumstances of the death then you should consider seeing a solicitor as soon as possible (see Section 3).

## WHAT IS AN INQUEST?

It is an investigation presented in public to establish who the person was, and where, when and how they died.

An inquest is a legal procedure presided over by a coroner in the public interest:

- to find out the medical cause of death;
- to draw attention to the existence of circumstances which, if nothing is done, might lead to further deaths in the same manner;
- to advance medical knowledge;
- to preserve the legal interests of the deceased person's family or other interested parties.

### **When do inquests happen and who has the power to decide?**

The Coroners Act 1988 sets out the duties of a coroner and in what circumstances s/he should hold an inquest and in what circumstances s/he has the choice to do so. This can be summed up as follows:

- where there is reasonable suspicion that the deceased has died a violent or unnatural death;
- where someone has died a sudden death of which the cause is unknown;
- where someone has died in prison or in any place or circumstance where there is a legal requirement to hold an inquest because of an act of parliament.

### **When is a death referred to a coroner?**

If a doctor is not able to give a death certificate when called to see someone who has died because s/he is uncertain about the cause of death, the doctor must refer this to the coroner.

### **Who else may report a death to a coroner?**

- the police;
- a registrar of deaths, e.g. if the cause of death appears to be due to industrial disease or poisoning.

## SECTION 1

### **If a death is reported to the coroner, is an inquest always held?**

No. After initial examination of the evidence, a coroner may decide that an inquest is not necessary. He or she will send details to the registrar confirming that the death is natural.

### **Why must an inquest be held?**

Because the cause of death is uncertain or unnatural.

There are eight main reasons to hold an inquest:

1. No death certificate because a doctor was not present at, or prior to the death;
2. No medical attention for an illness which occurred just before the death;
3. No medical examination either during a period of 14 days before death or immediately afterwards;
4. Death during, or immediately after, an operation, or following administration of an anaesthetic;
5. Reasonable cause to suspect that a death was unnatural, due to violence, neglect, abortion or suspicious circumstances;
6. No known cause of death;
7. Death due to industrial disease or poisoning;
8. Death in the hands of prison or police officers.

The vast majority of deaths are not referred to the coroner. Of the average 190,000 deaths reported to coroners each year there are inquests held into approximately 20,000.

### **What is an unnatural death?**

One that was due to actions or omissions that led to a clear event, which ultimately led to the person's death.

### **Who has the right to ask questions at an inquest?**

Properly Interested Persons as set out in Rule 20 of the Coroners Rules (1984). See Sections 3 and 8 on Legal Advice and Definitions for further explanation of who is a Properly Interested Person.

### **If an operation is likely to have led to a person's death is an inquest necessary?**

Not if the cause of death is natural, e.g. if the death of an elderly person was due to a stroke, or if the chance of the operation's success was very low. However, it is often an area of dispute and you should seek legal advice if you do not accept the coroner's decision not to hold an inquest (see Section 3 on Legal Advice, and also the part of Section 5 on medical negligence related deaths).

### **If you think an inquest should be held what should you do?**

Representatives of the family should make their views known to the coroner as soon as possible after the death. They can contact the coroners courts by post or by ringing the court and talking to the coroner's officer. They should also consider getting legal advice as soon as possible.

### **Will there be a jury?**

Not in the vast majority of inquests, but in certain cases the law says the inquest must be held in front of a jury. These are when:

- a) the death occurred in prison (see Section 5 on deaths in prison) or in such circumstances as to require an inquest under any Act other than the Coroners Act 1988;
- b) the death occurred while the deceased was in police custody, or resulted from an injury caused by a police officer in the purported execution of his duty (see Section 5 on deaths in police custody);
- c) the death was caused by an accident, poisoning or disease, notice of which is required to be given under any Act to a government department, or to any inspector or other officer of a government department or to an inspector appointed under Section 19 of the Health and Safety at Work, etc, Act 1974;
- d) the death occurred in circumstances the continuance or possible recurrence of which is prejudicial to the health or safety of the public or any section of the public (Coroner's

Act 1988 Section 8.3). This gives the coroner the general discretion to order an inquest to be held with a jury if he believes it to be necessary.

There are about 20,000 inquests each year of which 2,000 are held in front of a jury.

## **What is a coroner/coroner's officer?**

A coroner is appointed by the local authority in which her/his court lies. S/he is a judicial officer and can only be removed from office by the Lord Chancellor. Coroners are either solicitors, barristers and/or qualified medical practitioners of not less than five years standing.

Coroners officers are the staff in the coroners courts that bereaved families will have most contact with before the inquest. Many of them, but not all, are ex-police officers or serving police officers permanently working for the coroner.

## **What information will I be given about the inquest and post mortem?**

You should receive a leaflet from the coroners court called "When Sudden Death Occurs—Coroners and Inquests". If you do not receive this leaflet, ask for a copy. In some areas coroner's officers give this information automatically but in others they do not even have copies of the leaflet. You should ask questions of the coroner's officers if there is anything you are not clear about.

## **What is a death certificate?**

A death certificate is a legal document that is sent to the registrar of births and deaths, to record the details of a person who has died and the cause of death. When there is an inquest the coroner will issue an interim certificate when the body is released but will not issue a final death certificate until after the inquest has concluded. An interim death certificate is necessary to enable the body to be released for a funeral to be held and for the administrative procedures that follow a death.

## **When will the inquest be held?**

In most of the circumstances covered by this pack the inquest will be opened very soon after the death for the formal business of recording the person's identity. This is a very short procedure taking only a few minutes. You have the right to attend this hearing. After that, the length of time before the full hearing depends very much on the geographical area where the inquest is taking place and the nature of the circumstances surrounding the death. Where there are other investigation procedures to go through it can be a number of years after the death that the inquest is held.

## **Where will the inquest be held?**

In some places, particularly large metropolitan cities, there will be a specific coroners court. In London there are coroners courts which each cover a group of the boroughs. In other smaller towns it may be held in the magistrates courts or possibly in a room in the Town Hall. Jury inquests have sometimes been held in a local crown court.

## **Will the inquest establish who is responsible for my friend's/relative's death?**

No. The main purpose of an inquest is to establish the cause of death. It cannot apportion blame for the death or establish any criminal or civil liability on the part of a named individual(s). Coroners will often say at the beginning of the inquest that their job and that of the jury (if there is one) is to establish the answers to four questions— who the deceased was, where they died, when they died and how.

## **But surely how they died includes who was responsible?**

No. According to the law it is not the function of an inquest to blame anyone involved. The law states that that is the job of other courts. Many people are shocked and very disappointed to learn that the inquest cannot seek to establish who may be responsible for the death.

### **Will the inquest look into all the issues that touch on the circumstances of the death?**

No. As explained, the remit of the inquest is legally very narrow. It may be that there are many events in the days, weeks, even months before the death which you believe played a part in the death but most coroners will not allow exploration of those issues and will stick to the immediate events surrounding the death. Different coroners will have different approaches and some will allow more wide-ranging questions than others.

### **Will I be able to see the evidence and statements before the inquest?**

It is not usual for the coroner to disclose written evidence to a bereaved family before the inquest and there is no right to such disclosure. There are, however, two exceptions – where someone has died in prison or in police custody. In these cases the police, prison service and coroner have been encouraged by procedures introduced in April 1999 to be as open as possible and provide the family and their lawyers with the evidence before the inquest to assist with preparation. It is important to remember that these are still voluntary procedures and there is no statutory right to pre-inquest disclosure.



## SECTION 1