

Attending an inquest - a guide to NHS staff

The purpose of an inquest

An inquest is a public fact finding inquiry into the circumstances of a person's death. They are required when a person has suffered a violent or unnatural death, a sudden death of unknown cause, or where someone has died whilst detained in custody.

The purpose of the inquest is to find out how and in what circumstances the deceased came by their death. Basically 'who, when, where and how'.

The inquiry is led by the coroner. The witnesses' role is to assist that fact finding inquiry. The Coroner's Court is a non-adversarial court which means the parties do not 'take sides' against each other. An Inquest is not a trial and the coroner is not permitted to apportion blame. It is a fact finding exercise into the circumstances of a person's death.

You may be involved in an inquest into the death of a patient by being asked to prepare a statement and/or give evidence at the hearing itself.

Preparing a statement

- Provide a factual statement - what you saw, heard, and did. Try not to include opinion;
- detail your full name, role, professional qualifications and business address first;
- say whether the statement is based on your recollection of the patient, review of the notes, or both;
- provide a chronological summary of your involvement;
- number paragraphs;
- explain medical terms and abbreviations; and
- sign and date the statement!

Inquest procedure

- The inquest is opened and usually immediately adjourned for inquiries to be made by the coroner's officer.
- On the date of the full inquest, the coroner reopens the inquest and the pathologist usually gives evidence first.
- Inquests are held in public and there may be members of the press, general public, the family, and other interested parties in attendance.
- The coroner is required to hold an inquest with a jury when the deceased died in custody, where Article 2 of the Human Rights Act 1998 (right to life) applies, or where it is deemed to be in the public interest.
- You can be present for the whole of the proceedings.
- When it is your turn to give evidence, you will go to either a witness box or a table. You will be asked to swear an oath or make an affirmation, essentially confirming that the evidence you give will be true.
- Sometimes you may be asked to read out your statement, or the coroner will take you through the evidence in your statement. You can expand on the evidence in your statement, or explain it in more detail if you want. This is called evidence in chief.
- After you have given your evidence in chief, you may be asked questions. The coroner goes first, followed by the interested parties. If the family are legally represented, their lawyer will ask you questions. If not, the family members can ask questions themselves.
- Finally, if a lawyer is in attendance for the trust they may ask you some questions to clarify your evidence.

Tips on giving evidence

- Consider visiting the Coroner's Court in advance so that you are familiar with it;
- be familiar with the evidence in your statement;
- be familiar with the patient's medical records;

- arrive in good time;
- direct your comments to the coroner or the jury if there is one;
- take your time - speak slowly and clearly;
- consider your answers, pause for thought/breath;
- give concise relevant answers to questions;
- ask for repetition/clarification of question, if necessary;
- if you're unsure, say so - you can ask to refer to relevant documents to check facts;
- if you can't remember, say so - it is not a test!
- put your evidence in your own words and keep it factual;
- if asked to give opinion - remain within the area of your expertise; and
- be honest!

Techniques used by lawyers when questioning witnesses!

- Asking the same question more than once ... stick to your guns!
- Leaving a silence ... don't babble to fill it!
- Cutting a witness short ... finish answering.

The end of the inquest

After giving evidence you may be released by the coroner and allowed home or you may be asked to stay. You can stay until the end of the inquest if you wish. It is common for the coroner to give a narrative verdict at the end of the inquest which is generally a paragraph detailing what happened. Other 'short form' verdicts are still used in many inquests, such as suicide, accidental death, natural causes or an open verdict.