



Ministry
of Justice

A Guide to Coroner Services for Bereaved People



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Introduction

Why have I been given this Guide?

You have been given this Guide because someone close to you has died and their death has been reported to the coroner.

You may also have received this Guide if you have been called as a witness at an inquest.

The coroner is involved in the death because the coroner needs to make enquiries to find out what happened and how the person died.

For most people, the inquest process is new. Preparing for an inquest can be difficult, and you may find it hard to find your way through the legal processes on top of the distress caused by the death.

This Guide is not intended as a statement of the law and it does not cover every situation that might arise. There are some circumstances where the processes might be different and these are covered in section 7 of the Guide.

The Coroners and Justice Act 2009 is the main Act of Parliament that makes provision for the coroner service. In this Guide, we refer to this as 'the Act'.

If you have any questions at any point, you can always contact staff at the coroner's office, who will be happy to answer your questions.

If you have any general queries about this booklet please email coroners@justice.gov.uk

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Section 1

Who is involved in the coroner process and what is my role?

Key Points

A coroner is a special judge who investigates unnatural or violent deaths, where the cause of death is unknown, or because the death took place in prison, police custody or another type of state detention, such as a mental health hospital.

The investigation may include an inquest hearing.

The coroner's role is to find out who died and how, when, and where they died.

The coroner cannot make a finding that someone is guilty of something or to blame for something.

As a relative or representative of the person who died you have the right to receive documents and evidence and to ask the witnesses relevant questions at the inquest hearing.

Your main contact with the coroner will be through the coroner's officer who will answer any questions you may have and keep you informed of progress.

1.1 What is a coroner?

A coroner is a special type of judge appointed by a local authority to investigate certain deaths. Coroners are usually lawyers, but sometimes they can be doctors. Coroners work within a framework of law passed by Parliament. They are appointed by a local authority but remain independent judicial office holders.

The coroner service is headed by the Chief Coroner.

1.2 What do coroners do?

Coroners investigate deaths that have been reported to them if they think that:

- the death was violent or unnatural;
- the cause of death is unknown; or,
- the person died in prison, police custody or another type of state detention e.g. an immigration removal centre or while detained under the Mental Health Act 1983.

When a death is reported to a coroner, they:

- decide whether an investigation is needed; and if it is,
- investigate to establish the identity of the person who has died; how, when, and where they died; and any information they need to register the death; and,
- use information discovered during the investigation to help prevent other deaths.

1.3 What is a coroner's investigation?

A coroner's investigation is different from a criminal investigation. If a coroner investigates, it does not mean there is suspicion of a criminal act or of any wrong-doing.

The coroner's investigation is to establish who has died, and how, when, and where they died. In order to find this out, the coroner may decide to hold an inquest, which is a fact-finding inquiry in a court. Sometimes the inquest may be heard with a jury. There is more information on when this might happen later in the Guide.

The coroner's findings may be critical of what happened but the coroner cannot blame individuals or organisations or find them responsible for the death. That will be for the criminal or civil courts.

The coroner can also write a report to help prevent future deaths. They will send this report to the organisations involved in the death for them to take action on.

1.4 What is a coroner's officer?

Coroner's officers are members of staff who work for coroners and provide a link between the coroner and you as a bereaved person (or witness). Often, these people will be referred to as 'the coroner's office.'

Coroner's officers work to get information from bereaved families, the police, doctors, mortuary staff, hospital bereavement staff and funeral directors. They will also get information and documents from those who may have been involved in the death, such as witnesses, or those a coroner decides is an 'interested person' in the investigation.

Coroner's officers are usually civilian police staff or local authority employees but sometimes they are serving police officers.

Most of the contact you will have with the coroner's office will be with a coroner's officer. Even where the coroner is considering a matter you have raised, communication is still likely to be with the coroner's office because the coroner is a judge.

1.5 What is an 'interested person'?

'Interested person' is defined in law (by section 47(2) of the Coroners and Justice Act 2009). If you are a close relative or the personal representative of the person who has died, you will be considered to be an 'interested person'.

An interested person has certain rights during the investigation and inquest. This includes the right to be told about the dates of hearings and to receive documents from the coroner that may be used in the inquest.

The definition of interested person also includes a person involved with the death, a person appointed by a Government department to attend the inquest or provide evidence, and anyone else who the coroner thinks has a sufficient interest.

Other people and organisations can also be interested persons. You can find a full list of who is defined as an interested person in the Act or by asking coroner's officers.

1.6 What can I expect from the coroner's office during the investigation?

The team in the coroner's office will:

- explain the role of the coroner and answer your questions;
- provide a contact in the coroner's office throughout the investigation, including their phone number and/or email address;
- tell you about your rights and responsibilities;
- let you know when and where hearings will take place;
- give you documents and evidence that other interested persons have given the coroner (as far as possible);
- wherever possible, take account of your views, including your preferences, traditions and faith-based needs with regard to mourning, post-mortem and funerals;
- make reasonable adjustments to accommodate your needs if you have a disability;

- during a long investigation, contact you at least every three months, or sooner if further information is available, to update you on the progress of your case, and explain reasons for any delays; and
- explain why the coroner intends to take no further action in your case, if relevant.

The coroner's office or the coroner themselves cannot give you legal advice.

1.7 What is my role and what rights do I have as an interested person?

As an interested person you will have certain rights during the coroner's investigation. These include:

- if you wish, to view the body of the person who died and be told the details of any post-mortem that might take place;
- to receive information and other documents and evidence such as witness statements and expert reports obtained by the coroner which may be used at the inquest hearing. This will include evidence that other interested parties may have given the coroner. (This is called 'disclosure');
- to be told the date of any hearings and to attend the inquest, and any pre-inquest hearings;
- if the coroner asks, to give a witness statement and give evidence if there is an inquest hearing;
- to ask other witnesses relevant questions at the inquest hearing, if you wish; and
- to bring someone to attend the inquest hearing with you for support.

