

THE ROLE OF THE CORONER

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THE ROLE OF THE CORONER

BACKGROUND

THE CORONER IS AN INDEPENDENT JUDGE, ACTING ON BEHALF OF THE CROWN AND REQUIRED BY LAW TO INVESTIGATE THE CAUSE AND CIRCUMSTANCES OF VIOLENT OR UNNATURAL DEATHS OR SUDDEN DEATHS, WHICH ARISE FROM AN UNKNOWN CAUSE. THERE IS A GENERAL REQUIREMENT UPON THE CORONER TO INVESTIGATE DEATHS GENERALLY, AND ALSO TO INVESTIGATE ALL DEATHS IN PRISON OR, FOR EXAMPLE, WHERE PATIENTS ARE DETAINED AGAINST THEIR WILL UNDER THE MENTAL HEALTH ACT.

THE CORONER'S COURT PROCEDURE IS AN INQUISITORIAL ONE – I.E. IT IS AN INVESTIGATION MORE SIMILAR TO AN INQUIRY THAN TO CIVIL COURT PROCEEDINGS FOR DAMAGES OR CRIMINAL LAW PROCEEDINGS. THE “CHAIRMAN” OF THE INQUEST IS THE H.M. CORONER AND IT IS HIS/HER JOB TO REACH A CONCLUSION [A VERDICT] AS TO THE CAUSE OF DEATH. IT IS THE DUTY OF THE CORONER TO MAKE JUDICIAL FINDINGS AS TO WHO THE DECEASED WAS, WHERE, WHEN AND HOW THEY CAME BY THEIR DEATH, AND BY WHAT MEANS AND IN WHAT CIRCUMSTANCES THEY DIED.

IN ORDER TO REACH A CONCLUSION AS TO THE CAUSE OF DEATH AT AN INQUEST THE CORONER CONSIDERS ALL THE RELEVANT EVIDENCE. SOME OF THAT EVIDENCE MIGHT BE PROVIDED THROUGH STATEMENTS OR OTHER DOCUMENTS OR PHOTOGRAPHS / FILM AND SOME OF THE EVIDENCE WILL BE GIVEN BY ORAL TESTIMONY BY RELEVANT WITNESSES. IT IS FOR THE CORONER TO DECIDE WHAT EVIDENCE IS RELEVANT AND WHAT EVIDENCE IS NOT RELEVANT. USUALLY THE CORONER WILL SIT ALONE. HOWEVER IN SOME CASES THE CORONER WILL HEAR THE EVIDENCE ACCOMPANIED BY A JURY.

THE CONCLUSION OF THE INQUEST IS CALLED “THE VERDICT”. THE VERDICT IS THE LEGAL CAUSE OF DEATH REACHED BY THE CORONER, OR BY THE JURY, IF ONE IS SITTING. THE VERDICT MAY BE A “SHORT FORM” VERDICT SUCH AS “NATURAL CAUSES” OR “ACCIDENTAL DEATH” OR IT MAY BE A NARRATIVE VERDICT – I.E. THE CORONER MERELY NARRATES THE FACTUAL CIRCUMSTANCES LEADING UP TO THE DEATH.

THE INQUEST HEARING

GUIDANCE FOR STAFF ATTENDING INQUESTS

REMEMBER: - THE PURPOSE OF AN INQUEST IS TO DETERMINE WHO HAS DIED, WHERE THEY DIED AND HOW THEY DIED. YOUR EVIDENCE AT THE INQUEST WILL HELP THE CORONER TO DETERMINE THE FACTS TO ANSWER THE ABOVE POINTS. REMEMBER THE INQUEST IS NOT A TRIAL AND NO BLAME IS TO BE APPORTIONED TO ANY WITNESS.

ON THE DAY OF THE INQUEST

REMEMBER: -

MAKE SURE YOU ARE DRESSED SMARTLY (NO JEANS AND T-SHIRTS). NOT ONLY WILL THIS HELP YOU CONVEY A PROFESSIONAL IMAGE, BUT IT ALSO DEMONSTRATE RESPECT FOR THE FAMILY OF THE DECEASED.

IF YOU ARE LIKELY TO BE DELAYED ATTENDING THE COURT YOU MUST MAKE SURE YOU INFORM THE CORONERS OFFICE OR LEGAL SERVICES DEPARTMENT IMMEDIATELY.

