

INQUESTS

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Head of Personal Injury



Inquest and Loss of Life Claims

About the Coroner

- Independent judicial officer
- What does a Coroner do?
 - Who
 - Where
 - When
 - How
- [Coroners officer](#)



Reporting a Death to a Coroner

- Not all deaths are reported - Medical certificate of the cause of death (MCCD) can be provided
- Reported deaths:
 - Poisoning/chemicals
 - Trauma/violence/physical injury
 - Self harm
 - Notifiable accident/incident
 - Neglect or failure of care
 - Unnatural death of some sort
 - Death in custody
- Anyone can report a death to the coroner if they believe it needs to be and hasn't been done so.

The Investigation

- Is a post mortem necessary?
- Will a post mortem lead to an inquest?
- An inquest is only part of the investigation
- Preliminary inquiries:
 - Should there be an investigation?
 - Does Article 2 of the European Convention of human rights apply?
- Inquiries lead to a decision - inform the family/next of kin of deceased

The Post-Mortem Examination / Autopsy

- An independent, judicially authorised medical examination to ascertain the cause of death
- Pathologist examines and reports
- Can include CT Scans, MRI scans, tests of organs, tissues or fluids
- Determines the medical term for the death
- Ability to request a non-invasive post-mortem - article 9 HRA

After the Post-Mortem Investigation

- Does the investigation continue?
 - Natural cause of death
 - Natural cause of death warrants more investigations
 - Violent or unnatural death or unknown cause of death or died in custody
- Releasing the body
 - As soon as practicable
 - Longer than 28 days?

Before the Inquest

- 6 months to complete from the date the coroner is made aware of the death or as soon as reasonably practicable
- Pre-Inquest Reviews – scope/any matters of concern/agenda/written submissions
- Interested parties receive relevant documents
- Documents:
 1. Any post-mortem examination report
 2. Any other report that has been provided to the coroner during the course of the investigation
 3. Any other document which the coroner considers relevant to the inquest

The Inquest

- Witnesses
- Witness evidence
- Expert evidence



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The Proceedings

- Disclosure
- Recording of Proceedings
- Inquest by Jury
- Length of the Inquest

The Possible Conclusions

Possible Conclusions:

- Accident or misadventure
- Alcohol or drug related
- Industrial disease
- Lawful or unlawful killing
- Natural causes
- Open
- Road traffic collision
- Stillbirth
- Suicide
- Narrative

Public Attendance

Reports to Prevent Future Deaths



Child Claims

Subsequent Clinical Negligence Claims



Human Rights Act – The Right to Life

- Article 2 of the Human Rights Act - encompasses an obligation on the state to protect life by a system of laws
- Investigative obligation - a means of investigating deaths whereby the state may be responsible
- Effects the 'how' element of the Coroner's investigation
 - By what means and in what circumstances the deceased came by his/her death
- The duty to investigate arises in:
 - A death in prison or in state custody
 - A police shooting
 - The death of a detained psychiatric patient
 - The death of a voluntary psychiatric patient, where the patient was vulnerable
- A death in a hospital due to alleged clinical negligence, would not ordinarily require an Article 2 inquest if a civil claim can be made

Deprivation of Liberty Safeguarding (DoLS)

- The use of DoLS is widespread and increasing with most cases concerning vulnerable people with dementia
- Any detention amounting to deprivation of liberty must be authorised under the statutory scheme otherwise = unlawful detention
- Death occurs at a time when an individual is deprived of their liberty under the mental Capacity Act 2005
- When a death occurs it should be reported to the coroner and the death must be investigated. The investigation cannot be discontinued

Natalie Marrison

Lead Partner in Abuse, Clinical Negligence and Personal Injury at Ramsdens.

Natalie specialises in Serious Injury claims and claims involving Abuse Law in particular representing those who have sustained life changing injuries whether that be as a result of accident or abuse. She works closely with Claimants' and their families providing a high level of support and advice on all aspects. She has considerable understanding of the Court procedures and leads in negotiation and advocacy. In addition she oversees a team who currently handle complex clinical negligence and personal injury work focusing on rehabilitation from initial instruction.

She has worked on complex claims involving group actions and claims against Local Authorities and other institutions and is a recommend lawyer in the Legal 500 2019.

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