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**HOW CAN THIS PACK
HELP YOU?**

**WHAT HAPPENS AFTER A
SUDDEN DEATH?**

WHAT IS AN INQUEST?

HOW CAN THIS PACK HELP YOU?

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

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

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

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

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

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

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

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

WHAT HAPPENS AFTER A SUDDEN DEATH?

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

Are the procedures the same in all cases?

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

Should I see a solicitor?

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

WHAT IS AN INQUEST?

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

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

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

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

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

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

When is a death referred to a coroner?

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

Who else may report a death to a coroner?

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

SECTION 1

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

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

Why must an inquest be held?

Because the cause of death is uncertain or unnatural.

There are eight main reasons to hold an inquest:

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

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

What is an unnatural death?

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

Who has the right to ask questions at an inquest?

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

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

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

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

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

Will there be a jury?

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

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

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

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

What is a coroner/coroner's officer?

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

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

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

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

What is a death certificate?

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

When will the inquest be held?

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

Where will the inquest be held?

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

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

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

But surely how they died includes who was responsible?

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

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

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

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

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

SECTION 1

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YOUR RIGHTS AND THE BODY OF YOUR RELATIVE POST MORTEM EXAMINATION

YOUR RIGHTS AND THE BODY OF YOUR RELATIVE

Can I view the body?

Yes. The coroner's officer will arrange for you to view the body.

Who does the body belong to?

Because the person died in circumstances in which it is necessary to hold an inquest, the state, in the form of the coroner, has temporary control of the body and it cannot be released for the funeral without the permission/consent of the coroner.

Who should identify the body?

Any relative or friend of the deceased.

Can I prepare the body for the funeral?

The coroner will release the body to the family when all the required medical tests have been completed.

If there is a post mortem when will the body be released for the funeral?

The body will be released when the coroner is satisfied that the medical procedures necessary for determining the medical cause of death have been completed. It is difficult to give an accurate time scale but if there is a straightforward cause of death it will be completed a few days after the death. If, however, you are having a second post mortem obviously that will cause some delay. If there are body tissue tests that need to be done some families want to delay the funeral until their completion. Usually the coroner will allow the body to be released for the funeral before the test results have been received.

When can I make the funeral arrangements?

The funeral cannot take place until the coroner has agreed to release the body but it may be helpful to contact a funeral director of your choice at an early stage. He or she will be able to give you practical help with the

procedures involved. If you are in receipt of Income Support or other benefits you may be entitled to a Social Fund payment that would meet the cost of a simple funeral. You can get further details about this from your local social security office. Booklet D49 "What to do after a death in England and Wales" explains benefits procedures.

POST MORTEM EXAMINATION

What is a post mortem?

A post mortem is a medical procedure where a body is examined to find out what caused the death. It is a rare procedure and only held when the cause of death is unnatural or unknown. The procedure involves extensive cutting of the body and removal of the internal organs for examination before replacing them in the body cavity. Families should be aware that if they view a body after a post mortem there may be marks which look like bruises which will have been caused by the post mortem procedure. There can also be marks caused if there was an attempt to resuscitate the person prior to their death. It is often very distressing to see the body without this information.

When does it happen?

It is held after the death on behalf of the coroner as part of his/her investigation in establishing the cause of death.

The Coroners Rules 1984 Rule 7 stipulate that the coroner must inform the relatives of the deceased of the time and place at which the examination is to be made if the relatives have told the coroner that they wish to be informed. The relatives have the right to be represented by a medical practitioner.

In reality this very rarely happens and many families are not aware of their rights until it is too late and the post mortem has already taken place.

Where the police are investigating the death because they think a crime may have been committed and when someone has been or may be charged with causing the death, the coroner may delay giving permission to bury the body so that the lawyers acting for the accused can commission their own post mortem. This can be very distressing for the family, but the coroner has a duty to protect the rights of the accused in this way. If someone is charged with an offence and

there is to be a criminal trial there will not be a full inquest. The coroner can hold an inquest after a trial but in practice this is very rare.

Who may be present at the post mortem examination?

The following people are entitled by law to be present at the post mortem examination:

- a relative or relatives' representative, for example, a solicitor or doctor;
- a pathologist representing the family if they have instructed one early enough. In many cases this will not occur at the initial examination and the family's pathologist may hold a second examination at a later date;
- the GP of the person who has died;
- a representative from the hospital where the person died;
- a representative of the Health and Safety Executive if the death was caused by an accident or disease following the issuing of a "warning notice" as set out in the relevant legislation;
- any government department which has notified the coroner that it wishes to attend;
- the chief officer of police;
- any legally qualified doctor representing any of the above;
- any other person invited by the coroner.

Can I stop it?

Bereaved relatives do not have to give consent for a coroner's post mortem examination. If the Coroner decides a post mortem examination is necessary the only means of stopping it is by judicial review. It would be necessary to demonstrate that the coroner's decision was unreasonable, i.e. because the grounds for wanting a post mortem were in some way insubstantial. In reality the post mortem is often carried out very soon after the death and the family may be too shocked and distressed to have sought advice that quickly or they may not have been informed that it is taking place. The coroner will not release the body for the funeral until the procedures required have been carried out.

SECTION 2

Who carries out a post mortem examination?

A pathologist, who is a doctor, specialising in this particular area.

Where will it take place?

Usually in the hospital where the person died or was taken immediately after death or at the public mortuary related to the coroner's court.

Will any samples be kept?

At the post mortem examination the pathologist may need to carry out some specialist tests in order to discover the cause of death, or be asked to carry out specific examinations by the coroner. Sometimes parts of organs are kept so that the pathologist can examine the tissue under the microscope at a later date. In some cases it may be necessary to keep the whole or parts of the organs to undertake particular tests. You can ask for information about this from the coroner or pathologist. You can also discuss with the coroner delaying the funeral until the tests are completed so that the organs or tissue can be returned if you wish. Coroners are introducing new procedures and forms so that families are fully informed about the procedures and can take decisions about what they want to happen. Further information can be obtained from the Department of Health or the Home Office.

Can I see the post mortem report?

Under Rule 57 of the Coroners' Rules the relatives of the deceased may apply to the Coroner for a copy of the post mortem report. There is no right to see the report before the inquest but it is the practice of most coroners to release it. This is sometimes made more difficult when there are controversial circumstances surrounding the death. It can also take a long time for the post mortem report to be completed.

Can I have a second post mortem examination?

Yes, with the consent of the coroner. In practice this is very rarely denied. If it is

denied it can be the subject of a challenge by judicial review. If you consider having a second post mortem you must be aware of the need to have a solicitor to instruct the pathologist and also of the cost involved. It may delay the funeral. But if you are not happy with the information you have received about the cause of death and you have worries about the circumstances of the death you should consider a second post mortem. It is important to get advice on which pathologist to use. You also need to ensure that the body is properly preserved.

What is a toxicology report?

A toxicology report is a report done on blood and tissue to establish whether there were any toxic substances in the body which may have contributed to the death. The toxicology report will show up prescription drugs, illegal drugs, alcohol and any other chemical substances which the toxicologist has been instructed to test for. It will not always show prescription drugs which have been taken at a therapeutic level. You can ask for a copy of this with the post mortem report.

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**LEGAL ADVICE AND HOW
TO FUND IT**

**WHAT CAN BE SAID IN
PUBLIC BEFORE AN
INQUEST**

LEGAL ADVICE AND HOW TO FUND IT

The Coroner's Act 1988 specifies who can be legally represented at an inquest. This includes family members and specifies which family members are automatically considered "properly interested persons" (see Section 8 on definitions). This representation can be done either by a solicitor or barrister. To be represented by a barrister they have to be instructed on your behalf by a solicitor (see Section 8).

Should I contact a solicitor?

If you are concerned about the circumstances of the death then you should consider seeing a solicitor who has specialist experience as soon as possible. Whilst you might have been told by the coroner/coroner's officer that it is not necessary, we would strongly advise you to get some advice from the organisations listed in the pack. It is not always necessary to have a solicitor but if you want to be legally represented at the inquest it is important. It can also help to have a solicitor to assist you in obtaining any paperwork related to your relative's death or the circumstances surrounding the death.

How can I find a solicitor?

You can find a solicitor by contacting the organisations listed at the back of the booklet. They may be able to suggest someone who has some experience in preparing for inquests. Many solicitors do not have expertise in inquest preparation and may give you inadequate advice or charge very high fees. It is important to find a solicitor with experience of inquests or of the circumstances in which your relative died. If you already have a solicitor you trust and have worked with before then you can suggest they contact the organisations listed for more specialist information and who would work with them to prepare for the inquest. The solicitor should have an understanding of the

importance of the inquest to you in finding out what happened.

What will my solicitor do before the inquest?

This depends on the nature of the death but in all cases the solicitor should inform the coroner that they are acting for you and that you are a "properly interested person" or wish to be recognised as such at the inquest. They should assist in the preparation of the inquest in ensuring that detailed statements from you and any other witnesses who you suggest are taken. Copies of these statements can then be disclosed to the coroner and, if appropriate, representations made that particular witnesses be called by the coroner at the inquest. The statement you give to your solicitor should not only deal, in considerable detail, with the circumstances surrounding the death but also set out clearly your concerns so that the coroner is in a position to address them. You should also inform the solicitor of any other information that could be relevant.

It is essential for your solicitor to keep in regular contact with the coroner's officer. S/he will be able to keep them informed about the arrangements for the inquest including the date, venue and order in which the witnesses will be called and the nature of any exhibits to be presented in evidence.

How can I help the solicitor?

