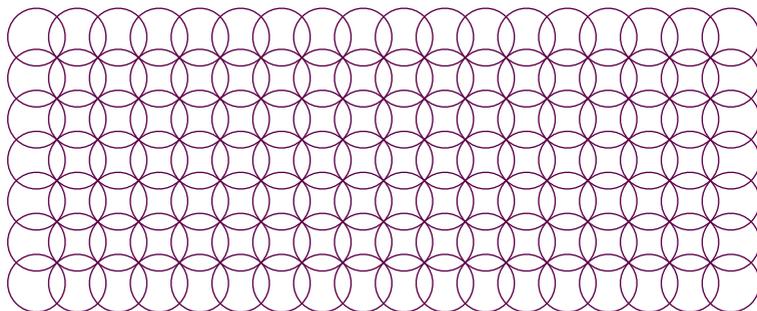




Ministry of
JUSTICE

A guide to

Coroners and Inquests



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Coroners and inquests – a guide

Some questions answered and issues explained

This guide is for information purposes only and is not intended to be an exhaustive explanation of current coroner law in England and Wales. If you are a 'properly interested person' in a specific inquest (see section 21) and have questions about it, you should raise these with the coroner's office.

The Coroners and Justice Act, which received Royal Assent on 12 November 2009, introduces a number of significant reforms to the coroner system and they will be introduced as soon as possible. Further information about the reform programme can be seen at <http://www.justice.gov.uk/publications/coroners-justice-bill.htm>. A revised version of this guidance will be published when the Act has been implemented.

1. What is a coroner?

1.1 A coroner is an independent judicial office holder, appointed and paid by the relevant local authority. A coroner must be a lawyer or a doctor, and in some cases is both. Each coroner has a deputy and usually one or more assistant deputies, and either personally or through a deputy he or she must be available at all times. The costs of the coroners' service are generally met by local authorities, not by central Government. In some districts the local police force may also contribute towards a coroner's resources, usually by providing and paying the costs of coroner's officers.

2. What do coroners do?

2.1 Coroners inquire into violent or unnatural deaths, sudden deaths of unknown cause, and deaths which have occurred in prison. A coroner's authority to inquire flows from the report of a body being within the coroner's district and not from where the death occurred. The coroner's inquiries may take one of several forms and may result in the holding of an inquest.

2.2 It is a coroner's duty at an inquest to establish who the deceased was and how, when and where the deceased came by his or her death. After an inquest the coroner will send the necessary details to the registrar of births and deaths for the death to be registered when it occurred in England and Wales. An inquest is not permitted to determine or appear to determine criminal liability by a named person or civil liability. It is about what happened, not who was responsible for what happened, for which the civil and criminal courts have jurisdiction.

2.3 In some cases a death may be referred to the police for investigation on behalf of a coroner. In other cases a separate investigation into a death may be undertaken by an independent body such as the Health and Safety Executive, the Prisons and Probation Ombudsman, the Care Quality Commission or the Independent Police Complaints Commission, and the coroner will be given the results of the investigation.

3. What is the role of a coroner's officer?

3.1 Coroners' officers work under the direction of coroners and liaise with bereaved families, the police, doctors, witnesses and funeral directors. They receive reports of deaths and make inquiries at the direction, and on behalf, of a coroner.

4. Are all deaths reported to a coroner?

4.1 No, not all deaths need to be reported. In many cases the deceased's own doctor, or a hospital doctor who has been treating him or her during the final illness, is able to issue a Medical Certificate of the Cause of Death (MCCD) without reference to a coroner. The death can then be registered by the registrar of births and deaths, who will issue the death certificate. Sometimes doctors may discuss the case with the coroner and this may result in the coroner deciding that he or she does not need to make further inquiries, because the death is from natural causes. In the light of that discussion the doctor concerned may be able to issue the MCCD and the coroner will issue a certificate to the registrar stating that it is not necessary to hold an inquest.