TAKE A COPY OF YOUR STATEMENT TO THE INQUEST WITH YOU. MAKE SURE YOU ARE FULLY FAMILIAR WITH THE CONTENTS OF YOUR OWN STATEMENT.

IF YOU ARE THE CONSULTANT WHO WAS IN CHARGE OF THE DECEASED'S CARE MAKE SURE YOU ARE FAMILIAR WITH THE DECEASED'S MEDICAL RECORDS PRIOR TO THE INQUEST. (RECORDS SHOULD BE AVAILABLE TO YOU IN ANSWERING ANY QUESTIONS BASED ON THE MEDICAL RECORDS, DURING THE INQUEST.)

REMEMBER TO TAKE THE ORIGINAL HOSPITAL RECORDS WITH YOU. IF YOU ARE NOT SURE WHO WILL BE TAKING THE RECORDS TO THE INQUEST PLEASE CONTACT STAFF IN THE LEGAL SERVICES DEPARTMENT ON 0161 206 4551 WHO WILL ASSIST YOU.

AT THE INQUEST

REFER TO THE CORONER AS "SIR" OR "MA'AM".

EVIDENCE IS GIVEN ON OATH. THAT IS YOU MUST SWEAR OR AFFIRM TO TELL THE TRUTH.

EVIDENCE IS USUALLY GIVEN STANDING UP, ALTHOUGH YOU CAN SIT DOWN IF YOU PREFER.

WHEN ANSWERING QUESTIONS, THE FOLLOWING SUGGESTIONS ARE PROVIDED FOR YOUR GENERAL GUIDANCE.

IF YOU DO NOT KNOW THE ANSWER TO A QUESTION, OR CANNOT REMEMBER THE DETAILS REQUIRED TO ALLOW YOU TO ANSWER THE QUESTION, PLEASE SAY SO.

NEVER GUESS AT AN ANSWER.

IF YOU DO WISH TO LOOK AT THE HOSPITAL RECORDS TO HELP YOU ANSWER A QUESTION, THEN PLEASE ASK THE CORONER TO DO SO. AS THE MEDICAL RECORDS WILL BE PRESENT AT THE INQUEST, THERE SHOULD USUALLY BE NO DIFFICULTY IN PERMISSION BEING GIVEN.

IF YOU BELIEVE A QUESTION SHOULD REALLY BE ASKED OF SOMEONE ELSE, SUCH AS THE PATHOLOGIST OR ANOTHER MEDICAL WITNESS, TELL THE CORONER THAT IS YOUR BELIEF AND THAT YOU CONSIDER A DIFFERENT WITNESS MAY BE IN A BETTER POSITION TO DEAL WITH THAT QUESTION.

IF YOU ARE ASKED QUESTIONS BY A RELATIVE OF THE DECEASED, TRY TO DIRECT YOUR ANSWER TO THE RELATIVE IF YOU FEEL ABLE TO DO SO.

WHEN ANSWERING QUESTIONS, SPEAK AS CLEARLY AS YOU CAN AND TAKE YOUR TIME WHILST ANSWERING THE QUESTION. DO NOT BE RUSHED INTO ANSWERING.

REMEMBER, WHATEVER HAPPENS; NEVER LOSE YOUR TEMPER.

THE CLAIMS AND LITIGATION MANAGER, SERVICE MANAGER OR TRUST SOLICITOR WILL ATTEND COURT TO SUPPORT WITNESSES, IF APPROPRIATE.

PROCEDURE FOLLOWING THE VERDICT

WHERE THE PRESS ATTENDED THE INQUEST THEN THE TRUST WILL: PREPARE A STATEMENT AND OR A PRESS RELEASE. THE TRUSTS PUBLIC RELATIONS MANAGER WILL UNDERTAKE THIS TASK. THE WITNESSES MUST NOT GIVE STATEMENTS TO THE PRESS BUT SHOULD REFER THE PRESS TO THE PUBLIC RELATIONS MANAGER TELEPHONE:0161 206 5861. WHERE APPROPRIATE LIASE WITH THE FAMILY. THE MANAGER ATTENDING THE INQUEST OR A TRUST WITNESS IF NO MANAGER ATTENDS THE INQUEST WILL USUALLY TAKE THIS DECISION. SOMETIMES THE CORONER WILL GIVE WRITTEN OR ORAL DIRECTION AT THE INQUEST THAT THE TRUST SHOULD LIASE WITH THE FAMILY.