If there are several of you in your family it is useful for one of you to be the main person to liaise with the solicitor. You should write down as much of what you remember being told about your relative's death as soon as you can and any background information that you feel might be helpful and relevant to your solicitor's understanding of your relative and the circumstances of the death. It may be difficult because you will be experiencing shock and distress about the death but it is helpful to do this as soon as you feel able and give it to your solicitor. It is also important for the family to compile their own account of the facts surrounding

the death and requests can be made to the coroner via the coroner's officer to call evidence that the family believe is relevant to the cause of death.

Do I need a barrister to represent me at the inquest?

A solicitor or a barrister can represent you at the inquest and ask questions of the witnesses on your behalf. Some solicitors have considerable experience of representing people at hearings and some do not. It is best to discuss this question with your solicitor and any of the organisations listed in this pack you have been in contact with. This is particularly relevant when there are lawyers acting for other parties and who will be representing them at the inquest.

If I have a barrister will I meet them before the inquest?

It is best practice for you and your solicitor to have a meeting (called a conference in legal jargon) with a barrister before the inquest. It is important that you let her/him know what your concerns are and what questions you want to be asked. It is a good idea to write down any points that you want to raise with them before the meeting.

You may be anxious that one or two meetings will not be long enough for them to understand your case but remember that they do this for a living and will have read very carefully the papers produced by the solicitor. What is important to remember is that you are instructing them and they are there to ask questions at the inquest on your behalf and as such you should not be hesitant about raising particular points with them. They will be able to advise you on whether these can be raised through questions at the inquest. If they tell you that some of the things you are concerned about cannot be put in questions to witnesses at the inquest it may be because of the law related to inquests that only allows quite a narrow look at the circumstances surrounding the death.

How much does it cost?

The cost depends on your circumstances. If you are on income support or extremely low income you will be eligible for solicitors assistance in the preparation of the inquest. There is no financial help for representation other than in "exceptional cases" or in deaths in police and prison custody where families are financially eligible (see below).

If the deceased had a dependent child under the age of 18 or any other dependant or spouse there is the possibility in some circumstances of taking further legal action. In those cases public funding may be available for some of the preparation for the inquest which would have been necessary in any event for the other legal action.

It is always worth discussing the matter with the organisations listed at the back of the booklet who may be able to find experienced solicitors and barristers who, depending on the circumstances, may be prepared to charge a low fee or in some cases act for you for free.

What is an "exceptional case"?

Most people will find this definition distressing as every sudden death is exceptional for those whose loved one has died. Since April 2000 the Lord Chancellor has had the power to grant public funding for representation at inquests in circumstances he believes to be exceptional and where the bereaved people are financially eligible. There are criteria for lawyers to understand how this definition works which are set out in the Funding Code which accompanies the Access to Justice Act 2000. This procedure is currently worked on a case by case basis and you should suggest your solicitor should discuss this with the organisation INQUEST if they are considering an application. In cases where someone has died in prison or police custody funding is now available in all cases where the family meet the financial eligibility criteria.

WHAT CAN BE SAID IN PUBLIC BEFORE AN INQUEST

What are the legal rules about what can be said in public before an inquest?

In relation to inquests there is no strict subjudice rule (see Section 8 definitions). The reporting of the matter in and of itself is not contempt. However, you need to consider with your advisors what is appropriate to say in public before the inquest.

In cases of deaths where possible criminal charges are to be considered and where papers have been given to the CPS it is inadvisable for anyone to make an in depth programme or write an article where a description of the events involved in the death is the primary focus. This is a matter of tactics rather than law. If the CPS did decide to prosecute, then this would be ammunition for lawyers defending those charged. They would then have the possibility of arguing that a fair trial is not possible because of the fact that there has been adverse publicity in the media. This would be detrimental to the concerns of the deceased's relatives or friends.

If a decision is made to prosecute then the matter becomes subjudice once an arrest is made. If civil proceedings are to follow an inquest then the matter becomes subjudice once it is set down for trial - not when proceedings are commenced. The same applies after an inquest where papers are referred back to the CPS.

So it is not a good idea to make a programme/write an article while an inquest or any other proceedings are imminent on the facts of the case beyond what is already in the public domain. However, it is still possible to speak about the general issues and concerns the death raises and the way you have been treated.

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**BEFORE THE INQUEST
AT THE INQUEST
VERDICTS
AFTER THE INQUEST**

BEFORE THE INQUEST

Who decides who will give evidence?

It is up to the coroner to decide who will give evidence. You can, individually or through your solicitor, suggest to the coroner witnesses who may be helpful and important. It is important that your solicitor informs the coroner as soon as possible that she/he is instructed by you to prepare for the inquest and that they keep in regular contact than others with the coroner. Some coroners are more open to suggestions on which witnesses to call. In the end it is the coroner who makes the decision, subject to any challenge that may be possible if the decision is unreasonable. Many coroners will release a witness list of who they propose to call to give evidence in advance of the inquest.

When will I be told the date of the inquest?

You should be informed of the date of the inquest as soon as it is set. Again this is why it is useful for you and/or your solicitor to establish an early relationship with the coroner's office so that she/he is informed as early as possible. Also if you are having a barrister to represent you then the solicitor should ask the coroner to ensure that enough notice is given and that the coroner's office liaises with your solicitor about the date to ensure your barrister is available. Although this is good practice some coroners are not open to such co-operation and you should be prepared.

Can I speak to the coroner?

It is more common that you will speak to the coroner's officer, although some coroners will speak directly to bereaved people or their solicitors.

AT THE INQUEST

Will there be any private place to wait at the inquest?

It is not usual that there is a private place for friends and family to wait or to talk with their legal representatives. Some coroner's courts (or where a town hall/county court is used) have waiting and/or interview rooms and some coroners may consider making one available for the family and their lawyers. At other courts this is not the case and you need to be prepared for having to wait in the same place as the people you may think were responsible for the death, which can obviously be very distressing.

What should I wear and bring with me to the inquest?

You should wear clothes you feel comfortable in. The coroner, lawyers and witnesses will often be smartly dressed. You may find it a comfort to bring a photograph of your relative with you as the inquest can often be very impersonal and sometimes disparaging remarks are made about the person who has died.

Will my expenses be paid?

If you are called to give evidence you may be paid some expenses for having to miss work to come to the inquest and also travelling expenses. This will only apply if you have been summoned to give evidence.

Who has the right to attend?

Anyone – an inquest is a public hearing. You may want to bring a friend or family members to support you during the inquest.

Will the press and public be there?

Because the inquest is a public hearing anyone can attend and that includes the press (see Section 7).

Can I leave the court if I want to during the inquest?

Yes, you can leave whenever you want (apart

from if you are giving evidence at the time) and come back whenever you want. If you feel upset or angry with any of the evidence you may want to leave. If you choose to do so, you should leave quietly. Coroners are used to people coming in and out of the court. Some coroners will mention in open court when post mortem evidence or other distressing evidence is coming up to allow you the opportunity to leave.

Will anything personal and private be said at the inquest about my friend or relative and their family?

The inquest is there to inquire into the circumstances of the death, and there may be evidence that the coroner considers relevant to the investigation that may reveal private matters about the person. If there are matters, which are not strictly relevant to the inquest, you can ask that they are not made public. It is a matter in the end for the coroner to decide. Some coroners will be sympathetic and sensitive to your concerns but others may feel such information is relevant.

Will the suicide note be read out during the inquest?

It is unusual for a suicide note to be read out in its entirety.

What will happen at the inquest?

The coroner will begin the inquest and if there is a jury will swear them in. The coroner will outline to them what their duties are and that they are there to establish the answer to the questions: who the person was, where they died, when they died and how they came by their death. The coroner will also usually explain two important Coroners Rules 36/42 that the inquest is not held to establish any criminal or civil liability – that it cannot blame anyone for the death and that the coroner and/or the jury must not name anyone in delivering their verdict.

The coroner will then call the witnesses. She/he will usually begin by questioning the witnesses and by taking them through the

witness statement they will have given. There will then be the opportunity for barristers representing any interested person to also question the witnesses. If the witness is “your” witness (either yourself, another family member, a pathologist you employed, or another expert) your barrister will ask questions last.

In some cases, the coroner will warn the witnesses that they do not have to answer questions if they feel their answer might incriminate them in a criminal offence.

Once all the evidence has been heard, your barrister and/or legal representatives for other “properly interested persons” may request the opportunity to address the coroner on the law in relation to possible verdicts to leave to the jury. If there is a jury they will be asked to leave the court until the legal submissions have been made.

After all the witnesses have been questioned, the coroner sums up the evidence. Your barrister and any other barrister do not have the right to sum up the evidence as they see it.

Then the coroner will decide on the verdict or, in the case of a jury inquest, address the jury on possible verdicts open to them.

The coroner will then address the court on the verdict or the jury will retire and consider their verdicts (see section below).

It is vital to understand that the inquest is not like an ordinary court of law. The coroner is prohibited from deciding any issues of civil or criminal liability on the part of a named individual. The inquest is purely a fact-finding mission. As a result it is often frustrating for the family if the coroner decides to take an unnecessarily restrictive view on his/her role in simply establishing the facts surrounding the death and many questions can be disallowed on the basis that they are not relevant.

VERDICTS

The coroner, if sitting without a jury, returns the verdict. In a jury inquest the coroner will leave the jury a number of verdicts to consider depending on the evidence heard at the inquest.

These are the verdicts laid down in the Coroners Rules/Act:

- natural causes;
- industrial disease;
- dependence on drugs;
- non-dependent drug abuse;
- want of attention at birth;
- killed himself/herself whilst the balance of his/her mind was disturbed/suicide;
- attempted/self induced abortion;
- accident/misadventure (which means the same);
- stillbirth;
- Open verdict – this means that the cause of death cannot be established and doubt remains as to how the deceased came to their death.