There is more information later in this Guide on what emotional and legal support you may wish to consider in addition to the support from your friends, family, or community.

The coroner's office is there to help you answer any questions you may have and you should let them know if you have any concerns or questions about the death, investigation or inquest. You can help by:

- co-operating with the coroner's office and promptly giving them any information you feel may be relevant to the investigation and inquest;
- wherever possible, name one individual as the 'next of kin' to communicate with the coroner's office. This helps to make sure that information is shared promptly. (If more than one person needs to be a contact for the coroner – for example in divided families – please explain this to the coroner's officer and provide contact details.);
- telling the coroner's office if things change e.g. if you move address or change your email or contact number, so you can be contacted promptly; and
- telling the coroner's office as soon as possible if you have any specific needs, including religious needs, for the inquest, e.g. if you have a disability, or if English is not your first language, so that the coroner can take reasonable measures to accommodate your needs.

Specific standards of service that you can expect at particular stages of a coroner investigation are set out in 'Standards you can expect' boxes throughout this document.

Section 2

Starting the investigation – what will the coroner do?

Key Points

A death may be reported to the coroner by different people, such as the police, prison officers, the registrar of births and deaths, doctors or a hospital.

When a death is reported, the coroner first carries out enquiries to see if they can find the cause of death quickly. If they can, and the death was due to natural causes, in most cases the coroner has no further role.

If the cause of death is still not known or appears unnatural or violent, the coroner investigates to find out the cause of death. This may include a post-mortem.

If the cause of death is unknown or the death was violent or unnatural, the coroner needs to hold an inquest. Sometimes, the coroner may need to hold an inquest even if the death was natural and the cause is known. This will happen when the person died in 'state detention', for example, in prison.

The coroner will usually let you have the body for burial or cremation once they have carried out their first enquiries. You can make funeral arrangements once this has happened.

You cannot register the death (a legal requirement to tell the government that a person has died) until the cause of death is known. However, the coroner can give you a 'coroner's certificate of the fact of death' to help you deal with administrative matters. This is also sometimes called an interim death certificate.

2.1 Who reports the death to a coroner?

You, or anyone else, may report the death to the coroner if you have concerns about it.

Doctors (including medical examiners), the police and registrars of births and deaths will report deaths to a coroner in some circumstances which include when the cause of death is unknown, the death was violent or unnatural or where no doctor is able to complete a death certificate or there are concerns about the cause of death.

In some cases, the police may also investigate the death, separately to the coroner, because of their general duties and powers. If this happens the police will share information with the coroner to avoid duplication.

Sometimes other organisations such as a hospital trust, the Health and Safety Executive, the Prisons and Probation Ombudsman, or the Independent Office for Police Conduct have to carry out their own investigation into the death. These investigations usually conclude before the coroner's inquest.

The coroner will be given the results of these investigations so that they can use the information at the inquest (there is more information on the inquest process later in this Guide). These investigations can sometimes take a long time to complete.

2.2 What will a coroner do when a death is reported?

The coroner's staff will make enquiries to help the coroner decide whether to investigate the death, for example by talking to the doctor of the person who died. If this confirms that the death was due to a natural illness or condition and that there are no unusual circumstances, the coroner will not need to investigate.

In some circumstances, early discussions will mean the doctor can sign a Medical Certificate of the Cause of Death. They will tell the registrar of births and deaths of the decision. The coroner's staff will then also tell you that you can register the death. In other situations, the coroner will issue a form which will tell the registrar that the death was from natural causes and that they can register the death.

The coroner may decide that an investigation is needed where they believe the death was not from natural causes, or that it was natural but the cause cannot be determined. They will ask a specialist doctor (usually a pathologist), to carry out a post-mortem to help find out the cause of death. There is more detail on the post-mortem later in this Guide.

If the post-mortem confirms a natural cause death, there are no other concerns about the death and the person did not die in custody or any other form of state detention, the coroner will not need to investigate further.

If you have any knowledge or concerns about the how the death happened you should tell the coroner's office as soon as possible. This information may be important for the medical investigation and tests that are carried out.

2.3 While the coroner is investigating will I be able to see the body?

You or your representative may sometimes be asked to formally identify the body. Normally, you can also see the body if you would like to. Places where you can see the body can vary, so sometimes you will see the person through a glass window rather than being in the same room. You should ask the coroner's office in advance if you want to touch your loved one's body as this may not always be possible, for example, where evidence needs to be taken for use in criminal proceedings.

Sometimes, the coroner will suggest that you do not see the body if they feel that this may cause you distress. This will be explained to you sensitively so that you can decide whether you still want to see the body.

2.4 When will I get the body back so I can arrange the funeral?

Under the law, the coroner has temporary legal control of the body while they are carrying out their investigation. This legal control is important because it means that no other person or organisation can interfere with the coroner's independent investigation.

However, they will let you (if you are the next of kin) have the body for burial or cremation as soon as possible.

If the coroner cannot let you have the body within 28 days, they are required by law to tell you (if you are the next of kin) or the personal representative of the person who died, the reasons for the delay.

The coroner's officer will let you know when your loved one's body can be returned to you.

Procedures may vary where there is a criminal investigation into the death. There is more information on this later in the Guide.

2.5 When can the death be registered?

It is a legal requirement to tell the government that a person has died.

However, if the coroner decides to investigate the death, then the death cannot be registered straight away. The registrar of births and deaths must wait for the coroner to complete their investigation before the death can be registered.

You will be told when and how the death can or will be registered once the coroner has either discontinued their investigation or concluded their investigation and inquest.

Section 3

The coroner has asked for a post-mortem – what is going to happen?

Key Points

A post-mortem is a medical examination of the body after death in order to find out the cause of death.

Usually the post-mortem involves operating on the body to carry out an internal examination. Sometimes there can be a scan of the body instead.

You cannot attend the post-mortem yourself, but you can ask a doctor to attend for you – although the doctor may charge you for this.

The specialist doctor who conducts the post-mortem will write a report for the coroner. You can ask the coroner's office for a copy.