4.2 However, if the coroner has decided to investigate a death the registrar of births and deaths must wait for the coroner to finish his or her inquiries before the death can be registered. These inquiries may take time, so it is always best to contact the coroner's office before any funeral arrangements are made. In many cases the decision to investigate will not hold up funeral arrangements

5. When is a death reported to a coroner?

5.1 Registrars of births and deaths, doctors or the police report deaths to a coroner in certain circumstances. These include where it appears that:

- no doctor attended the deceased during his or her last illness;
- although a doctor attended during the last illness the deceased was not seen either within 14 days before death nor after death;
- the cause of death appears to be unknown;
- the death occurred during an operation or before recovery

- from the effects of an anaesthetic;
- the death was due to an industrial accident, disease or poisoning;
- the death was sudden or unexpected;
- the death was unnatural;
- the death was due to violence or neglect;
- the death was in other suspicious circumstances; or
- the death occurred in prison or police custody.

6. What will a coroner do when a death is reported?

6.1 The coroner may decide that a post-mortem examination and inquest are unnecessary because the cause of death is evident, and there is a doctor who can sign an MCCD to that effect. In such cases the coroner will advise the registrar of births and deaths that no further investigation is needed.

6.2 The coroner may ask a pathologist to examine the body and carry out a post-mortem examination (also known as an autopsy). If so, the examination must be made as soon as possible.

7. What is a post-mortem examination?

7.1 A post-mortem examination is a medical examination of a body, carried out for a coroner by a pathologist of the coroner's choice, in order to establish the cause of death.

7.2 The coroner is not required to obtain the consent of the relatives for a post-mortem examination to be made, but is required to inform certain persons of when and where the examination will take place. These include the deceased's relatives and others with an interest in the death, for example, the deceased's regular medical practitioner and the Chief of Police. Such persons are entitled to be represented at the examination by

a doctor of their choice, but they have to pay any fee the doctor may charge. Coroners will where possible take account of religious and cultural needs.

7.3 If concerns remain about the cause of death, the relatives can ask the coroner for a separate, additional post-mortem examination, which would be at their own expense.

8. Post-mortem examination report

8.1 This report gives details of the examination made of the body, and is sent to the coroner by the person who carried out the post-mortem examination. It may also give details of any tests which have been carried out to help determine the cause of death. Copies of the report are normally available only to properly interested persons. A fee for the copies may be payable.

8.2 A coroner may dispense with an inquest after a post-mortem examination if he or she thinks an inquest is unnecessary and there is no reason to suspect that the person died a violent or unnatural death, and they did not die in prison. The coroner will release the body for the funeral and send a form to the registrar of births and deaths stating the cause of death as disclosed by the post-mortem examination report, so that the death can then be registered. Generally this will happen when the post-mortem examination establishes that the person died of natural causes and the coroner decides no further investigation into the death is necessary.

9. Medical records

9.1 Medical records remain confidential after death but may be made available to the deceased's personal representative or any person who may have a claim arising out of the deceased's death,

subject to some restrictions, under the terms of the Access to Health Records Act 1990. These can be viewed online at: http://www.opsi.gov.uk/acts/acts1990/Ukpga_19900023_en_1.

9.2 Coroners are entitled to obtain copies of medical information that is relevant and necessary to their inquiries. Medical information about the deceased may be disclosed at the inquest hearing if it is relevant to the cause of death.

10. Will organs be retained after a coroner's post-mortem examination?

10.1 Distressing though it can be for the deceased's family, organs and tissue may sometimes be removed from a body and preserved by a pathologist if they have any bearing on the cause of death or the identity of the deceased. When the material no longer needs to be preserved it will either be returned to the deceased's family or representative, if requested, or disposed of by burial or cremation. If a pathologist believes it would be appropriate to retain organs and tissue, for example for use in research or for training purposes, the consent of the relatives must be obtained. In some exceptional cases, e.g. involving murder, the organs may have to be retained for a longer period.

10.2 Further general information on tissue retention and the legal requirements relating to consent can be obtained from the Human Tissue Authority on ☎ 020 7211 3400 or online at www.hta.gov.uk.

11. Donation of tissue and organs for transplantation

11.1 If the next-of-kin wishes to consider donation, immediate advice is essential. This can be sought from a hospital or from the local Transplant Co-ordinator, who will be able to discuss the options for donation in more detail. The Transplant Co-ordinator must consult the coroner in any case which has been or is likely to be referred to him or her, and the coroner must agree before a donation can take place, since the removal could affect important evidence. These decisions are usually made very quickly. In a small number of cases, for example where there is a criminal investigation, organ donation may not be possible.