In some cases “contributed to by neglect” can be added (the law is incredibly limited on when this can be applied and neglect does not mean the same in law as it does in everyday language). “Systemic neglect” can also be considered in these circumstances where evidence showed that insufficient action was taken to prevent a death.

The rare verdict of unlawful killing may be returned if the death was due to an unlawful act or gross negligence.

All of these verdicts have to be established to the test within the balance of probabilities except for suicide and unlawful killing, which have to be proved beyond reasonable doubt

When does the coroner use the verdict “killed him/herself”?

When it is believed, on the basis of the factual evidence, that the person intended to kill him or herself.

For this verdict to be returned there has to be evidential proof, for example a suicide note, beyond reasonable doubt, that it was definitely the person’s intention to take their

own life. If they did something that resulted in their death but there is not enough evidence that they intended to die then this verdict will not be returned.

What verdict is used if there is insufficient evidence that somebody had intended to kill him/herself?

Misadventure/accidental death or an open verdict.

Would the verdict “killed him/herself” have to be supported by a suicide note?

No, but that is a piece of evidence which could show intent.

What does accidental death/misadventure mean?

This means that the person died as a result of actions by themselves or others that went wrong or had unintended consequences.

What does open verdict mean?

This means that there is not enough evidence to return another verdict.

What does unlawful killing mean?

This verdict means that the person was killed by an “unlawful act” by someone or some others or as the result of their “gross negligence”. These are both legal terms that are clearly defined in the criminal law.

If I think an institution (such as a prison or hospital) has neglected my relative, will that be reflected in the verdict?

There is a real difference between the meaning of “neglect” in common speech and what that means in law. This is a complicated area and you should discuss this with your solicitor or one of the organisations at the end of the pack.

As indicated above, it is rare for the words “contributed to by neglect” to be added to one of the verdicts already mentioned. This will reflect a degree of neglect but again it does not blame any individual or any institution.

Can the coroner make recommendations to prevent a further death occurring due to the same cause?

Under Rule 43 of the Coroner's Rules, after the verdict the coroner may announce that he or she will write to the person or authority that has the power to take action to prevent the recurrence of similar fatalities. This is often referred to as recommendations. The coroner is the only person entitled to make any comment in court after the verdict. It is worthwhile talking to your legal representative about this before the inquest so the coroner is aware that you know she/he has that power. Some coroners will allow your lawyers to raise matters they think should be addressed under Rule 43.

Can the jury make any recommendations?

No. But they can write a narrative verdict incorporating their concerns as long as they do not criticise anyone in person.

Can the coroner's recommendations be enforced and will I find out what response they received?

No. You should receive a copy of any Rule 43 points made and your lawyer can request the coroner sends you a copy of any reply she/he receives.

How does the inquest finish?

The coroner and jury (if there is one) sign a document (Form 22) – known as the inquisition – giving the result of the inquest, which records the answers to the questions: who the person was, where they died, when they died and how, i.e. the medical cause of death.

AFTER THE INQUEST – FURTHER ACTION

What happens after the inquest?

The coroner will send any details required by the registrar of deaths. She/he will also write to the relevant authorities under Rule 43 if she/he deems that appropriate. The coroner's office will advise you of where to get a copy of the death certificate.

If it has not already been done, she/he will also send:

A burial order, or a cremation certificate, or permission to send the body abroad.

Can any claim be brought after the inquest?

After the inquest the relatives may not wish to investigate further the circumstances surrounding a death. However, as has already been said, the role of the inquest is not to decide who was to blame. If the family want to make a civil claim they should seek advice from a solicitor, if they have not already done so, who will be able to advise them on the merits of any potential claim.

The surviving spouse, the parent of a legitimate child (under 18 at the time of death), or the mother of an illegitimate child can bring an action to claim the statutory bereavement allowance of £7,500. Supplemental claims can also be made for the funeral and other out of pocket expenses. There may be other avenues to pursue but these are very limited and again you should discuss this with a solicitor or one of the relevant organisations listed in Section 8.

What can I do if I am unhappy with the conduct of the inquest and the verdict?

You have very limited options to take action after the inquest but if you are concerned you should talk to your legal representative or one of the organisations listed in the pack.

If you were not previously legally represented you should consider getting legal advice at this stage as these procedures are

SECTION 4

complex and require an up-to-date and in-depth knowledge of the law.

We have set out some of the ways you can seek to address any problems, but each case is unique and you definitely need to seek advice.

If a coroner has refused to hold an inquest, can her/his decision be overruled?

Yes. It can be challenged by judicial review. You need to speak to a solicitor about this.

What is a judicial review?

It is a legal procedure where a judge can review decisions made by the coroner and decide whether they are appropriate and/or correct. It is held in the divisional court. Where it is felt there has been an insufficient inquiry into the death or a failure to call relevant witnesses, are some examples of where a judicial review has been taken.

Is there any appeal against the verdict of a coroner?

Not as such. It is possible that if the divisional court accept that there has been fraud, rejection of evidence, irregularity of proceedings, an insufficiency of inquiry, or if it is in the interests of justice, a new inquest can be ordered and the previous inquest quashed. The exercise of this power depends on the court's view that it would be necessary and desirable in the interests of justice.

Who can make an application to quash an inquest or to hold one after the refusal of a coroner?

Any interested party including the family of the deceased. Again this is a complex legal process and legal advice should be sought.

Can a verdict be overturned or amended if it appears that the coroner made an error in the interpretation of the law?

Yes, by judicial review. This must be done as soon as possible after the verdict has been given and within three months. It should be undertaken by a person with sufficient interest, e.g. the family of the deceased, or a

person who might be charged with causing the death.

Can a verdict be overturned or amended if new evidence is found that was not available at the original inquest?

Yes, by applying to the Attorney General for his permission. This is a process similar to a judicial review and you should discuss this with your solicitor.

If evidence comes to light sometime after a death that suggests a death was unnatural or the cause of death uncertain, can an inquest still be held?

Yes, if the coroner agrees there are reasonable grounds. The death certificate will be amended if new evidence reveals at the inquest that the original cause of death was wrong.

Can a body be exhumed if new evidence comes to light that suggests an inquest is necessary because a death was unnatural or the cause uncertain?

Yes. The coroner must issue a warrant signed by her/him, addressed to the persons in charge of the burial ground. The exhumation is carried out at night or early in the morning. A funeral director or a member of the family carries out identification of the body. In practice this is exceedingly rare.

Should I discuss these points with my solicitor?

Yes, these are complex legal processes and you should discuss it with your solicitor who should also consider obtaining advice from a barrister with expertise in the law on inquests on whether the case is possible to pursue, and whether public funding will be available.

Will anyone be prosecuted after the inquest?

This is exceedingly rare.

Can I get a transcript of the inquest?

Yes. Anyone who is a "properly interested person" can obtain a copy of the transcript of

the inquest by asking the coroner's office. The difficulty is often the cost and the manner in which the evidence was recorded. Many coroners' courts have tapes of the evidence and you have to pay for these to be transcribed by a typist, but some coroners' courts only have the notes made by the coroner.

Is there anyone I can write to if I want to make a general complaint about an inquest?

There is no formal complaints procedure but you can write to:

The Home Office Coroners Section;

The Lord Chancellors Department;

The local authority that funds the coroner.

5

PARTICULAR CIRCUMSTANCES OF DEATH – WHAT ELSE DO YOU NEED TO KNOW?

- Deaths in police custody
- Deaths in prison
- Deaths involving medical treatment
- Work-related deaths
- Carbon monoxide and fire related deaths

DEATHS IN POLICE CUSTODY

Read this sheet with the general sections in the pack. This section gives you specific extra information about the investigation of deaths that occur in police custody.

What is a death in police custody?

When someone dies as a result of (some) contact with the police it is called a death in police custody. This covers deaths during the course of arrest, on the street, in a police van, by police shooting, during police pursuit, in the police station, and deaths in hospitals of those who had previously been in police custody. The official definition of a death in police custody is any death of someone detained in a police station and anyone in the hands of the police or whose death resulted from the actions of a police officer in the purported execution of his or her duty.

Will there always be an inquest?

Yes, if there is not a criminal prosecution. A death in police custody is automatically referred to the coroner and the inquest will always be held with a jury.

Should I contact INQUEST?

Yes, for specialist advice and support throughout the whole process that will follow the death.

Will there be a post mortem?

Yes and it is usual practice that there is a post mortem done almost immediately. This will be carried out by a Home Office pathologist. Sometimes two pathologists will be present at the initial post mortem – one for the Chief Constable or in the case of London the Metropolitan Commissioner, and one for the coroner. If you have any concerns about the way someone died you should consider whether a second post mortem should be carried out (see section 2). This is particularly important in cases following the use of force

by police officers, eg use of CS, restraint and firearms.

Should I contact a solicitor?

Yes. You should contact INQUEST who will either work with your own solicitor to help if she/he has not dealt with a death in police custody before or put you in touch with a solicitor in your area who has relevant experience.

Your solicitor should take a detailed statement from you about what you know about the circumstances of the death. If you have not been able to find a solicitor immediately you should keep a note of all the relevant information about the circumstances to assist you in making a statement to your solicitor when you have one.

Your solicitor should then request a copy of the custody record from the police, which you are entitled to, and request any medical records.

Will the Police Complaints Authority (PCA) be involved?

The PCA policy on bereaved families

After the death it is usual that it is reported to the PCA – which is a government body set up in 1986 to supervise the investigation of complaints against the police and investigate deaths in custody. It is not a statutory requirement that all deaths in custody are reported to the PCA but in practice this is usually the case. The PCA will appoint one of its members, who are lay people, to supervise the inquiry which is carried out by the police themselves and led by a Senior Investigating Officer (SIO). In some cases the investigation is carried out by a different police force but this is not always the case. The police will investigate the death on behalf of the PCA and will gather evidence in the usual manner. This inquiry has to be completed within 120 days, although in complex cases the time may be exceeded.