Sometimes samples of blood or body tissue including organs will be kept after the body has been released if further tests and investigations are needed to determine the cause of death. You will be given options to decide what happens to the tissue that has been taken.

3.1 Why is a post-mortem being carried out?

The coroner may decide that they need to ask for a post-mortem to help find out the cause of death, for example where a doctor cannot certify the death. A post-mortem is usually carried out by a pathologist who is a doctor who specialises in examining body organs, tissues and fluids to make a medical diagnosis.

If the death involves a possible crime, the post-mortem will be a forensic post-mortem and will be carried out by a forensic pathologist who specialises in criminal matters.

The post-mortem is carried out as soon as possible after the death. The coroner's office will let you know if there are any delays.

3.2 What will happen at the post-mortem – does it involve an internal examination?

The coroner will decide which type of post-mortem there should be.

Usually a post-mortem involves opening and examining the body internally.

If you see the body after the post-mortem, it may have marks on it from the post-mortem.

3.3 Are there alternatives to an internal examination?

In some parts of the country, other post-mortem techniques such as scanning by CT (computerised tomography) or MRI (magnetic resonance imaging) are available which do not physically damage the body. These are not available everywhere, and even where they are, it may not be possible to use them in each case. If you would prefer a scan, you will need to ask the coroner as soon as possible. Where a scan is used you may be asked to pay for it.

The coroner may also decide to ask for toxicology (fluid samples such as blood and urine to identify drugs, alcohol or other harmful chemicals in the body) or histology (when samples are taken from organs and tested under a microscope). These tests and procedures may take place instead of or as well as a post-mortem or scan.

3.4 When does there have to be more than one post-mortem?

Sometimes the coroner may be asked to agree to a second post-mortem. This can occur for a number of reasons, particularly if someone has been arrested or charged in relation to a death.

For more information about this process please refer to the Chief Coroner's Guidance 32 at <https://www.judiciary.uk/related-offices-and-bodies/office-chief-coroner/guidance-law-sheets/coroners-guidance/>

3.5 Can I stop a post-mortem taking place?

The coroner does not need your consent for a post-mortem, but they will explain why they consider that they need one.

Wherever possible, coroners will take account of your faith and cultural needs and preferences. You should discuss these with the coroner's office as soon as you can.

3.6 Can I attend the post-mortem?

You cannot attend the post-mortem yourself, but you can ask a doctor to represent you, although the doctor may charge you for this. You should tell the coroner if you want a doctor to attend so that they can tell you when and where the post-mortem will take place. The doctor should be allowed to attend unless it is impractical or would cause delay.

3.7 Will I get the body after the post-mortem?

If the post-mortem shows a natural cause of death, the coroner will not need to investigate any further. They will then return the body to you so that the funeral can take place.

If the death is violent or unnatural, or other circumstances apply, such as where the person died in state detention such as in prison, the coroner may decide that further investigation is needed. The coroner will still usually return the body to you at this point but occasionally this is not possible. If so, the coroner's office will explain the arrangements to you.

3.8 Will any organs be retained after the post-mortem?

The pathologist may sometimes remove fluid samples, small pieces of tissue and, occasionally, organs from a body if this will help find the cause of death or the identity of the person who has died.

This may be carried out for the purposes of toxicology or histology tests which are made after the post-mortem has been completed and the body released to you for burial or cremation.

The coroner does not need your permission for samples to be removed from the body but if this happens, the coroner must tell you, and give you options so that you can decide what you want to happen when the tissue or organs are no longer needed for the coroner's investigation. The coroner's officer will tell you how long these tests are likely to take.

In exceptional cases, (for example, in murder cases) the tissues may have to be kept for longer as evidence. When the tissue or organs are no longer needed by the coroner, there are three options for what can happen. The material can be:

- disposed of by lawful means
- returned to you (if this is what you wanted, though this may result in a delay in the release of the body)
- stored for future use, such as for future review, education and training or research. This can only happen with appropriate consent – more information about this and who can give consent can be found on the Human Tissue Authority's website <https://www.hta.gov.uk/guidance-public>

3.9 What happens after the post-mortem is complete?

After the post-mortem, the pathologist or other specialist who conducted the examination will send a short report to the coroner explaining what they have found. This will set out what they did in the examination, any tissue and organs that were retained and why, and any further tests which are being carried out.

Once all the tests have been completed, the pathologist or other specialist will send the coroner a full report. You should ask the coroner's office for a copy of this report if you want to see it.

Sometimes, a final report can take some weeks or months to complete because the examination is complex. This is often the case if there has been a forensic post-mortem, where organs need specialist examination, or if the examination has been carried out on an infant. The coroner's office will inform you of any delays.

3.10 What if I don't agree with the report?

If you disagree with the post-mortem report, you should first discuss this with the coroner's officer. You may wish to consider arranging for your own post-mortem after the coroner has released the body to your chosen funeral director or undertaker. You would have to pay for this yourself. You can also ask the coroner if they will request a second post-mortem.

3.11 What will the coroner do with the report?

The post-mortem report forms part of the evidence that the coroner will consider as part of their investigation. If the post-mortem report shows a natural cause of death, the coroner may decide not to investigate further. However, it is the coroner who is ultimately responsible for the final decision on the cause of death, not the pathologist.

If there is an inquest, the post-mortem report will form part of the evidence.

Standards you can expect with a post-mortem

The coroner's office will tell you when and where an examination will take place, wherever possible.

If you have any queries or concerns, you should let the coroner's office know as soon as possible so that your wishes can be considered.

If the coroner decides not to ask for a post-mortem but you think there should be one, you should discuss this with the coroner's office as soon as possible.

Section 4

Legal advice – there is going to be an inquest – will I need a lawyer?

Key Points

You do not need to have a lawyer to attend or participate in an inquest.

The coroner will help you understand what is happening at the inquest and why.

You may want to consider getting legal help for an inquest hearing if other interested persons are represented, for example if the state or a public body has legal representation at the inquest.