12. What happens after the post-mortem examination if the coroner decides to hold an inquest?

12.1 A coroner must hold an inquest if the cause of death remains unknown, or if there is cause for the coroner to suspect that the deceased died a violent or unnatural death, or died in prison. However, after the post-mortem examination is completed the coroner will normally issue the necessary authority permitting a burial or cremation, so that a funeral can be held, even though the inquest has not been concluded.

12.2 In such circumstances the death cannot be registered. In order to assist the administration of the estate, an interim certificate of fact of death can be issued by the coroner. This certificate should be acceptable to banks and financial institutions, unless it is important for them to know the outcome of the inquest (for example, for an insurance settlement). You can also use this interim certificate for benefit claims and National Insurance purposes. When the inquest has been completed the coroner will notify the registrar of births and deaths so that the death can be registered by the registrar and a death certificate can then be obtained from the registrar.

12.3 If criminal charges have been brought against somebody for causing the death, it may be necessary for a second post-mortem examination to take place or for further investigation, and the release of the body and the funeral arrangements may then have to be delayed.

13. Taking the body abroad or bringing it back to this country

13.1 In every case where someone wishes to take a body out of England or Wales, written notice must be given to the coroner in whose area the body is located. The coroner will then consider whether an inquest or post-mortem examination is needed and will notify his or her decision within four days.

13.2 If a body is being brought into England or Wales, the coroner in the area to where the body is brought may need to be involved. The coroner may need to determine the cause of death and will be required to hold an inquest if the death was unnatural, or violent, or sudden and of unknown cause. The coroner will issue a certificate for cremation in all cases coming from abroad where the body is to be cremated.

13.3 When death has occurred outside England and Wales and the body is returned to England or Wales, the death is not registered by the registrar of births and deaths when the coroner has finished investigating or has concluded the inquest. Further information about what to do when a death occurs abroad can be found on the Foreign and Commonwealth Office's website, at:
<http://www.fco.gov.uk/en/travel-and-living-abroad/when-things-go-wrong/death-abroad>

14. What is an inquest?

14.1 An inquest is a fact-finding inquiry to establish who has died, and how, when and where the death occurred. It does not have statements and examination of witnesses by prosecution and defence teams, like a criminal trial; the coroner and all those with “proper interests” simply seek the answers to the above questions.

14.2 An inquest is usually opened soon after a death to record that a death has occurred, to identify the deceased, and to enable the coroner to issue the authority for the burial or cremation to take place without any unnecessary delay. It will then be adjourned until any other investigations (see paragraph 2.3) and any inquiries instigated by the coroner have been completed. It will usually take between 3 and 9 months to conclude this work, but some cases can take longer than this if the inquiries prove to be complicated. The inquest will then be resumed and concluded.

15. What happens if somebody has been charged with causing the death?

15.1 Where a person has been sent for trial for causing a death, for example by murder or manslaughter, any inquest is adjourned until the criminal trial is over. On adjourning an inquest, the coroner must send the registrar a certificate stating the particulars that are needed to register the death and for a death certificate to be issued. When the trial is over, the coroner will decide whether to resume the inquest. There may be no need, if all the facts surrounding the death have emerged at the trial. If the inquest is resumed, however, the finding of the inquest as to the cause of death cannot be inconsistent with the outcome of the criminal trial.

15.2 Section 28 below sets out the position where civil proceedings have been brought in connection with a death.

16. Attendance at an inquest

16.1 When a coroner's investigations into a death are complete, a date for a full inquest will be set. The 'properly interested persons' (see paragraph 21 below) will be informed of the date by the coroner's officer and any witnesses will be asked to attend to provide evidence. The process is held in the public interest and not on behalf of any individual. It is not always necessary for the bereaved relatives to attend the inquest, and some prefer not to as the details of the death may need to be dealt with in graphic terms. If you do attend the inquest you can be accompanied by a supporter, for example a friend.

17. Is there always a jury at an inquest?

17.1 No, most inquests are held without a jury but there are particular circumstances when a jury is called, including:

- if the death occurred in prison or in police custody; or
- if the death resulted from an accident at work.