KEY LEARNING POINTS SHOULD BE IDENTIFIED AND ACTED UPON BY SERVICE MANAGERS/GENERAL MANAGERS.

SERVICE MANAGERS/ GOVERNANCE FACILITATORS /GENERAL MANAGER SHOULD REVIEW PROCESSES AND PROCEDURES FOLLOWING ADVERSE INCIDENT.

RETAIN ALL DOCUMENTS FOR AT LEAST 3 YEARS OR IN ACCORDANCE WITH TRUST'S RECORDS DESTRUCTION POLICY.

IF THE MATTER PROGRESSES TO A CLAIM, THE CLAIMS AND LITIGATION MANAGER WILL ADVISE THE RELEVANT STAFF.

THE HEARING

IF YOU HAVE BEEN SUMMONED OR REQUESTED TO ATTEND THE CORONER'S COURT TO GIVE EVIDENCE AT A CORONER'S INQUEST, YOU MUST ATTEND AT THE GIVEN TIME AND DATE. YOU WILL PROBABLY ALREADY HAVE MADE A STATEMENT FOR THE CORONER AND THIS WILL FORM THE BASIS FOR QUESTIONING BY THE CORONER. PLEASE BRING A COPY WITH YOU.

PLEASE LEAVE PLENTY OF TIME TO GET TO THE COURT AND FIND PARKING (IF YOU HAVE DRIVEN). MAPS DIRECTING YOU TO THE BOLTON OR STOCKPORT COURTS ARE AVAILABLE FROM THE LEGAL SERVICES DEPARTMENT. AIM TO ARRIVE 15 MINUTES BEFORE THE ALLOTTED TIME. THIS WILL GIVE YOU TIME TO COMPOSE YOURSELF AND EVEN HAVE A COFFEE IN THE DEPARTMENT STORE NEXT DOOR TO THE CORONER'S OFFICE.

ON ARRIVAL, THE WITNESSES WILL BE MET BY THE CORONER'S STAFF AND ASKED TO WAIT IN THE WAITING ROOM. IN DUE COURSE, YOU WILL BE SHOWN TO YOUR PLACES IN THE COURT. IN BOLTON CORONER'S COURT, WHERE MOST INQUESTS ARE HEARD, WITNESSES WILL NORMALLY SIT AT THE TABLES ALLOCATED FOR WITNESSES AS DIRECTED BY THE CORONER'S STAFF. FAMILY REPRESENTATIVES WILL USUALLY BE SEATED AT THE TABLES AT THE FRONT OF THE COURT. OTHER ATTENDEES WILL USUALLY SIT AT THE BACK OF THE COURT. THE CORONER WILL EXPLAIN TO WITNESSES THE PROCEDURE FOR TAKING OATH OR AFFIRMATION.

THE CORONER WILL OPEN THE INQUEST AND EXPLAIN THE PURPOSE OF THE PROCEEDINGS AND THEN CALL EACH WITNESS. HE/SHE WILL BEGIN BY ASKING BASIC BACKGROUND DETAILS OF THE WITNESS, E.G. NAME, OCCUPATION, ADDRESS (WHICH MIGHT BE YOUR PROFESSIONAL ADDRESS) AND WILL TAKE YOU THROUGH ANY STATEMENT, WHICH YOU MIGHT HAVE ALREADY MADE. BEFORE THE HEARING, THE CORONER WILL HAVE READ AND CONSIDERED YOUR STATEMENT AND DECIDED WHAT ISSUES HE/SHE WANTS TO BE CLEAR ABOUT AND TO BE SATISFIED UPON. YOU ARE ADVISED TO TAKE A COPY OF YOUR STATEMENT INTO THE WITNESS BOX WITH YOU. THE ORIGINAL CLINICAL RECORDS OF THE PATIENT SHOULD ALWAYS BE AT THE COURT

THE CORONER WILL NOT HUMILIATE OR HARASS A WITNESSES (NOR WILL HE/SHE ALLOW ANYONE ELSE TO DO SO) AND IS ONLY INTERESTED IN GETTING TO THE FACTS IN ORDER TO ESTABLISH THE CAUSE OF DEATH AND TO RETURN HIS/HER VERDICT. HE/SHE IS NOT TRYING TO ACCORD BLAME UPON ANYONE. HIS/HER QUESTIONS SHOULD THEREFORE BE ANSWERED CLEARLY, FACTUALLY AND HONESTLY. HIS/HER ROLE IS DEFINED BY THE CORONER'S RULES AND HE/SHE MUST SATISFY CERTAIN FORMALITIES FOR THE PURPOSES

OF REGISTERING THE DEATH I.E. BY ESTABLISHING WHO THE DECEASED WAS AND WHERE, WHEN AND HOW THEY CAME BY THEIR DEATH.