Depending on your financial circumstances, you may have a right to financial support from the government to pay for legal help to prepare for the inquest; or legal representation at the inquest.

Public funding ('legal aid') to have a lawyer represent you at an inquest hearing is only available in certain circumstances.

4.1 Do I need a lawyer?

An inquest is a fact-finding inquiry led by the coroner and is not like a criminal trial. You do not need a lawyer to attend or participate in the inquest including when you want to ask particular questions or you are giving evidence. The coroner will ensure that the process is fair and thorough, that you are able to participate and that you have a chance to ask relevant questions. There is more detail on the inquest process later in this Guide.

However, there may be times where you might wish to have legal advice or representation in preparing for or attending the inquest, for example where the state or public body has legal representation at the inquest because of the circumstances around the death.

4.2 Where can I find a solicitor?

If you want to have a solicitor represent you, you may find it helpful to choose a solicitor with experience and expertise in inquests. The Law Society website may help you find a solicitor at <https://solicitors.lawsociety.org.uk/>

You need to tell the coroner's office if a solicitor will be representing you so that your solicitor receives information, such as hearing dates, documents, and expert reports.

4.3 Is Legal Aid available for my legal costs?

Public funding for early legal advice and assistance before the inquest hearing is known as legal help, and is available for inquests depending on your financial circumstances. This can be used to help you to prepare questions that you want the coroner to ask other witnesses.

Public funding for legal representation at the inquest hearing is only available in certain circumstances.

4.4 Is Legal Aid available if the state or public body is an interested person at the inquest?

At some inquests, the state or a public body will count as interested persons. This may occur because the person died in circumstances in which the state or public body had a duty of care, for example where someone died in prison or a police station.

In these cases, the inquest may become known as an 'Article 2' inquest. This refers to the state or public bodies' obligations to protect life under Article 2 of the European Convention on Human Rights.

In these cases, Legal Aid may be available for your representation at an inquest, under the 'Exceptional Case Funding scheme', depending on your financial circumstances.

4.5 Will I receive Legal Aid if there is a lot of interest in the inquest?

There can be a lot of interest in an inquest, especially when a death may have happened because of the failings of the state or a public body.

You can apply to the Legal Aid Agency for Exceptional Case Funding for legal representation at an inquest. You may be eligible depending on your financial circumstances, and if you feel that the inquest is important to protect the life, health or safety of other persons.

You can find further information about legal aid here <https://www.gov.uk/legal-aid>

Section 5

An inquest is going to be held – what happens next?

Key Points

An inquest is a public court hearing for the coroner, sometimes with a jury, to decide who died, how, when and where the death happened.

In more complex cases or where there are many witnesses, there may be a pre-inquest review where the coroner sets out how the inquest will run, the main issues that will be considered, the documents that will be needed, what evidence will be heard, and what witnesses and experts will be called.

You may be asked to give evidence if you can give information about the death.

You can still attend the inquest if you are not giving evidence.

You, or your legal representative where you have one, can ask the witnesses relevant questions. The coroner can help you with this and can ask the questions on your behalf.

A friend or family member can sit with you during the hearing and there are other support organisations that can attend with you to give you support.

There has to be a jury in some circumstances as set out in the Act, such as where the death happened in prison or other state detention.

5.1 What is an inquest?

An inquest is a public court hearing held by the coroner to decide who died and how, when and where the death happened. It may be held with or without a jury, depending on the circumstances. (See below for details on jury inquests.) At the inquest the coroner will hear from witnesses and consider other evidence such as post-mortem or expert reports. Not all deaths which are investigated by a coroner need to have an inquest. You will be told when an inquest is required.

An inquest is different from other types of court hearing because there is no prosecution or defence and only the coroner can decide what evidence to hear. As the purpose of the inquest is only to discover the facts of the death the coroner (or jury) cannot find anyone criminally responsible for the death.

However, if evidence is found that suggests someone may be criminally responsible for the death, the coroner can pass the evidence to the police or the Crown Prosecution Service. Similarly, the coroner (or jury) cannot find someone liable under civil law. These are matters for other courts.

5.2 When will the inquest take place?

The inquest hearing should take place within six months or as soon as reasonably possible after the death has been reported to the coroner. Sometimes it may take longer than six months to hold the inquest. This may be because other investigations into your loved one's death by other organisations have to take place first, for example by the police or organisations such as the Prisons and Probation Ombudsman for a death in prison or the Health and Safety Executive for a death at work. The coroner's office will keep you updated on progress. If a coroner has not completed their investigation within 12 months they must report it to the Chief Coroner giving reasons for the delay.

5.3 How long will the inquest hearing last?

The length of the inquest hearing will depend on the individual case and how complex it is. Most inquest hearings are quite short and will not take longer than a few hours while some more complicated ones, such as where the state or public body has interested person status can last several weeks. The coroner's officer will be able to give you an idea of how long the inquest hearing in your case may last.

5.4 What will happen first?

Where an inquest is needed, the coroner must 'open' it as soon as possible. The hearing to open the inquest is usually very brief and will be held in public. This means that members of the public may attend and in some cases the press may also attend and report details. Usually, the coroner will then immediately adjourn or pause the inquest until a later date when they have all the information they need to resume the inquest hearing. For example, the coroner may decide expert reports are needed to help understand what contributed to the death. At the opening of the inquest, the coroner must set the dates of later hearings where possible.

For some inquests, however, where all the information is available already, the inquest can be opened and the coroner will hear the inquest and make conclusions in that hearing. The coroner's office will tell you if this is the case.

You do not need to attend the opening of the inquest but if you want to do so, you should tell the coroner's office so that they can tell you when and where it will take place.

5.5 What is a pre-inquest review?

Where the case is complex, the coroner may hold one or more hearings before the inquest itself, called pre-inquest reviews. Pre-inquest review hearings will deal with matters of procedure and other issues that need to be decided before the inquest hearing can take place. These may be things like the 'scope' of the inquest (what matters it will cover), what documents will be required and which witnesses and experts will give evidence.