In April 2004 the PCA will be replaced by a new government body – the Independent Police Complaints Commission (IPCC).

The IPCC will have a similar role to the PCA but there will be greater use of non-police investigators in many deaths in police custody.

What kind of investigations will take place before the inquest?

The investigating police force should take evidence from everyone involved in the events leading up to the death including from the family of the person who has died. It is advisable for families to arrange to see the police officers with their solicitor, or to prepare a statement with their solicitor to give to the Investigating Officer. The evidence gathered during the course of this inquiry forms the basis of the Investigating Officer's report that is passed, with the documentary evidence, to the PCA at the end of the investigation. If they are satisfied with how the investigation has been conducted they will issue a certificate of satisfaction.

At this point the report and evidence will be passed to the coroner, the Chief Constable of the police force under investigation and the Crown Prosecution Service (CPS). The CPS will then consider whether any criminal charges should be brought against the officers involved. Prosecutions are extremely rare. You should be given written reasons for this decision, which can be challenged. You should seek legal advice on what to do. It is usually the case that criminal charges are not brought. The very fact that an inquest is held means it has already been decided no one is criminally responsible for the death. This can be reviewed after an inquest and particularly where a verdict of unlawful killing is returned.

If there is going to be an inquest the coroner will then decide if more inquiries need to be made in addition to those carried out by the police. She/he will already have the documents deemed relevant from the PCA supervised police inquiry by the Investigating Officer.

The coroner will then set a date for an inquest. This can be months or even years after the death occurred.

What information will I be given during the investigation?

Following the death, you will be visited by a representative of the PCA and the SIO. They will explain their roles to you. A Family Liaison Officer (FLO) may be assigned who is supposed to offer advice and support about the process. You should be given information about how the investigation is progressing. This can vary depending on the police service involved.

Will I be able to find out the results of the Police Complaints Authority supervised inquiry?

Unlike other inquests you will be able to ask for access to the evidence gathered during the inquiry. The guidance on pre-inquest disclosure issued by the Home Office to all police forces in April 1999 urges them to be as open as possible. Once it has been decided to go ahead with the inquest and all other procedures have been completed you can ask to see the documents gathered during the investigation. These must be given to you at least 28 days in advance of the inquest. The coroner has to agree to disclosure of the documents and it is not a right. Your solicitor and INQUEST can advise you about the procedure.

Disclosure can assist lawyers in preparing for the inquest and in ensuring all relevant evidence is called. This is particularly relevant in contentious cases where use of experts may assist the jury in deciding on verdicts – e.g. police shooting, use of restraint.

Can I use these documents for campaigning or talking to the media before the inquest?

No. You or your solicitor may have to sign an Undertaking of Confidentiality which means that only you, your family and your legal advisors can see the documents and they can only be used for preparing for the inquest.

Will any decision be made about disciplinary action against the police officers involved?

Once the PCA-supervised inquiry has taken

place the investigating force will prepare a final report for the PCA and this will be considered along with the evidence to determine whether any disciplinary action should be taken against any of the officers involved with the death.

A decision will not usually be made until the inquest is over although they sometimes announce an interim decision before the inquest.

Who will be represented at the inquest?

The Chief Constable, or in London, the Metropolitan Commissioner, is usually legally represented. Sometimes the individual police officers are also represented separately. If a police doctor has been involved they may also be represented, as may hospital staff if the deceased was taken to a hospital before death.

Will disciplinary action be taken after the inquest?

The PCA will review the evidence heard at the inquest and make a decision on whether disciplinary charges should be brought against any of the officers involved in the death.

After the inquest

There may be matters you wish to bring to the attention of:

The European Court of Human Rights;
The Home Office Minister with responsibility for the police.

You can discuss these options with your solicitor and INQUEST.

Who else might help?

INQUEST;
United Friends and Families Campaign.

Addresses and telephone numbers are in the section on Organisations.

DEATHS IN PRISON

Read this sheet with the general sections in the pack. This section gives you extra information about the investigation of deaths that occur in prison.

What happens if my relative dies in prison?

You may be informed of the death by the prison service through a phone call or a visit to your home, or by a police officer. If it is not the prison who have informed you, they should give you contact details of a contact person at the prison. The prison should inform you that the body has been taken to a hospital or mortuary and the death reported to the coroner and the police. They should also give a copy of a leaflet from INQUEST.

Who should I contact at the prison to find out more information?

The prison should appoint a senior member of staff to be the family's main point of contact in the prison. They should be able to explain what will happen and provide information about where to get further assistance. The named person should give you a factual account of the events leading up to the death and how your relative was discovered.

There is a Prison Service Standing Order, which details how you should be treated and the information that you should receive from the prison.

Will I be able to visit the prison and see where my relative died?

The prison should invite you to visit if you want to.

Will there always be an inquest?

Yes, if there is not a criminal prosecution. A death in prison is automatically referred to the coroner and the inquest will be held with a jury.

Should I contact INQUEST?

Yes, for advice and support throughout the whole process which will follow the death.

Will there be a post mortem?

Yes, and it is usual practice that there is a post mortem done almost immediately. This will be conducted by a Home Office pathologist. If you have any concerns about the death you should consider whether a further post mortem should be carried out (see Section 2 on post mortems). This is particularly important where the death followed the use of restraint, or concern about medical care or treatment.

Should I contact a solicitor?

Yes – you should contact a solicitor quickly who has experience of the law in relation to prisons and inquests. You should contact INQUEST who will either work with your solicitor to help if she/he has not dealt with a death in prison before or put you in touch with a solicitor experienced in prison deaths.

Your solicitor should take a detailed statement from you about what you know about the circumstances of the death. If you have not been able to find a solicitor immediately you should take a note of all the relevant information about the circumstances to assist you in making a statement to your solicitor when you have one.

Your solicitor should then request copies of the relevant documents such as medical records from the Treasury Solicitors Department before the inquest. The Treasury Solicitors Department are responsible for legal preparation for inquests on behalf of the Prison Service.

What investigations will take place?

After someone has died in prison the police will be called and initial inquiries made. If the police decide there are no suspicious circumstances there will be an internal Prison Service inquiry that is usually conducted by a governor from another prison. The investigating officer should give you an opportunity to discuss your concerns etc.

Will I see the result of the internal inquiry?

A new policy was issued in April 1999 which

allows you to see a copy of the internal investigation report before the inquest. Once it has been decided to go ahead with the inquest and all other procedures have been completed you can request to see the documents gathered during the investigation. You may have to sign an Undertaking of Confidentiality that means you, other members of your family and your legal advisors will only use the report to help in preparing for the inquest.

What investigations will take place?

After someone has died in prison the police and the coroner will be informed and initial inquiries made. The police investigate every death in prison custody both on behalf of the coroner and to assess whether there are any suspicious circumstances. There will also be a Prison Service investigation conducted by a governor from another prison. They should make contact with you and explain the purpose and remit of the investigation and give you the opportunity to discuss any of your concerns about your relative's death and matters you think should be looked into. You may wish to have your solicitor or someone from INQUEST with you at this meeting.

The Prison Service is currently reviewing the way it investigates deaths in prison and there are proposals for more independent investigations and greater involvement of families.

Can I use these documents for campaigning or talking to the media before the inquest?

No, not if you or your solicitor have signed the Undertaking of Confidentiality discussed above – this means only you, your family and your legal advisors can see the documents and they can only be used for the inquest. It can assist you and your solicitor in ensuring that all relevant witnesses are called.

If the police are carrying out a full inquiry what will happen to that?

The report and file will be passed to the

Crown Prosecution Service who will decide if criminal charges are to be brought, which is very rare. If it is decided not to prosecute anyone in relation to the death there will then be an inquest. The coroner will already have the file.

Who will be represented at the inquest?

It is usually the case that the Prison Service is legally represented, as sometimes are individual prison officers. If a prison doctor has been involved they may also be separately represented.

How do I get my relative's property back?

The coroner or the police will take the decision about what property needs to be retained for evidence. The prison should release any cash or property not needed as evidence when the coroner authorises them to do so. Most items can be released at an early stage and the prison should contact you to let you know when you can recover the deceased's belongings. Unfortunately personal items such as letters and other writings are usually amongst those needed as evidence and this sometimes means the intended recipient of a letter written by the deceased may not be able to obtain it until quite some time after the death. The coroner may recognise that this can cause a great deal of additional distress and use his/her discretion to release a copy of any such letter earlier on.

After the inquest

There may be matters you wish to bring to the attention of:

The Prisons Inspectorate;
The Prisons Ombudsman;
The Parliamentary Ombudsman;
The European Court of Human Rights;
The Prison Service Safer Custody Group;
The prisons minister.

You can discuss these options with your solicitor and INQUEST.

DEATHS INVOLVING MEDICAL TREATMENT

This section gives you specific extra information about the investigation of deaths that occur in circumstances where medical care may be an issue.

If I think there was medical negligence involved in the death, will that be determined at the inquest?

No. The inquest is not the forum for determining any kind of liability for the death and if you think there was medical negligence you need to obtain legal advice from lawyers with expertise in this area. You can find out about these lawyers from the Community Legal Service or the organisation Action for Victims of Medical Accidents. They can then advise you on other legal options and also on preparing for the inquest.

What is medical negligence?

As we have said earlier, the kinds of words commonly used often have a different meaning in law and therefore when dealing with inquests. In this case the easiest way to define negligence is an accident for which someone is to blame.

How do we judge whether someone is to blame?