AFTER THE CORONER HAS FINISHED TAKING YOUR EVIDENCE, IF A SOLICITOR OR BARRISTER REPRESENTS THE FAMILY, THERE WILL BE A CHANCE FOR THEIR LEGAL REPRESENTATIVE TO ASK THE WITNESS QUESTIONS. THE CORONER WILL NOT PERMIT QUESTIONS WHICH DO NOT RELATE TO ESTABLISHING THE CAUSE OF DEATH ALTHOUGH THE SOLICITOR / BARRISTER INEVITABLY MAY TRY TO ASK QUESTIONS WHICH WOULD HELP IN ESTABLISHING BLAME, WITH A VIEW TO ANY SUBSEQUENT LEGAL ACTION. FOLLOWING THIS, THE TRUST'S SOLICITOR, IF PRESENT WILL BE ASKED IF HE / SHE HAS ANY QUESTIONS. HE/SHE WOULD NOT NORMALLY PURSUE THIS UNLESS HE/SHE NEEDS TO CLARIFY ANY ISSUES, WHICH MAY HAVE BECOME UNCLEAR THROUGH PREVIOUS QUESTIONING OR OTHERWISE LEFT IN NEED OF CLARIFICATION. [THE TRUST'S SOLICITOR WILL INTERVENE IF APPROPRIATE].

IF THE FAMILY IS NOT LEGALLY REPRESENTED, THE CORONER WILL ASK IF THEY WISH TO NOMINATE A SPOKESPERSON TO ASK QUESTIONS ON BEHALF OF THE FAMILY. THEY MAY ASK QUESTIONS OF A WITNESS BUT THE CORONER WILL ENSURE THEY KEEP WITHIN THE RULES OF THE COURT.

YOU SHOULD NOT FEEL STRESSED ABOUT GIVING EVIDENCE. YOU KNOW THE FACTS OF YOUR INVOLVEMENT IN THE CASE AND YOU SIMPLY HAVE TO IMPART THESE TO THE CORONER AS CLEARLY AND CALMLY AS POSSIBLE. TRY NOT TO BE LED INTO INAPPROPRIATE "YES OR NO" ANSWER SITUATIONS BY THE FAMILY'S ADVOCATE. ALWAYS ENSURE THAT YOU ARE HAPPY WITH WHAT YOU HAVE SAID - "YES - BUT ..." CAN BE A HELPFUL DEVICE IN THESE SITUATIONS. IF YOU DO NOT REMEMBER OR DO NOT KNOW THE ANSWER TO A QUESTION, YOU SHOULD SAY SO AND NEVER BE TEMPTED TO MAKE IT UP OR GUESS. YOU CANNOT BE CRITICISED FOR FAILURE TO REMEMBER IN DETAIL. IN ANY EVENT, AS THE CLINICAL RECORDS SHOULD BE PRESENT AT THE COURT, YOU CAN ALWAYS ASK TO REFER TO THEM TO CLARIFY A POINT OR ANSWER THE QUESTION MORE FULLY.

NO WITNESS CAN BE MADE TO ANSWER QUESTIONS AT AN INQUEST, WHICH MAY INCRIMINATE HIM OR HER. ANY SUCH ISSUE SHOULD HAVE BEEN IDENTIFIED IN DISCUSSIONS BEFOREHAND OR BE INTERCEPTED BY THE CORONER, OR BY THE TRUST'S SOLICITOR.