The coroner will invite you to the pre-inquest review where you can give your views about what the inquest should consider. The coroner will consider your views but the decision is for the coroner. You do not have to attend the pre-inquest review if you do not want to. If you have a solicitor you may want them to attend either with you or instead of you.

Other interested persons may also attend with any legal representatives they may have.

5.6 Can I have copies of documents?

As an interested person you will be given copies of documents that the coroner or other witnesses will use in the inquest, for example, medical records, witness statements and expert reports – this is called 'disclosure'. You can also ask for copies to be sent to you at the pre-inquest review or you may be able to go to the coroner's office to look at a document.

If you do not receive documents that you think you have a right to, you should speak to the coroner's office as soon as possible. The coroner's office will not charge you for copies of documents they give you before or during the inquest, but they may charge for copies they give you after the inquest.

For legal reasons, the coroner may not be able to give you every document or every part of a document that they have received or which they intend to use at the inquest. The coroner should explain why they have not given you a particular document or have only given you part of a document.

All inquest hearings must be recorded and you have a right to ask for a recording of proceedings.

Standards you can expect with an inquest

The coroner's office will contact you regularly. In a long investigation they will contact you at least every three months to update you on your case (unless you only want to hear if there is any progress to report). You can also contact the coroner's office for an update.

The coroner's office must tell you the date and time of the inquest and where it will be held within a week of fixing the inquest. The coroner's office will take into account your views on the date and time of the inquest whenever possible.

If the date or location of the inquest has to be changed, the coroner's office will let you know within a week of the change.

The coroner's office can give you information about anyone else who may be attending the inquest and how you can take part.

If there is a pre-inquest review, the coroner's office will tell you the date and time and where it will be held and why the coroner has decided to hold one.

If you are an interested person the coroner should have given you copies of relevant documents before the inquest.

5.7 Do I have to attend the inquest?

If you are asked to give evidence at the hearing you will be expected to attend. If you think this will be too difficult you should discuss it with the coroner's office. If they agree, you have a right to give a written statement instead which will be read out at the hearing.

You do not need to attend an inquest if you are not giving evidence. This is entirely your decision.

Unless you are giving evidence at the time, you are free to leave and return to the hearing room at any point. Coroners will usually tell you if evidence may be distressing.

5.8 Can I bring someone along for support?

If you choose to attend the inquest you can bring someone with you such as a friend, a family member or someone from your community to give you support in the hearing. Some coroner's courts have an independent support service. Their trained volunteers can talk to you before the inquest about what will happen and can sit with you in the hearing room on the day(s) of the hearing. There is no charge for this service. The coroner's office will tell you if there is a support service. The contact details of organisations that can help you are at the end of this document.

5.9 Will there be a private place to wait in?

Every effort is made in coroners' courts to provide a private space for family members, but this will not always be possible. You should ask the coroner's office if a space can be provided if one is not automatically available. Every effort will be made to find you a private area and to offer separate seating within the hearing room. However, it is possible that you will have contact with other witnesses who may have been involved in the death.

5.10 Who else will be at the inquest?

Members of the coroner's office will help the coroner to make the hearing run smoothly.

Witnesses (for example a doctor, a police officer, a prison officer, or anyone present at the death) may be asked to attend to give evidence as may other interested persons. They may only attend when they actually give their evidence rather than for the whole of the hearing. There may also be lawyers representing other witnesses or interested persons.

Evidence can also be given by video link where necessary.

Inquest and pre-inquest hearings are public hearings so members of the public and the media have a right to attend.

In some cases, there may be a jury. Further information on this is given below.

5.11 Who decides which witnesses to call to give evidence?

The coroner decides who should give evidence as a witness and the order in which witnesses give evidence. If you believe that you have evidence, or that a particular witness should be called, you should tell the coroner's office well before the hearing. The coroner will then decide whether the evidence is relevant to their investigation.

5.12 I have been asked to give evidence, how does that happen?

You may be asked to give information about the person who has died or about the death. If you are giving evidence you will usually do so first, along with any other family members who are also giving evidence.

You must give evidence under oath or by affirming that you will tell the truth. You should tell the coroner's office your faith (if you have one) so that you can be given the right faith book when you swear the oath.

The coroner will first ask you questions and may talk you through any written statement you have made. You may be asked questions by your legal representative (if you have one), and by the legal representatives of the other interested persons, including those from the state or public body. If there is a jury, jury members will also have the right to ask you any relevant questions, which may be asked through the coroner.

When everyone has finished asking questions, you may return to your seat and stay to listen to the rest of the hearing and other witnesses, if you want to. Some evidence will be read and the witness will not need to attend in person. This will be decided by the coroner before the hearing.

5.13 Can I ask witnesses questions?

If you are an interested person, once the coroner has asked their questions, you have a right to ask your questions. If you have chosen to instruct a legal representative you may prefer that they ask questions for you.

When thinking about the questions to ask, you should try to ask questions that will help decide the facts of the death.

The coroner will decide whether a question is relevant. They will tell you, or any interested person and their legal representatives, if they do not think a question is relevant.

The coroner will also warn a witness that they do not have to answer any question which might lead them to show that they could be guilty of a crime.

5.14 Will anything private or personal be said about the person who died?

As the inquest is to find out what happened, it is possible that evidence the coroner considers relevant will show private or personal information about the person who died. You can ask the coroner not to make things public if you think the information is not relevant, but it is for the coroner to decide. Coroners will be sensitive to your needs but they must by law decide what happened, so personal information may be heard at the hearing.

5.15 When will there be a jury?

Most inquests are held without a jury, but there are times when the law says that a jury must be called. This includes:

- if the death happened in prison, in police custody or another type of state detention (except if the death was from natural causes); or
- if the death resulted from an accident at work;
- if the senior coroner thinks that there is sufficient reason for doing so.

5.16 What does the jury do?

In an inquest heard with a jury, the jury decides the facts of the case and answers the questions of how the person died and the cause of death. Like the coroner, the jury cannot blame someone for the death. The coroner will decide matters of law and procedure, for example, which witnesses to call.