It is important to understand that the law defines medical negligence as the failure on the part of the doctor to reach the accepted standard of medicine. In order to have a successful claim in medical negligence it has to be proved on the balance of probability that:

1. the doctors failed to treat in accordance with the accepted standard;
2. the failure caused some "damage".

If a "responsible body" of medical practitioners say that the treatment received or lack of it was adequate then there is no negligence. Even if there were failings but the outcome to the patient would have been the

same, there may, in law, be no damage for which there can be compensation and consequently no legal claim.

What should I do if I think the death was due to medical negligence?

If you believe that negligent medical treatment may have contributed to the sudden and unexpected death of a friend or relative and you are unsatisfied with any explanation put forward by the medical staff concerned you may wish to make a formal complaint against the hospital. It may be advisable to contact Action for Victims of Medical Accidents for advice on who can assist you with this procedure. From December 2003 you may also want to contact the Local Patients Forum which is linked to the Independent Complaints and Advocacy Service who would be able to help you with the hospital complaints procedure.

It may be that you decide that the complaints procedure is not appropriate. In this case it is advisable to contact a solicitor. Several firms of solicitors will arrange for a free consultation when you can discuss a potential claim in medical negligence as well as whether an inquest is appropriate. It is particularly important to seek legal advice if the coroner appears at all reluctant to act on any information that you have given him or her. Medical negligence is a very specialist area of law and it is important to seek the advice of lawyers who have experience in this area. As we mentioned earlier, you may want to contact the Community Legal Service or the group Action for Victims of Medical Accidents to get advice from a specialist firm.

What needs to be done before a medical inquest?

As in all inquests it is important to obtain as much information as possible prior to the hearing. It is vital that whoever is asking questions at the inquest is as well prepared as possible. If a solicitor has decided that there is a case in medical negligence which is worth

investigating and the family is entitled to public funding, then the public funding certificate will cover much of the pre-inquest work.

However, public funding is unavailable for representation at the hearing itself. A “medical” inquest differs from others in that more information may be made available by the coroner prior to the hearing itself. In particular, the next of kin/personal representatives of the deceased are entitled to copies of the deceased’s medical notes and records under the Access to Medical Records Act 1990. Once these records have been obtained a solicitor may instruct an independent medical expert to provide a report on any possible negligence. This can be of valuable assistance at the hearing itself.

How can I assist the solicitor?

It is also important that the family compile their own account of the facts surrounding the death, and requests can be made to the coroner via the coroner’s officer to call evidence which the family believe is relevant to the cause of death. However, ultimately it is the decision of the coroner as to the evidence she/he will allow to be heard subject to a review by the administrative court if appropriate.

It is advisable that the family appoints a spokesperson. If the family is to be represented, a meeting should take place and the family should list all the areas that they would like their representative to cover and the questions that they would like to ask.

The inquest

As we have said earlier in the pack, it is vital to understand that the inquest is not like an ordinary court of law. The coroner is prohibited from deciding any issues of civil or criminal liability on the part of a named individual. The inquest is purely a fact-finding mission. As a result it is often frustrating for the family if the coroner decides to take an unnecessarily restrictive view on her/his role in simply establishing the facts surrounding

the death and many questions are disallowed on the basis that they are not relevant.

After the inquest

An inquest is obviously a distressing experience for the family of the deceased. After the inquest the relatives may not wish to investigate further the circumstances surrounding a death. However, as has already been said, the role of the inquest is not to decide who was to blame. If the family want to make a civil claim against any of the medical staff involved in the treatment of the deceased they should seek advice from a solicitor if they have not already done so, who will be able to advise then on the merits of any potential claim.

Who else might help?

Action for Victims of Medical Accidents (AVMA).
Address in the section on Organisations.

WORK-RELATED DEATHS

Read this sheet with the general sections in the pack. This section gives you specific extra information about the investigation of deaths that occur at work.

What is a work-related death?

This is a death that takes place as a result of an incident at work or the result of other people carrying out their work. It covers:

- the death of a worker during the course of his or her employment;
- the death of a member of the public from work activities;
- the death of a member of the public in an incident like a train crash.

Some deaths in road traffic incidents might also be work-related, if for example an incident involved a commercial vehicle with defective brakes or where the driver had worked very long hours.

The role of the regulatory authorities

Almost all work-related deaths will be reported to either the Health and Safety Executive (HSE) or the Environmental Health Department (EHD) of the local authority where the death took place. If the death takes place at sea, the Marine and Coastguard Agency (MCA) will be the responsible agency.

The regulatory agency – which in most cases will be the HSE – has two initial responsibilities:

- to make sure that there are no continuing risks and make the situation safe;
- to undertake a criminal investigation.

Your solicitor

You may find that your solicitor is solely interested in issues relating to compensation, whilst you are concerned about issues of accountability. Compensation is of course crucial, but since the insurance companies pay for it, the responsible company is not affected. That is why it is important to ensure that the investigation by the police and the

regulatory agencies is rigorous and that proper consideration is given to whether the company and/or an individual should be prosecuted.

If you are concerned that your solicitor is only knowledgeable about compensation issues, then contact INQUEST or the Centre for Corporate Accountability (CCA) who can advise him or her on what other action can be taken on your behalf.

Your trade union

If the bereaved person was a member of a trade union, the union may provide you with free legal representation at the inquest and assist you in your claim for compensation. It is important that the trade union carries out its own investigation into the circumstances of the death and the safety history of the company involved.

The criminal law

There are two sorts of offences that could have been committed in relation to a work-related death:

- an offence under regulatory law like the Health and Safety at Work Act or the Merchant Shipping Act. These offences require evidence of negligence;
- an offence of manslaughter, which requires evidence of gross negligence.

Either a company or senior company officer can commit these offences.

The criminal investigation

A procedure was established in April 1998 in relation to the investigation of work-related deaths. A CID officer should come to the scene of the death and undertake an “initial assessment” of whether a full-scale manslaughter investigation should take place. If the officer decides against it, the case is referred to the HSE or EHD or MCA inspector (who should also have attended the scene of the death) who will determine whether a health and safety offence has been committed. This inspector can refer the case back to the police if there is “evidence that

indicates that manslaughter may have been committed”.

The investigation: what should you expect?

This procedure is not well known in some police forces. In addition, the police investigation may not be as thorough as you would hope. If you have any concerns, contact INQUEST (or the CCA).

The HSE investigation often fails to look properly at the conduct of company directors and senior managers. Again if you have any concerns contact INQUEST (or the CCA).

The inquest

If a manslaughter investigation is taking place, a full inquest will be delayed until it has been concluded. If the Crown Prosecution Service decide not to press any manslaughter charges, the inquest can take place. If a prosecution does take place, the inquest will again be postponed until it has been completed and it is then up to the coroner to decide after the trial whether there will be an inquest. It is extremely unusual for there to be an inquest after trial.

If there is no manslaughter investigation, and only the HSE is investigating, the inquest will take place prior to the HSE deciding whether or not to prosecute. This is usually three or four months after the death.

Witnesses

Some coroners fail to ensure that all the witnesses that you might wish to see giving evidence are called to the inquest. In particular, coroners often fail to call company directors or managers. This often means that crucial evidence indicating failures on the part of the company is not always heard at the inquest. This can mean that a jury is prevented from returning an “unlawful killing” verdict even when this might seem appropriate.

Your solicitor should write to the coroner requesting which witnesses should be called. Contact INQUEST (or the CCA) for further guidance.

Can I see the documents created during the investigation?

No, there is no pre-inquest disclosure. Unlike inquests into deaths in police and prison custody, the regulatory authorities like the HSE refuse to hand over any documents prior to the inquest even on a basis of confidentiality.

The verdict

The verdicts that can be left to a jury, if the evidence supports it, after a workplace death inquest are:

- unlawful killing – where a worker died as a result of conduct on the part of some individual considered to be “grossly negligent”;
- accidental death – which covers a large range of situations, from a mishap to a death caused by conduct which would be considered to be negligent but is not so negligent that a verdict of unlawful killing is appropriate;
- open verdict – when the evidence given does not disclose enough about how a worker died e.g. there was no eyewitness.

The HSE prosecution

The HSE will decide after the inquest whether to prosecute for health and safety offences. It only prosecutes companies in 20% of workplace deaths, even though many think that the figure should be much higher. Furthermore, 70% of these prosecutions take place in the magistrates court rather than the crown court where there is an unlimited fine. The failure to prosecute in the crown court has meant that the average fine for a conviction following a workplace death is just over £18,000.

In addition, the HSE very rarely prosecutes senior managers or directors. Between 1996 and 1998, the HSE did not prosecute a single manager or director relating to any one of over 500 workplace deaths.

It is therefore important to make sure that you monitor carefully the decisions made by the HSE. In particular:

- make sure that they have considered properly whether to prosecute a company director or manager;
- make sure that, if they prosecute, they make attempts to get the magistrate to refer the case to the crown court.

Contact the CCA or INQUEST if you require any assistance.

The HSE's policy on bereaved families

The HSE has a policy of providing information to bereaved families. In every case, an HSE inspector should make contact with you both by letter and personally. It is also the HSE's policy to “explain HSE's involvement, give details of the investigation, its conclusions, including the circumstances of the death and explain what action is to be taken and the reasons for such actions”.

Make sure that you make use of this right to be kept informed by the HSE of what they are doing. Don't feel shy of making your views known to them or providing them with any information that you feel might assist them. It is our experience that often families may get to know of information that is not known by the HSE.

CARBON MONOXIDE AND FIRE RELATED DEATHS

Read this sheet with the general sections in the pack. This section gives you specific extra information about the investigation of deaths that occur in these circumstances.

Will there be a jury at the inquest?

Not automatically. It is important to ask the coroner, through your solicitor if you have one, whether there is to be a jury inquest.

What should we say to the coroner about witnesses to call?