AFTER ALL THE WITNESSES HAVE BEEN CALLED (AND THE CORONER CAN CALL A WITNESS TO THE BOX MORE THAN ONCE IF THEY HAVE NOT BEEN "RELEASED"), THE CORONER WILL CONSIDER THE FACTS AND SUMMARISE THE FINDINGS OF THE CASE AND REACH HIS VERDICT, AS FOLLOWS:

THE VERDICT

COMMON EXAMPLES OF VERDICTS ARE:

1. **ACCIDENTAL DEATH / MISADVENTURE** – NOT A NATURAL DEATH BUT CAUSED ACCIDENTALLY, SUCH AS A FALL, OR ONE RELATED TO MEDICAL TREATMENT FOR EXAMPLE WHERE DEATH FOLLOWS ESSENTIAL AND COMPETENT TREATMENT.
2. **NATURAL CAUSES** – SELF-EXPLANATORY.
3. **OPEN VERDICT** – USUALLY GIVEN WHERE THE CORONER HAS NOT BEEN ABLE TO REACH A FIRM CONCLUSION AS TO THE CAUSE OF DEATH.
4. **UNLAWFUL KILLING** – FOR EXAMPLE A DELIBERATE CRIMINAL ACT.
5. **“NEGLECT”** – MAY BE RETURNED WHERE THERE HAS BEEN A COMPLETE FAILURE TO PROVIDE BASIC CARE. A MORE RECENT DEVELOPMENT OF NEGLECT IS **“SYSTEM NEGLECT”** WHICH MAY BE CONSIDERED BY THE CORONER WHERE A HOSPITAL DEATH SHOWS EVIDENCE OF SYSTEM FAILURE. A VERDICT OF **“GROSS NEGLECT”** MAY BE REACHED IN EXCEPTIONAL CASES.
6. **“NARRATIVE”** – MORE FREQUENTLY NOWADAYS THE CORONER MAY GIVE A MORE DESCRIPTIVE VERDICT, WHICH DOES NOT USE ANY OF THE TERMS ABOVE [**“SHORT FORM”** VERDICTS], BUT DESCRIBES THE CIRCUMSTANCES LEADING UP TO THE DEATH AND THE CAUSE OF DEATH. CORONERS ARE THESE DAYS ENCOURAGED TO USE THE DESCRIPTIVE OR **“NARRATIVE”** FORM IN APPROPRIATE CASES.

THE CORONER WILL ALSO WANT TO ESTABLISH WHETHER ANY STEPS CAN BE OR HAVE BEEN TAKEN TO PREVENT INCIDENTS RECURRING AND HE/SHE HAS THE POWER TO WRITE A LETTER OF RECOMMENDATION IN THIS RESPECT, USUALLY TO THE CHIEF EXECUTIVE OF THE TRUST, OR TO THE STRATEGIC HEALTH AUTHORITY / DEPARTMENT OF HEALTH.

ADDITIONAL ADVICE

1. DO NOT GET INVOLVED BEFORE OR AFTER THE INQUEST WITH THE RELATIVES IF THEY ARE ANGRY OR DIFFICULT. OTHER THAN PERHAPS A BRIEF COMMISERATION OR LOOK OF SYMPATHY, IT IS BEST NOT TO GET INVOLVED AT ALL UNLESS THEY MAKE A MOVE TO CONTACT YOU IN AN APPROPRIATE MANNER OR YOU HAVE HAD A GOOD RELATIONSHIP WITH THEM.
2. DO NOT GIVE ANY COMMENT OR INTERVIEW TO THE MEDIA – THE TRUST WILL HANDLE ALL SUCH REQUIREMENTS.
3. HOWEVER, YOU MIGHT TAKE THE OPPORTUNITY WHEN YOU ARE GIVING EVIDENCE, TO EXPRESS YOUR SYMPATHIES TO THE FAMILY. USE YOUR JUDGEMENT OF THIS, GIVEN YOUR LIKELY OR POSSIBLE KNOWLEDGE OF THE BACKGROUND. ALTERNATIVELY SUCH EXPRESSIONS MIGHT BEST BE MADE BY THE TRUST’S SOLICITOR – IF IN ATTENDANCE.
4. TAKE WITH YOU A COPY OF YOUR STATEMENT, PLUS ANY NOTES OR GUIDANCE YOU THINK MAY HELP I.E. PROTOCOLS, PROCEDURES, MEDICAL GUIDANCE, ETC.
5. YOU MAY TAKE WITH YOU A FRIEND, ADVISOR, COLLEAGUE, SUPERVISOR OF MIDWIVES OR UNION REPRESENTATIVE, IF YOU WISH TO HAVE MORAL SUPPORT. THE TRUST WILL ARRANGE LEGAL REPRESENTATION IF CONSIDERED APPROPRIATE.

**IF YOU HAVE ANY QUERIES PLEASE CONTACT
THE LEGAL DEPARTMENT (TEL. 61610)**