Section 6

At the end of the inquest

Key Points

When the coroner has heard all the evidence, they will give a summary of the main points.

You or your legal representative (if you have one) cannot address the coroner on the facts of the case.

If you have a legal representative, they have a right to address the coroner on what the law says on possible conclusions the coroner or jury could make.

The coroner, or the jury if there is one, will then give their conclusion on who died, how, when and where the death happened.

6.1 What happens after all the witnesses have given evidence?

After all the witnesses have given their evidence, the coroner will summarise it all – this is called ‘summing up’. Unlike in a criminal trial, legal representatives do not summarise the evidence or make speeches on what they think the outcome of the inquest should be. However, legal representatives have a right to address the coroner on the law on possible conclusions, for example what other legal cases have said about what the law should be. If there is a jury the coroner will speak to the jury on how they should apply the law when making their decision.

6.2 When does the coroner make the decision as to what happened?

After summing up, the coroner, or a jury if there is one, will give their conclusion. This is made up of the legal decision of what happened and the cause of death and 'findings' such as what facts contributed to the death.

Before the coroner gives their conclusion, they may break off the hearing for a short while to consider what it will be. If there is a jury, the jury members will leave the hearing room to discuss the case in private and agree what their conclusions are. The jury may ask the coroner questions if they are unclear about something but there will be no further evidence. The coroner may decide which conclusions are open to the jury.

Once the coroner or the jury have decided what the conclusion is, they will return to the hearing room to tell the coroner their decision. This is the end of the inquest hearing.

A Record of Inquest is prepared by the coroner's office and a copy is provided to interested persons.

6.3 What conclusions could be made?

When giving the cause of death, the coroner or jury may make one of the following conclusions:

- accidental death or misadventure;
- alcohol/drug related;
- industrial disease;
- lawful/unlawful killing – the meaning of these terms is set out in law;
- natural causes;
- open, this is used when there is not enough evidence to decide any of the other conclusions;
- road traffic collision;
- stillbirth;
- suicide.

The coroner or jury may give further details explaining their reasons for coming to a particular conclusion.

Alternatively, or sometimes in addition, the coroner or jury may make a brief 'narrative' conclusion which sets out the facts surrounding the death in more detail and explains the reasons for the decision. A narrative conclusion is likely to be given when the case is more complicated as it can give a longer explanation of the reasons for the decision and what the important issues are.

It is possible to challenge a coroner's conclusion. You can find more detail on this later in the Guide.

6.4 What if future deaths may be prevented?

Sometimes a coroner's investigation will show that something could be done to prevent other deaths. If the coroner considers this to be the case the coroner must write a report bringing this to the attention of an organisation (or person) who may be able to take action. This is called a 'report to prevent future deaths' or a 'Regulation 28 Report'.

The organisation or person must send the coroner a written response, within 56 days, to the report, saying what action it will take as a result. If you would like to see a copy of the report and the response, you should let the coroner's office know. The reports are also published on the Chief Coroner's website <https://www.judiciary.uk/related-offices-and-bodies/office-chief-coroner/https-www-judiciary-uk-subject-community-health-care-and-emergency-services-related-deaths/>

Section 7

Circumstances in which the inquest process may be different

Key Points

There are some circumstances when the process may be different. These include:

- Where the death occurred in prison or police custody or in 'state detention', for example, where the person who died was held under the Mental Health Act 1983 or they were held in an immigration removal centre.
- Where there is a criminal investigation.
- Where there is another investigation such as a public inquiry investigating the death.

7.1 My relative died in police custody or in prison – will things be done differently?

When a death happened in prison, police custody or other state detention, there must be an inquest. Other state detention can include being held under the Mental Health Act 1983.

In cases where the state or public body might have had obligations relating to the circumstances around a death, including where a person has died in police custody or in prison, the inquest may become what is known as an 'Article 2' inquest. This refers to the state's obligations to protect life under Article 2 of the European Convention on Human Rights.

The inquest process is likely to look and feel the same as other inquests, but the coroner or jury will be required to investigate more widely into some of the factual circumstances of the death.

In such cases, the state or public body may have interested person status and may have legal representation at the inquest. If so, you may want legal representation. You may be able to get legal aid under the Exceptional Case Funding scheme if the inquest is considered an 'Article 2' inquest – there are further details on legal representation and legal aid elsewhere in this Guide.

7.2 What happens when there is a criminal investigation into a death?

Where there is a criminal investigation into the death, the criminal defence team may ask for a second post-mortem (although they do not have an automatic right to one). For more information about this process please refer to the Chief Coroner's Guidance Number 32 at <https://www.judiciary.uk/related-offices-and-bodies/office-chief-coroner/guidance-law-sheets/coroners-guidance/>

7.3 Why has the investigation (or inquest) been suspended?

Where someone has been charged with a criminal offence such as murder or manslaughter, the coroner must suspend their investigation or inquest until the criminal trial is over.

The inquest may also be suspended if there is a public inquiry which is set up to investigate the cause of death.

When the coroner suspends their investigation, the coroner must send the registrar of births and deaths a certificate with the information that the registrar needs to register the death and issue a death certificate.

When the criminal trial or public inquiry is over, the coroner will decide whether to continue their investigation or inquest. If, for example, all the facts about the death have come out at the trial or inquiry, it is not usually necessary to continue the investigation or inquest.

If the investigation or inquest is continued, the finding of the cause of death must agree with the outcome of the criminal trial or the public inquiry. The coroner's office will be able to provide more information on the process.

Section 8

Challenging a coroner's decision and making a complaint

Key Points

If you do not agree with a decision of the coroner it may, in some circumstances, be possible to challenge it in the High Court.

There is a special legal process for this and you should get legal advice if you are thinking about doing this.

You can also make a complaint about a coroner's personal conduct or the service you received from the coroner's office.