Although, as we have said in the section on inquests, the family has no right to call witnesses of their own. It is important, if appropriate, to provide details of any relevant witnesses to the coroner. When you or the solicitor are liaising with the coroner's officer/coroner over witnesses make sure you also suggest those which may seem obvious like the landlord/lady of the property, gas/fire officer etc.

What documents will I be able to see before the inquest?

As we said earlier, the deceased family has no right to advance disclosure of evidence. However, despite having no right, the solicitor should try to get as much information as possible from:

- the coroner;
- the police;
- the hospital;
- the Health and Safety Executive;
- British Gas (CO cases);
- The fire brigade (fire cases).

Should I/my solicitor instruct any other experts?

Consideration should be given to using additional experts to pathologists and toxicologists, e.g. consulting engineers,

product safety experts, and other medical experts.

Your solicitor should ask the coroner if appropriate to call expert witnesses whose reports you submit. It is a matter for the coroner's discretion to decide whether to call such evidence but she/he should do so if the evidence is relevant to the remit of the inquest. In the absence of advance disclosure of information or documentation this can help in the preparation of the inquest.

Who else might help?

CoGas Safety, an organisation with specialist experience of these deaths.

Contact details in Section 8.

INQUESTS – AN INFORMATION PACK FOR FAMILIES, FRIENDS AND ADVISORS

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COPING WITH A DEATH AND AN INQUEST

COPING WITH A DEATH AND AN INQUEST

Dealing with the sudden death of someone close as well as an inquest is a particularly difficult experience. Feelings of grief are compounded by having to deal with the legal issues surrounding the death and the inquest.

Grieving after the death of someone close

The death of someone close affects people at every level: thoughts, feelings, physical health, thoughts and feelings about others and their responses.

Grieving is the expression of feelings about the death and loss. Grief is often interrupted by the inquest, held back until it is over; or the inquest causes extra pain and anguish to deal with.

This section of the pack describes what it may feel like after a sudden death, the way the inquest may affect you and how you can get help.

Grieving

How people grieve depends mostly on four things:

1. the sort of person they are;
2. the relationship they had with the person who died;
3. the circumstances of the death;
4. the support they receive after the death.

1. The kind of person you are

Bereavement involves all aspects of yourself: your personality, your beliefs, your thoughts and feelings about yourself and others – the sum of your experience of life.

Previous experiences of other losses, however big or small, will also affect how you grieve.

2. Your relationship with the person who died

This depends partly on who that person was: maybe your child, friend or partner. For example you are likely to feel protective towards a son or daughter, even when they

have grown up, while expecting a parent, or older friend to be a support to you.

Your feelings will also depend on the kind of relationship you had with the person. It is completely usual to have mixed feelings about the people you are close to, and relationships change as the years pass by and you go through different experiences.

If your relationship was basically loving and secure you will probably feel that the death is a loss without measure. However, the experience of your relationship with the person who has died is likely to be one of the strengths that will help you to keep going.

Many people have more complicated relationships with their family members – there may have been unspoken hostility between you, there may be feelings of regret or guilt about the relationship and what you or they could have done – and you are then likely to have very mixed emotions after the death. There may also be different experiences of grief among different family members that can lead to divisions and disputes.

3. The circumstances of the death

For many people reading this pack this will be the most important factor in their grief. It is obvious that you are affected by how, when and where the person died. For example you are likely to feel very different about an elderly parent dying gently but unexpectedly while dozing in a favourite chair than how you might feel if they collapsed when shopping on their own, or were killed by a car when crossing the road. You are also likely to feel very different about the death of an elderly parent than about the death of a son or daughter who you thought would outlive you. This can be one of the most painful experiences for many of the families we work with.

If the death was as a result of what you believe was carelessness, negligence, violence or an accident caused by themselves or someone else this will also affect you very strongly. This sort of death also tends to make

people question the value of life and way we think the world ought to be. It will also be even more difficult if the person died in custody or in hospital while you thought they were in the care of other people. If someone's loved one dies in custody they can also feel shame and embarrassment about where they died and overwhelmed by the media saying all sorts of things about the person that are not true or not the whole picture of who they were. Your son, brother or father will have been many things in life other than someone who died in prison or in police custody. This can also be true for people whose loved ones died in other controversial circumstances and is something that can cause great anxiety and fear before the inquest. At the inquest many things may be said about your family or the person who died, which paint a very particular picture of who they were.

What is grief?

These are the common aspects of grief which people experience, the thoughts and feelings; the psychological and physical reactions; some of the social and practical consequences of dealing with the death of someone close.

These aspects of grief are listed in the order in which people are likely to experience them most strongly.

- Shock;
- Searching and denial;
- Sadness and despair;
- Anger;
- Guilt;
- Anxiety, fear and panic attacks;
- Loss of confidence and feeling powerless;
- Poor physical health;
- Loss of hope for the future;
- Isolation;
- Depression.

In your grief you may feel some or all of these in this order or in a muddle. You will probably find you go through the feelings and other experiences described here, and others which are not described, again and again. You may experience the strongest emotion you have ever known and feel you will never get

through it all and think that the pain will never end. You may experience aspects of yourself and others which you have never experienced before.

What usually happens is that as time goes by the feelings are less acutely painful and there will be longer periods during which you can get on with life fairly well – but the experience will always be with you. How long it takes to get on with life depends on who you are and your individual circumstances. If you are at all worried about how you are getting on, or are worried about someone else, do talk to one of the people or organisations listed at the end of the pack.

The effect of an inquest

This adds an additional stress to people on top of the loss of someone they love. Waiting for an inquest can put the grieving process on hold and the many official procedures are likely to upset you in many ways creating extra difficulties to cope with.

Ensuring that the inquest is as full an inquiry as possible can help in the grieving process. We hope that this pack will give you some information that will help.

Many bereaved people with whom we have worked have described feeling some of the following:

- It can be difficult to accept the death if: you do not view the body; there is a delay before you are told the cause of death because of the length of time to get post mortem reports and other medical tests completed and in holding the inquest; there is a delay in releasing the body for the funeral because of the post mortem.
- Evidence presented at the inquest, or reports in the media (see Section 7 on the media) reawaken feelings that you thought you had overcome.
- You feel that everyone else, the coroner, the police, the doctors, the prison officers or anyone else involved in the death, knows more about what happened than you.
- You feel the body has been taken over by the post mortem process and that you are the

SECTION 6

last person to be considered in all these official procedures.

- Grieving can be delayed, held up at certain stages or blocked altogether if your emotional energies are focused on someone or something other than your loss. This often happens if you feel hurt or angry about some aspect of a post mortem or inquest. For example:

- there may be long delays in medical or legal procedures;
- you are not told about the procedures and what part you can play in them;
- the cause of death given as a result of a post mortem does not tie in with your view of the cause of death;
- the inquest leaves you with more questions than answers about how someone died;
- the inquest does not establish what caused the death;
- the inquest verdict does not reflect what you thought had happened after you had heard all the evidence;
- the inquest is held weeks, months or years after the death;
- the inquest returns a verdict of unlawful killing and yet no one is brought to trial;
- someone is charged with an offence relating to the death but it is months or even years before they come to trial;
- the person charged is found to be responsible but in your view is given an inadequate sentence;
- the charges are dropped or are lesser than you think they should be;
- you see the person/s you believe to be responsible at the inquest;
- you are upset by statements made about the person who has died because they do not reflect the true picture of who they were;
- you are distressed by the way the death or inquest is reported in the media;
- you are distressed by the way the media deal with you, your family or your friends.

Getting involved in campaigns or trying to stop things like this happening to others can be a help to some people. Getting in contact with others who have been through a similar

experience can also be an immense support and helping others through a similar experience can help you too. But even then there may come a time when you want to move on and let the loss go, which is okay too.

4. Support

Everyone needs support after the death of someone close. Support can come from family, friends, religious or community groups and people with experience of bereavement. Some people find it helpful to read books and leaflets on coping with death which may be available from your local library, health centre or the organisations listed below.

Cruse Bereavement Care;

Compassionate Friends;

Survivors of Bereavement after Suicide.

If you experience severe and ongoing symptoms you should go to your GP.

INQUESTS – AN INFORMATION PACK FOR FAMILIES, FRIENDS AND ADVISORS

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**CAN CAMPAIGNING
HELP?**

about the death but you must be aware that they will not always be sympathetic and/or interested in the death. Speaking to the media can still sometimes be the most important way for families to raise their concerns.

Can my MP help?

In some cases there may be issues arising from the death which are not addressed at the inquest because of its remit. It can help to contact your MP and ask them to raise the issues. Of course not every MP will be able or willing to help.

Dealing with the media

When there is a sudden and unnatural death there is often media interest of some sort. Their interest of course depends on the circumstances of the death and also on what else is in the news.

In many cases there will be interest from the local press immediately after the death. Sometimes families can feel hounded by journalists and it is advisable to get some advice before speaking to them. Others will not want anything reported. This is not possible, as an inquest is a public forum at which the press are as welcome as any member of the public. This can often be distressing because private details about the person who has died may be revealed during the inquest. Statements may be made by witnesses that are attempting to destroy the character of the deceased and these may be reported. That is why it is often a good thing to put out a press release before the inquest which includes details about the deceased which the family wants the public to know, and to have a prepared statement to read to the press at the end of the inquest.

INQUEST advises families to say very general things about the circumstances and the questions the death raises before the inquest. You may be convinced that something has been done that turns out to be untrue or you may say things in anger or hurt that you will later come to regret.