17.2 In every jury inquest, the coroner decides matters of law and procedure, and the jury decides the facts of the case and reaches a verdict. The jury cannot blame someone for the death. If there is any blame, this can only be established by other legal proceedings in the civil or criminal courts, although the jury can state facts which make it clear that the death was caused by a specific failure of some sort or by neglect.

18. Who decides which witnesses to call?

18.1 The coroner will decide who should be called to give evidence as a witness, and the order in which they give evidence. However, anyone who believes they may be of help or believes a particular

witness should be called should inform the coroner. The coroner will then decide whether the evidence is relevant to the investigation of the death.

19. Must a witness attend court?

19.1 Yes, if they live in England and Wales. In many cases the evidence of a witness may be vital in establishing the facts of the death. A witness may either be asked to attend the inquest voluntarily or receive a formal summons to do so, but if they live abroad they cannot be compelled to attend or to give evidence.

20. Who can ask witnesses questions?

20.1 Witnesses will be first questioned by the coroner and then by any properly interested person or their legal representative. Whether a question is relevant to the purpose of the inquest is something the coroner decides. Where relevant, the coroner will warn a witness that he or she is not obliged to answer any question which might incriminate him- or herself.

21. Who is a properly interested person?

21.1 This can be:

- a parent, spouse, child, civil partner or partner and any personal representative of the deceased;
- any beneficiary of a life insurance policy on the deceased;
- any insurer having issued such a policy;
- a representative from a Trade Union to whom the deceased belonged at the time of death (if the death arose in connection with the person's employment or was due to industrial disease);

- anyone whose action or failure to act may, in the coroner's view, have contributed to the death;
- the Chief Officer of Police (who may only ask witnesses questions through a lawyer);
- any person appointed as an inspector or a representative of an enforcing authority or a person appointed by a Government Department to attend the inquest; or
- anyone else who the coroner may decide also has a proper interest.

21.2 It is the coroner who decides who will be given properly interested person status.

22. Is Legal Aid available?

22.1 Legal Aid is not generally available for representation at inquests because an inquest is a fact-finding process. Unlike other proceedings for which Legal Aid might be available, there are no parties in inquests, only the properly interested persons, and witnesses are not expected to present legal arguments. The coroner ensures that the process is impartial and thorough, and he or she should assist families to ensure that their relevant questions are answered.

22.2 Legal Aid may, however, be available to cover representation at the inquest in very exceptional cases. Applicants must qualify financially and meet strict criteria for representation to be funded. These criteria are that:

- there is a significant wider public interest in the applicant being represented at the inquest; or
- the circumstances of the death appear to be such that funded representation is likely to be necessary to enable the coroner to investigate the case effectively and establish the facts, providing that the applicant was a

member of the deceased's immediate family (as required by Article 2 of the European Convention on Human Rights).

22.3 However, legal advice - via the Legal Help scheme - may be available to those who qualify financially. Further information is available from the Legal Service Commission on ☎ 0845 345 4345 or online at www.legalservices.gov.uk.

23. Inquest verdicts

23.1 Possible verdicts include:

- natural causes;
- accident or misadventure;
- he or she killed him/herself (i.e. suicide);
- unlawful killing;
- lawful killing;
- industrial disease; or
- open verdict (where there is insufficient evidence for any other verdict).

23.2 Alternatively, the coroner can give a narrative verdict which sets out the facts surrounding the death in more detail and explains the reasons for the decision.

24. What if future deaths may be prevented?

24.1 Sometimes an inquest will show that something could be done to prevent other deaths. If so, at the end of the inquest the coroner may announce that he or she will draw this to the attention of any person or organisation that may have the power to take action. This is something referred to as a "Rule 43 Report" – as the power to make such a report is found in Rule 43 of the Coroners Rules 1984. This Rule was significantly changed in 2008.

Now anyone who receives such a report must send the coroner a written response. These reports, and the responses to them, are copied to all interested persons and to the Lord Chancellor. A summary of the reports is published twice a year, by the Ministry of Justice.