8.1 What should I do if I have a complaint?

If you have concerns about decisions the coroner has made during their investigation or inquest, as a first step you may want to discuss this with coroner or coroner's officer to see if your concerns or questions can be dealt with informally. If you still have concerns after speaking to the coroner or the coroner's officer, then there are ways you may be able to challenge this which are set out below.

8.2 Can I challenge a coroner's decision or the outcome of an inquest?

In some circumstances, it may be possible for you to challenge a decision made by a coroner during the inquest (for example, not to call a particular witness) or to challenge the inquest conclusion.

If you are entitled to challenge a decision or the inquest conclusion, you will need to make an application to the High Court for permission to seek a 'judicial review' of the coroner's decision. Judicial review is concerned with whether the law has been followed correctly and the right procedures have been followed. If you want to challenge a coroner's decision or the inquest conclusion by judicial review you have to do this as soon as possible and in any event no later than three months of the date of the decision or of the inquest ending.

If you are thinking about challenging a coroner's decision by way of judicial review you should first seek advice from a lawyer with expertise in this area of the law. Judicial review is a complicated legal process. You may have a right to legal aid for judicial review proceedings if your case will have a reasonable chance of success, if it will produce a benefit for you, a member of your family or the environment and if you can show that you cannot afford to pay for legal costs (this is referred to as tests on financial means and the merits).

There is another way, in limited circumstances, of challenging a decision. This involves the Attorney General (the government's chief legal adviser). The Attorney General, or someone who has the Attorney General's permission, has a right to apply to the High Court for an investigation to be carried out if a coroner has not held one; or for a fresh investigation to be held (for example because new evidence has come to light). The High Court will only allow a fresh investigation if it will be in the interests of justice. There is no time limit for making these applications. Again, if you are thinking about doing this, you should first seek advice from a lawyer with expertise in this area.

8.3 What do I do if I have a complaint about a coroner's personal conduct?

If you are not happy about a coroner's personal conduct, you can first write to the coroner concerned (although you are not required to do so). Examples of what could be personal misconduct are rudeness; the use of insulting, racist or sexist language; or unreasonable delays in holding an inquest or replying to correspondence.

If the coroner cannot deal with your complaint satisfactorily, or you do not wish to write to the coroner, you have a right to complain to the Judicial Conduct Investigations Office (JCIO). There is no charge for complaining to the JCIO and you can do so online via the JCIO website at <http://judicialconduct.judiciary.gov.uk/making-a-complaint.htm>. Further information about complaints about coroners is also on the JCIO website.

8.4 What do I do if I have a complaint about the standard of service received?

If you have a complaint about the way a coroner or their staff handled an investigation (for example, if you feel the standards in this Guide are not being met), you should first write to the coroner, and send a copy of your letter to the local authority which funds the coroner service. The coroner's office will be able to tell you which local authority to contact.

Some coroner's officers are police officers or are civilians employed by the police. If you wish to make a complaint about a coroner's officer who is a police officer it may be necessary to first contact the local police force. The coroner's office will be able to tell you which police force to contact.

You may also complain to the local authority which funds the coroner service you are dissatisfied with. If you are unhappy with the local authority's response, you have a right to complain to the Local Government Ombudsman about how the local authority dealt with you although the Local Government Ombudsman cannot review or alter a coroner's decision. You can find more information at <https://www.lgo.org.uk/make-a-complaint>

There is no charge to complain about the standard of service from a coroner's office.

Section 9

Getting more information and support

Key Points

There are other places where you can find information on the coroner processes.

There are also places that you can go to for emotional and practical support, not just with the inquest process but with coping with the death of someone close to you.

This section gives you some organisations that may help you. You can also ask the coroner's office who can give you details of organisations that can give you help and support.

Further general information about coroner investigations

General information is available from GOV.UK at <https://www.gov.uk/after-a-death>

The Metropolitan Police website has information on police involvement in a sudden or unexpected death <https://www.met.police.uk/bereavement>

Bereavement support

The Death and Bereavement government website provides information on what to do when someone dies, coroners and inquests, benefits payable after a death and also on jury service at inquests <https://www.gov.uk/browse/births-deaths-marriages/death>

The coroner's office will be able to give you information about the main local and national voluntary organisations, support groups and faith groups which help bereaved people. This includes people who have been bereaved as a result of particular types of incidents or circumstances, or specific medical conditions. The NHS website also has details of support organisations: <http://www.nhs.uk/livewell/bereavement/Pages/bereavement.aspx>

The publication *Help is at Hand* is a guide for people bereaved by suicide and other sudden, traumatic death and is available on the NHS website, at <http://www.nhs.uk/Livewell/Suicide/Documents/Help%20is%20at%20Hand.pdf>

Other organisations that may provide help and advice

Here is a list of a few other organisations which you may wish to contact:

AAFDA (Advocacy After Fatal Domestic Abuse)

AAFDA is a national charity specialising in free peer led expert and specialist support and advocacy after domestic homicides. AAFDA provides free lay advocacy for preparation for, and representation at inquests.

<https://aafda.org.uk/>

Bereavement Advice Service

Free helpline and web based information service provided by Co-op Legal Services. Providing practical advice and information on the issues and procedures after a death.

www.bereavementadvice.org

Brake

Brake is a provider of support services to people who have been bereaved or seriously injured in a road crash, as well as the family, friends and professionals supporting them.

<http://www.brake.org.uk/victim-support>

Office of the Chief Coroner

Website providing information and responsibilities of the Chief Coroner for England and Wales. It also contains a range of published material including guidance on specific issues.

<https://www.judiciary.uk/related-offices-and-bodies/office-chief-coroner/>

Child Death Helpline

A dedicated helpline that offers support to anyone affected by the death of a child of any age, under any circumstances however recent or long ago.

<http://childdeathhelpline.org.uk/>

Citizens Advice

Provide free and confidential advice and information whoever you are and whatever your problem.