Sometimes the media can be very helpful

and will investigate and raise concerns about the circumstances of a death. It is often a good thing to work with organisations like INQUEST to try to get sympathetic press interest for coverage of the inquest. A word of caution though: for every family who loses someone in controversial circumstances it is the worst outrage that has probably ever happened to them. The media do not view things in the same way. Whilst sometimes they are interested in the death, often they will not cover it unless there is a new problem or a particularly dreadful circumstance. Also they will often cover the news of the inquest and not explore in a more considered way the issues that arise. You may meet sympathetic journalists who are unable to get a story past their editor.

Putting out a press release before the inquest is a good way to generate interest, and also telling the press that you will speak to them at the end of the inquest can help.

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DEFINITIONS

USEFUL CONTACTS

PUBLICATIONS

DEFINITIONS — these are some of the legal and technical terms explained

Attorney General	The chief legal officer of the United Kingdom. This is a cabinet position.
Barrister	The legal practitioner who can represent you at the inquest or in any legal proceedings.
Civil proceedings	A legal claim for damages, compensation etc.
Compensation	A payment of money in recognition of certain suffering or injury.
Coroner	The legal official who orders a post mortem and who is in charge of the inquest procedure.
Coroner's officer	The person who works for the coroner and is responsible for making arrangements for the inquest.
Criminal proceedings	A prosecution which is pursued for a crime which arises for e.g. from the circumstances of the death.
Crown Prosecution Service (CPS)	The CPS is responsible for deciding whether or not there is enough police evidence to undertake a criminal prosecution for a general criminal offence e.g. manslaughter both before and in some cases after the inquest, and whether or not a prosecution is in the public interest.
Director of Public Prosecutions (DPP)	The DPP is a government appointed legal officer who is the head of and responsible for the CPS.
Health and Safety Executive (HSE)	The HSE is a government authority set up under the Health and Safety at Work Act 1974 to enforce this and other occupational health and safety legislation.
High Court	The highest civil court where cases may be heard for the first time. It also hears appeals and supervises magistrates and crown courts.
Human Rights Act	An Act of Parliament that incorporated the European Convention on Human Rights into UK Law.
Inquest	The formal legal inquiry into sudden, unexplained, violent or unnatural deaths.

Judicial Review	Allows people with a sufficient interest in a decision or action by a public body to ask a judge to review the lawfulness of that action or failure to act.
Legal Help	The part of the Public Funding scheme that allows a solicitor to give advice for the preparation of an inquest for no cost if the client is on income support.
Legal Services Commission	The organisation responsible for providing public funds for legal work.
Lord Chancellor	The cabinet minister responsible for the effective running of the legal system in England and Wales.
Mortuary	The place where the body is taken after its removal from the place of death.
Pathologist	The medically qualified practitioner who carries out the post mortem.
Post mortem	A medical examination to determine the cause of death.
Properly interested person	Those people defined in the Coroner's Act 1988 as having a right to ask questions at the inquest
Public Funding	Public means tested financial assistance for representation during legal proceedings. It is not available for representation at most inquests. The Lord Chancellor can grant it in 'exceptional cases'.
Solicitor	The legal practitioner, who advises on legal matters concerning a death, carries out the preparation work for the inquest and represents you at an inquest or instructs any barrister who is representing you in court. The solicitor receives her/his instructions from you.
Statement	A written account from anyone who has information and/or opinion that may be relevant to the death.
Subjudice rule	The rule provides that matters awaiting adjudication in a court of law should not be brought forward when it would make it more difficult for justice to be served.

USEFUL CONTACTS

This is a list of organisations that might be helpful.
It does not mean that INQUEST endorses the organisations if they are listed here.

Voluntary Organisations

1990 Trust

Suite 12, Winchester House, 9 Cranmer Road,
London SW9 6EJ
Phone: 020 7582 1990
Fax: 0870 1277 657
E-mail: blink1990@blink.org.uk
Web: www.blink.org.uk

The 1990 Trust is the first national Black organisation set up to protect and pioneer the interest of Britain's Black Communities. Its approach is to engage in policy development and to articulate the needs of Black communities from a Black perspective.

Action for Prisoners' Families

Unit 102, Riverbank House, 1 Putney Bridge
Approach, London SW6 3JD
Phone: 020 7384 1987
Helpline: 0808 808 2003
Fax: 020 7384 1855
E-mail: info@actionpf.org.uk
Web: www.prisonersfamilies.org.uk

Action for Prisoners' Families promotes the just treatment of prisoners' families by the prison system and society across the UK. It encourages the development of, and acts as a voice for, organisations providing support to these families.

Action for Victims of Medical Accidents (AVMA)

44 High Street, Croydon, Surrey CR0 1YB
Phone: 020 8686 8333
Fax: 020 8667 9065
E-mail: admin@avma.org.uk
Web: www.avma.org.uk

Action for Victims of Medical Accidents (AVMA) is an independent charity and the only organisation working exclusively for the victims of medical accidents. A "medical accident" is where avoidable injury has been caused as a result of medical treatment or failure to diagnose.

Centre for Corporate Accountability

4th Floor, 197-199 City Road, London EC1V 1JN
Phone: 020 7490 4494
Fax: 020 7490 7191
E-mail: info@corporateaccountability.org
Web: www.corporateaccountability.org

The Centre for Corporate Accountability is a not-for-profit organisation that promotes worker and public safety by providing advice, and undertaking research and advocacy, on matters relating to law enforcement and corporate criminal accountability.

Child Bereavement Trust

Aston House, West Wycombe, High Wycombe,
Bucks HP14 3AG
Tel: 01494 446648
Fax: 01494 440057
E-mail: enquiries@childbereavement.org.uk
Web: www.childbereavement.org.uk

The Child Bereavement Trust is a national UK charity, which was founded to improve the support offered by professionals to grieving families.

Churches' Commission for Racial Justice

Inter-Church House, 35-41 Lower Marsh, London SE1 7SA
Phone: 020 7523 2128
E-mail: ccrj@ctbi.org.uk
Web: www.ctbi.org.uk/ccrj/

The Churches' Commission for Racial Justice monitors trends and developments in the field of racial justice in Britain and Ireland and in Europe and co-ordinates the Churches' response on key issues.

The Carbon Monoxide & Gas Safety Society (CO-Gas Safety)

Lorien, Common Lane, Claygate, Surrey KT10 0HY
Phone: 01372 466135/466112
Fax: 01372 468965
E-mail: s.trotter@uku.co.uk
Web: www.co-gassafety.co.uk

CO-Gas Safety is an independent charity committed to reducing accidents from Carbon Monoxide and other gas dangers worldwide and supporting gas related accident victims.

Committee on the Administration of Justice (CAJ)

45/47 Donegall Street, Belfast, Northern Ireland BT1 2BR
Phone: 028 9096 1122
Fax: 028 9024 6706
E-mail: info@caj.org.uk
Web: www.caj.org.uk

The CAJ seeks to secure the highest standards in the administration of justice in Northern Ireland by ensuring that the government complies with its responsibilities in international human rights law.

The Compassionate Friends

53 North Street, Bristol BS3 1EN
Phone: 0117 966 5202
Fax: 0117 914 4368
E-mail: info@tcf.org.uk
Web: www.tcf.org.uk

The Compassionate Friends (TCF) is an organisation of bereaved parents and their families offering understanding, support and encouragement to others after the death of a child or children. It also offers support, advice and information to other relatives, friends and professionals who are helping the family.

Construction Safety Campaign (CSC)

21 Athenlay Road, London SE15 3EA
Phone: 0774 779 5954
E-mail: construction.safetycampaign@talk21.com

CSC is an organisation which is dedicated to health and safety issues in the workplace, including deaths on construction sites.

CRUSE Bereavement Care

Cruse House, 126 Sheen Road, Richmond, Surrey TW9 1UR
Tel: 020 8939 9530
Helpline: 0870 167 1677
Fax: 020 8940 7638
E-mail: helpline@crusebereavementcare.org.uk
General Email: info@crusebereavementcare.org.uk
Web: www.crusebereavementcare.org.uk

Cruse Bereavement Care offers free information and advice to anyone who has been affected by a death; provides support and counselling one to one and in groups; and offers education, support, information and publications to anyone supporting bereaved people.

SECTION 8

Howard League for Penal Reform

1 Ardleigh Road, Islington, London N1 4HS
Phone: 020 7249 7373
Fax: 020 7249 7788
E-mail: howardleague@ukonline.co.uk
Web: www.howardleague.org

The Howard League works for humane and rational reform of the penal system. It researches and comments on criminal justice policy and practice, holds conferences and debates and publishes books and reports. It also runs projects in schools and prisons.

Irish Commission for Prisoners Overseas (ICPO)

50-52 Camden Square, London NW1 9XB
Phone: 020 7482 4148
Fax: 020 7482 4815
E-mail: icpolondon@hotmail.com

ICPO aims to identify and respond to the needs of Irish prisoners and their families; to research and provide relevant information to prisoners as well as to all groups caring for their welfare; focus public attention on issues affecting Irish prisoners overseas; and to seek justice and human rights for Irish migrants, refugees and prisoners at an international level.

Justice

59 Carter Lane, London EC4V 5AQ
Phone: 020 7329 5100
Fax: 020 7329 5055
E-mail: admin@justice.org.uk
Web: www.justice.org.uk

Justice is an all-party, law reform and human rights organisation working to improve the legal system and quality of justice, in particular by promoting human rights; improving the legal system and access to justice; improving criminal justice; and raising standards of EU justice and home affairs.

Liberty

21 Tabard Street, London SE1 4LA
Phone: 020 7403 3888
Fax: 020 7407 5354
E-mail: info@liberty-human-rights.org.uk
Web: www.liberty-human-rights.org.uk

Liberty fight to secure equal rights for everyone by campaigning and lobbying Parliament; taking human rights cases to UK courts and the European Court of Human Rights; conducting research; and providing advice and training to lawyers and the public.

