

POSTVENTION GUIDANCE: RESOURCES

Giving evidence at an inquest

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This resource provides an overview of what to expect when giving evidence at an inquest, including practical advice to help staff prepare and present their evidence.

Purpose of an inquest

An inquest into the death of an individual is held in the jurisdiction in which they died (rather than where they were living at the time) and the purpose is to factually answer four questions:

- 1 Who died?
- 2 When did they die?
- 3 Where did they die?
- 4 How did they die?

Its role is not to apportion blame in any criminal or civil sense. However, a coroner can be critical of an individual or an organisation in their findings of fact and has certain powers if, during an inquest, systemic failings are identified which if left unchecked have the potential to contribute to further deaths.

Being called to give evidence at the inquest of a student is a daunting and potentially unsettling process for many; not least because it is likely to be your first and only time that you have been called upon to do so.

Although an employee of the higher education institution, your primary role as a witness is to speak with complete honesty and to the best of your knowledge and to ensure that the coroner and the family of our student receive full answers to the questions they pose.

Arrival

A coroner's court is a formal setting, so dress appropriately in smart clothes. Whilst mobile telephones are not banned, they should be in silent mode throughout and not used in the court itself. Aim to arrive at least 20 minutes before the scheduled start time and check in with the court clerk who will be able to answer any practical questions.

The start of the hearing

Prior to the hearing, the clerk will show everyone into court. The family of the deceased always sit on the front row, facing the coroner and, understandably, they have primacy in any proceedings. The higher education institution will usually sit apart from the family, along with any other parties who have been called. If a given party is being legally represented, their barrister will also sit on the front row. Prior to the coroner entering court the clerk will ask everyone to stand.

Typical running order

The coroner has discretion over the order of the inquest but will usually start by hearing from the family of the deceased. At least one member of the family will have prepared a written statement but usually also gives evidence in person about the life of the deceased, their interests and anything that might be relevant to the coroner's enquiries.

Often the hearing will then turn to the circumstances of the death, which may include hearing from a Police Coroner's Officer who attended the scene or by taking written or oral evidence from the pathologist. For many people attending, not least the family, this can often be the hardest part of the hearing and it is important to stress that anyone is welcome to step out of the court at any time if they find some of the evidence hard to listen to.

Typically, a coroner will usually then turn to the deceased's time as a student. Many coroners will call a representative of the higher education institution who can give evidence based around a pre-submitted statement covering the entirety of the student's time at higher education institution. The coroner may then go on to hear from colleagues who had specific interactions with them. In some instances, other parties who had interacted with the deceased may be called to give evidence (eg the NHS) and the coroner will again hear from relevant witnesses.

Once all the witnesses have given evidence the coroner will usually summarise the decision-making process that they have to go through and the possible conclusions that they can reach (they will usually invite the family and other properly interested persons (see below) to make comment or submission about the possible conclusions at this point).

The court is then usually adjourned (30–60 minutes) to allow the coroner to consider their conclusions. When the hearing resumes the coroner will usually read a statement which sets out the facts that have been determined against each of the four questions set out above. They will then announce their

overall conclusion (eg suicide or accidental death). For the coroner to reach a determination of suicide they must be satisfied that the deceased both took their own life and intended to do so. This determination is also made on the balance of probabilities.

Approach to legal support

Only in rare cases are a family legally represented in a coroner's court and so are without access to advice or for someone to speak on their behalf. Careful consideration should therefore be given to the use of legal representation by the higher education institution as this can easily be perceived as defensive (in what is not supposed to be an adversarial process).

Properly Interested Persons

In an inquest some parties may be granted the status of Properly Interested Persons (PIP). This means that their involvement with the deceased is deemed sufficiently close that they have a right to receive all materials that will be referred to during the inquest and to ask questions of the witnesses. Families are automatically made PIP, but all other parties must apply to be afforded such status in advance, unless the coroner has already made such a determination.

Giving evidence

The coroner will call each witness forward in turn. You may choose to swear on the Bible or another religious text (which you hold in your right hand) or you may prefer to read a non-religious affirmation. You are allowed to take any notes with you into the witness box and you should always take any statement that you have written. You must not though take (or refer to) any materials that have not previously been mentioned in documents sent to the court.

Formal titles are used in Court. The coroner should be addressed as 'Sir' or 'Ma'am' (to rhyme with 'calm'). You should address the family as Mr. and Mrs. [surname] and refer to colleagues using their formal title (e.g. Dr. Jones).

The coroner will start by asking you to confirm your full name, job title and professional address. They will then lead off on questioning you, usually using any statement you have written as a guide. When the coroner has no further questions, they will ask in turn the family and then any other party with PIP status

whether they have questions for you. Once there are no further questions then the coroner will usually tell you that you are ‘released’ from the hearing. This means that you are free to leave if you wish, but equally you are welcome to stay until the inquest concludes.

The witness box is usually positioned to the side of the benches that the coroner and the family are sitting on, but always angled towards the coroner. This positioning makes it easy to inadvertently direct the answers to all questions only at the coroner, however, try and make eye contact with both the coroner and the members of the family when giving the answers (regardless of who asked the question). Understandably you may feel nervous before and whilst giving evidence, but aim to speak as slowly and clearly as you can. It is very rare that the tone of the questions put to you will be anything other than respectful. In the unlikely event that this is not the case try as much as possible to maintain composure; remembering that you are entitled to ask for a break in proceedings to gather your thoughts.

Press and public attendance

Almost all coroner’s hearings are held in public and so anyone has a right to attend. It is not unusual to see trainee nurses, solicitors or paramedics in attendance. On occasion at least one reporter will be in court. There is no way of knowing in advance if this will be the case, but try and proactively engage with them at the end of the hearing and respectfully ask that they seek comment from the higher education institution’s media team before publishing any story.

Speaking to the family

One of the more challenging aspects of an inquest can be speaking to the family; not least because it may not be clear before the hearing what the family’s view of the higher education institution is. Even that notwithstanding, for the family an inquest is an emotionally charged and draining experience and so it is not unusual for them to not immediately speak to other people present at the inquest. None the less, try and speak to the family at the end of the hearing to offer further condolences on behalf of the higher education institution and to offer to answer any further questions they may have.

Further questions and sources of support

Attending an inquest, particularly the first time, can be a draining experience and may have a short-term emotional impact on you. This is not something to be embarrassed or unduly concerned about, but be prepared for this and ensure time available after the inquest to ‘recover’ and consider accessing appropriate support if necessary.