25. What can you do if you are dissatisfied with the outcome of an inquest?

25.1 It is possible to challenge coroners' decisions and inquest verdicts, but the grounds for doing so are complex and advice should be sought from a lawyer with expertise in this area of the law. An application may be made to the High Court for judicial review of a decision, but this must normally be done within three months of completion of the inquest. There is a separate power under which the Attorney-General may initiate an application to the High Court for an inquest to be held if a coroner has neglected or refused to hold one, or for another inquest to be held on the grounds that it is necessary or desirable (e.g. because new evidence has come to light).

26. Is it possible to obtain a record of the inquest?

26.1 Once an inquest has been completed, a properly interested person may apply to see the notes of evidence, any document put in evidence at the inquest, or a copy of any post-mortem examination report. Copies may be obtained following payment of a fee to the coroner. The notes may be in the form of a transcript from a tape-recording or the coroner's own notes. The coroner's notes may not be a full, verbatim record.

27. Will the inquest be reported by the media?

27.1 All inquests must be held in public in accordance with the principle of open justice, and so members of the public and journalists have the right to, and indeed may, attend (although parts of a very small number of inquests may be held in private for national security reasons). Whether journalists attend a particular inquest – and whether they report on it - is a matter for them. If any such report is fair and accurate it cannot be used to sue for defamation.

27.2 Those working on newspapers or magazines abide by the Editor's Code of Practice, upheld by the Press Complaints Commission, which sets out the guidance for print journalists in the UK. The Code, which can be seen at www.pcc.org.uk, has requirements on accuracy, privacy and discrimination. It also has specific rules in cases involving grief and shock. For instance, publication in such circumstances must be handled sensitively and, when reporting suicide, care should be taken to avoid excessive detail about the method used.

27.3 The Press Complaints Commission (PCC) mostly deals with complaints about published material. However, it can also help to prevent physical harassment by journalists and will sometimes be able to assist with problems related to material that has not yet appeared in print. Its staff are always happy to discuss matters informally; the PCC can be contacted on ☎ 020 7831 0022 or 0845 600 2757. It also operates an out-of-hours number **for emergencies only** (07659 152656).

27.4 Suicide notes and personal letters will not usually be read out at the inquest, unless the coroner decides it is important to do so. If they are read out, their contents may be reported. Although every attempt is made to avoid any upset to people's

private lives, sometimes, in the interest of justice, it is unavoidable. Photographs taken of the deceased and of the scene of death may also form part of the evidence presented in court.

28. What about other proceedings?

28.1 Any civil proceedings will normally follow the inquest. When all the facts about the cause of death are known it is possible that civil proceedings may be brought and a claim for damages made. A lawyer's advice should be sought about the time limits and procedures that apply. Inquest evidence cannot be used directly in other proceedings.

29. Rights of properly interested persons, including bereaved people, throughout the process

29.1 Essentially, properly interested persons at an inquest have the right:

- to be told the date, time and place of the inquest if one is needed; and
- to question witnesses at the inquest, or have a legally qualified representative do so.

29.2 Bereaved people may also:

- ask the coroner, via the funeral director, for reasonable access to see the body before it is released for the funeral;
- ask the coroner for a copy of the post-mortem examination report (for which a fee may be payable), or to arrange for it to be seen free of charge; and
- ask the coroner about a separate post-mortem examination. The costs of this examination, including any fee of the registered medical practitioner and mortuary charges, would have to be self-funded.

30. How can you find out further information?

30.1 You can obtain more information, including details of any locally-operated 'Coroner's Charter', from your local coroner's office. This is usually listed in the telephone directory or on the website of the local authority for the area. Alternatively, your local police, hospital or Citizens Advice Bureau will be able to tell you where the office is situated.

30.2 A further source of general information is the pre-recorded Metropolitan Police Bereavement Information Line on  0800 032 9996. This is available to listen to 24 hours a day.

30.3 Jobcentre Plus publish a booklet *What to do after a death in England and Wales*, (DWP 1027) which covers legal and benefits procedures. Registrars of births and deaths will give a copy to people who register a death, and coroners may make copies available to bereaved families. The booklet can be viewed online at: <http://www.dwp.gov.uk/publications/catalogue-of-information/all-products/>

30.4 Further information about coroners, death registration and related matters are available online at www.direct.gov.uk.

30.5 If you have any general queries about the contents of this leaflet please email coroners@justice.gsi.gov.uk or phone  020 3334 3555.

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