London Bereavement Network (LBN)

356 Holloway Road, London N7 6PN
Phone: 020 7700 8134
Fax: 020 7700 8146
E-mail: info@bereavement.org.uk
Web: www.bereavement.org.uk

LBN is a forum for bereavement services throughout the Greater London area. It exists to promote good working practices in bereavement care across the Capital. It provides information and support to members of the public and to other professionals. LBN offers support, training and guidance to its member services.

MIND

15-19 Broadway, Stratford, London E15 4BQ
Phone: 020 8519 2122
Fax: 020 8522 1725
E-mail: info@mind.org.uk
Web: www.mind.org.uk

Mind is the leading mental health charity in England and Wales. Mind works to create a better life for everyone with experience of mental distress by advancing the views, needs and ambitions of people with mental health problems; challenging discrimination and promoting inclusion; influencing policy and achieving equality through campaigning and education; inspiring the development of quality services which reflect expressed need and diversity.

National Association for the Care and Resettlement of Offenders (NACRO)

169 Clapham Road, London SW9 0PU
Phone: 020 7582 6500
Fax: 020 7735 4666
E-mail: anyone@nacro.org.uk
Web: www.nacro.org.uk

Nacro is a crime reduction charity which aims to make society safer by finding practical solutions to reducing crime. Since 1966, Nacro has worked to give ex-offenders, disadvantaged people and deprived communities the help they need to build a better future.

National Association of Citizen's Advice Bureaux

Myddelton House, 115-123 Pentonville Road,
London N1 9LZ
Phone: 020 7833 2181
Fax: 020 7833 4371
Web: www.citizensadvice.org.uk

The Citizens Advice Bureau Service offers free, confidential, impartial and independent advice. Citizens Advice Bureaux help solve problems which are central to people's lives; help fill out forms; write letters; negotiate with creditors; represent clients at court or tribunal; and provide specialist advice.

National Civil Rights Movement

14 Featherstone Road, Southall, Middlesex UB2
5AA
Phone: 0800 374618
Fax: 020 8813 9734
E-mail: admin@monitoring-group.co.uk
Web: www.monitoring-group.co.uk

The National Civil Rights Movement is a charitable organisation providing assistance and support to victims of racial harassment, and domestic violence.

Prison Reform Trust

2nd Floor, 15 Northburgh Street, London EC1V 0JR
Phone: 020 7251 5070
Fax: 020 7251 5076
E-mail: prisonreform@prisonreform.demon.co.uk
Web: www.prisonreformtrust.org.uk

The work of the Prison Reform Trust is aimed at creating a just, humane and effective penal system. It does this by inquiring into the workings of the system; informing prisoners, staff, and the wider public; and by influencing Parliament, Government and officials towards reform.

Prisoners' Advice Service

Unit 210, Hatton Square, 16/16a Baldwins
Gardens, London EC1N 7RJ
Phone: 020 7405 8090
0800 018 2156
Fax: 020 7405 8045
E-mail: pas@finyworld.co.uk

A national service offering free, confidential advice and information by legal professionals to prisoners, particularly concerning prisoners' rights and the application of prison rules. It takes up prisoners' complaints about their treatment within the prison system, taking legal action where appropriate.

Rethink Severe Mental Illness

30 Tabernacle Street, London EC2A 4DD
Phone: 020 7330 9100
Fax: 020 7330 9102
E-mail: info.london@rethink.org
Web: www.rethink.org

Rethink is dedicated to improving the lives of everyone affected by severe mental illness, whether they have a condition themselves, care for others who do, or are professionals or volunteers working in the mental health field.

SECTION 8

RoadPeace

PO Box 2570, London NW10 3PW
Phone: 020 8964 1021
Fax: 020 8838 5103
E-mail: info@roadpeace.org
Web: www.roadpeace.org

RoadPeace exists to represent the interests of people injured in road crashes and the bereaved friends/relatives of road crash victims. RoadPeace help and support them and work to stop the injustices suffered by them.

Survivors of Bereavement by Suicide (SOBS)

Volsolve House, 14-18 West Bar Green, Sheffield
Phone: 0114 272 5955
Helpline: 0870 241 3337 (9am -9pm)
E-mail: sobs.admin@care4free.net
Web: www.uk-sobs.org.uk

SOBS exists to meet the needs and break the isolation of those bereaved by the suicide of a close relative or friend. SOBS offers emotional and practical support and aims to provide a safe, confidential environment in which bereaved people can share their experiences and feelings, so giving and gaining support from each other.

W.I.S.H. (Women in Secure Hospitals)

18 Borough High Street, London Bridge, SE1 9QG
Phone: 020 7407 5191
Fax: 020 7407 5198
E-mail: wish@wishlondon.freemove.co.uk

W.I.S.H. supports and empowers women while being assessed for detention and disposal; monitors and evaluates private hospital, NHS and criminal justice services for women while detained; and supports women leaving the system through the Community Link Project.

Women in Prison (WIP)

Aberdeen Studios, 22 Highbury Grove, London N5 2EA
Phone: 020 7226 5879
Fax: 020 7354 8005
E-mail: admin@womeninprison.org.uk
Web: www.womeninprison.org.uk

WIP is a support and campaigning group for women prisoners. WIP visits women in prison and offers practical help and advice. Where appropriate WIP liaises with other voluntary and statutory agencies and responds to events, addresses issues and informs debate on all aspects of women's imprisonment.

United Families and Friends Campaign

c/o INQUEST, 89-93 Fonthill Rd, London N4 3JH
Phone: 0845 330 7927/07770 432 439
E-mail: info@uffc.org
Web: www.uffc.org

The UFFC's aims and objectives are to ensure that basic human rights are upheld and to stop deaths in custody. It is to ensure that when deaths do occur, that the whole truth as to how they were killed, by whom and why, emerges.

Government and professional organisations

Coroners Section

Department for Constitutional Affairs
Selborne House, 54–60 Victoria Street
London SW1E 6QW
Phone: 020 7210 8614
E-mail: general.queries@dca.gsi.gov.uk
Web: www.dca.gov.uk

The Department for Constitutional Affairs has assumed responsibility from the Home Office for developing policy and practice for coroners, facilitating their training and for leading a programme of coroner reform. The DCA also deals with enquiries from the general public about coroners and inquests.

Your MP

House of Commons, London SW1A 0AA
Phone: 020 7219 3000
E-mail: hcinfo@parliament.uk
Web: www.parliament.uk

Your MP is there to represent you as a constituent and may be able to assist you. To find out who your MP is, visit www.locata.co.uk/commons or call 020 7219 3000.

Coroners' Society of England and Wales

44 Ormond Avenue, Hampton, Middlesex
TW12 2RX

The objects of the society include the promotion of the usefulness of the office of the coroner to the public; ascertaining the difficulties of coroners' duties; recommending appropriate law reform; and protecting the rights and interests of coroners.

HM Inspectorate of Prisons

First Floor, Ashley House, 2 Monck Street, London
SW1P 2BQ
Phone: 0870 267 4298
Fax: 020 7035 2141/2142
Web: www.homeoffice.gov.uk

HM Inspectorate of Prisons is an independent Body which was established in 1980 to inspect prisons and make recommendations to the Home Secretary.

Independent Police Complaints Commission (IPCC)

68 Lombard Street, London EC3V 9LJ
Phone: 020 7868 2578
Web: www.ipcc.gov.uk

The IPCC has overall responsibility for the system for complaints against the police and the investigation of deaths in police custody.

Press Complaints Commission

1 Salisbury Square, London EC4Y 8JB
Help Line: 020 7353 3732
Fax: 020 7353 8355
E-mail: pcc@pcc.org.uk
Welsh Help Line: 029 2039 5570
Web: www.pcc.org.uk

The Press Complaints Commission is an independent body which deals with complaints from members of the public about the editorial content of newspapers and magazines.

SECTION 8

Prisons & Probation Ombudsman

Ashley House, 2 Monck Street, London SW1P 2BQ

Phone: 020 7035 2876

Fax: 020 7035 2860

E-mail: mail@ppo.gsi.gov.uk

Web: www.ppo.gov.uk

The Prisons and Probation Ombudsman is appointed by the Home Secretary and investigates complaints from prisoners and those subject to probation supervision, or those upon whom reports have been written. The Ombudsman is completely independent of both the Prison Service and the National Probation Service.

Safer Custody Group

Prison Service, Abell House, John Islip Street,
London SW1P 4LH

Phone: 020 7217 3000

Fax: 020 7217 2000

E-mail: scg@prisons-safer.demon.co.uk

Web: www.hmprisonservice.gov.uk

The Safer Custody Group is a multi-disciplinary group dedicated to reducing suicide, self-harm and violence in prisons and is responsible for monitoring and producing policy on this issue.

Other information on inquests

Relevant Acts of Parliament

Coroner's Act 1988

Coroner's Rules 1984

Health and Safety at Work Act 1974

The Human Rights Act 1998

Books

'Inquests – a practitioners guide' - Thomas, Friedman and Christian 2002 published by Legal Action Group

'Jervis on Coroners' – Paul Matthews 2002 published by Sweet and Maxwell

'Levine on Coroners' Courts' – Sir Montague Levine and James Pyke 1999 published by Sweet and Maxwell

'Coroner's Courts – a guide to law and practice' Christopher Dorries 1999 published by Wiley

Reports

'How the Inquest system fails bereaved people' – Deborah Coles and Helen Shaw 2003 published by INQUEST

Death Certification and Investigation in England, Wales and Northern Ireland – The Report of a Fundamental Review 2003 – published by The Stationery Office

The Shipman Inquiry – Death Certification and the Investigation of Deaths by Coroner – Third Report by Dame Janet Smith, DBE 2003