<https://www.citizensadvice.org.uk/>

The Compassionate Friends

A charitable organisation of bereaved parents, siblings and grandparents dedicated to the support and care of other similarly bereaved family members who have suffered the death of a child or children of any age and from any cause.

<https://www.tcf.org.uk/>

The Coroners' Courts Support Service (CCSS)

An independent voluntary organisation whose trained volunteers offer emotional support and practical help to bereaved families, witnesses and others attending an inquest at a coroner's court.

<https://coronerscourtsupportservice.org.uk/>

Coroners' Society of England and Wales

Full access to the site is limited to the members of the Society, who are coronial office holders in England and Wales. However, it does provide useful information about the office and role of coroners.

<https://www.coronersociety.org.uk/>

Most coroner areas have their own websites for inquest listings, with useful local information and links.

Cruse Bereavement Care

Provides support, advice and information to children, young people and adults when someone dies.

<https://www.cruse.org.uk/>

The Good Grief Trust

Exists to help all those suffering grief in the UK. Brings all bereavement services together around the country, to ensure everyone receives the support they need.

<https://www.thegoodgrieftrust.org/>

Human Tissue Authority

Regulates organisations that remove, store and use human tissue for research, medical treatment, post-mortem, education and training, and display in public. They also give approval for organ and bone marrow donations from living people.

<https://www.hta.gov.uk/>

Hundredfamilies

Practical support for those who have lost loved ones as a result of mental health related homicides.

<http://www.hundredfamilies.org>

INQUEST

Provides expertise on state related deaths and their investigation to bereaved people, lawyers, advice and support agencies, the media and parliamentarians.

<https://www.inquest.org.uk/>

Law Society – Find A Solicitor

Run by the Law Society, Find a Solicitor is a free service for anyone looking for information about organisations or people providing legal services in England and Wales that are regulated by the Solicitors Regulation Authority (SRA).

<https://solicitors.lawsociety.org.uk/>

The Lullaby Trust

Raises awareness of sudden infant death syndrome (SIDS), provides expert advice on safer sleep for babies and offers emotional support for bereaved families.

<https://www.lullabytrust.org.uk/>

Organ Donation

Organ donation can enhance or save the life of a person who receives the transplanted organ.

www.organdonation.nhs.uk

PAPYRUS

Provides confidential support and advice to young people struggling with thoughts of suicide, and anyone worried about a young person through their helpline, HOPELINEUK.

<https://papyrus-uk.org/>

Rethink Mental Illness

National mental health charity providing information and services for everyone affected by mental illness.

<https://www.rethink.org/>

The Samaritans

Provides emotional support to anyone in emotional distress, struggling to cope, or at risk of suicide throughout the United Kingdom and Ireland.

<https://www.samaritans.org/>

Sands

Sands is the stillbirth and neonatal death charity. They operate throughout the UK, supporting anyone affected by the death of a baby, working to improve the care bereaved parents receive, and promoting research to reduce the loss of babies' lives.

<https://www.sands.org.uk/>

SUDEP Action

SUDEP Action is dedicated to raising awareness of epilepsy risks and tackling epilepsy deaths including Sudden Unexpected Death in Epilepsy.

<https://sudep.org/>

Support After Murder and Manslaughter (SAMM)

Supporting families bereaved by murder and manslaughter.

<https://www.samm.org.uk/index.php>

Tell Us Once

Is a free government service that lets you report a death to most government organisations in one go.

<https://www.gov.uk/after-a-death/organisations-you-need-to-contact-and-tell-us-once>

The Support after Suicide Partnership

A network of organisations that support people who have been bereaved or affected by suicide.

<http://supportaftersuicide.org.uk/>

Tissue Donation

Largest not-for-profit organisation supplying the NHS with human tissue for transplant. They collect donated tissue, such as skin, bones and eyes from both living and deceased donors to save and dramatically improve the lives of many suffering from illness or injury.

www.nhsbt.nhs.uk/tissuedonation

Winston's Wish

Supports bereaved children and provides specialist child bereavement support services across the UK, including in-depth therapeutic help in individual, group and residential settings.

<https://www.winstonswish.org/>

Annex A

Protocol: Principles guiding the Government's approach when it holds interested person status at an inquest.

Inquests are an inquisitorial and fact-finding process designed to find out who, how, when and where the individual died. Families and loved ones often attend inquests and may themselves contribute to the inquisitorial process as interested persons. The Government is committed to helping to make this process more sensitive to the needs of the bereaved. This Protocol applies when a Government department has interested person status in an inquest and will guide the behaviour of that department in recognising the need for the bereaved to be properly involved throughout the inquest process.

This protocol has been developed in response to Dame Elish Angiolini's report of her review of deaths and serious incidents in police custody; and Bishop James Jones' report of his review of the experiences of the Hillsborough families and the Government's Final Report of the review of legal aid at inquests.

The principles in this protocol do not affect or replace the provisions in the Coroners and Justice Act 2009.

Where a Government department has interested person status to an inquest, the Government and the lawyers it instructs at inquests will adopt the following principles:

1. Remain committed to supporting the inquisitorial approach and assisting the coroner to find the facts of what happened and learn lessons for the future.
2. Approach the inquest with openness and honesty, including supporting the disclosure of all relevant and disclosable information to the coroner.
3. Communicate with the bereaved in a sensitive and empathetic way which acknowledges and respects their loss.
4. Keep in mind that the bereaved should:
 - (1) Be at the heart of the inquest process;
 - (2) Feel confident that the inquest will get to the facts of what happened;
 - (3) Feel properly involved throughout and listened to.
5. Challenge the evidence of other interested persons or witnesses sensitively, where it is necessary to do so.
6. Consider a formal acknowledgement to the bereaved to recognise when the death of their loved one happened whilst in the care of the state.
7. Consider the number of lawyers instructed bearing in mind the commitment to support an inquisitorial approach.

This protocol applies to all Government departments represented at inquests and is designed to make sure that the consideration of families and loved ones are fully taken into account. We consider it stands as a model of behaviour that others who are interested persons in inquests or send representation to inquests should adopt.

