

## **Attending the Coroner's Court**

### **Aide Memoire**

#### **Coroner's Court**

Davis House, 2nd floor

Town Hall, Braithwaite

#### **Purpose of a Coroner's Inquest**

An Inquest is an investigation into a death which appears to be due to unknown, violent or unnatural causes. The inquest is designed to determine the name of the deceased, when and where they met their death and how they met their death. See possible outcomes/verdicts below.

- Natural Causes
- Accidental Death
- Suicide
- Unlawful or lawful killing
- Industrial disease
- Open verdict

#### **Guidance around reports/statements which you may have to provide to the coroner's court**

- be factual throughout, be unbiased and remain neutral
- do not include hearsay, avoid jargon and acronyms
- stick to the facts and avoid opinion and assumption
- tell the story of your involvement in a clear, chronological manner
- explain procedures where necessary, do not assume knowledge on behalf of the coroner
  
- if providing a statement use numbered paragraphs throughout, sign and date the statement.

## **Pre-planning for Attendance at the Coroners Court**

Seek legal advice if the council has been found to be negligent in their duties around the death of an adult. Solicitor should be in attendance to support the worker if this is the case

If you are identified either as a witness or interested party you should have been provided with a court bundle prior to the court date which will include evidence provided to the court by all involved, including your own statement/report.

Check your statement report/assessment/enquiry/documentation and be well versed on your case as well as knowledge around historical involvement from LBC.

Practice - role play around possible questions to be asked and potential answers. Ensure answers are evidenced based, objective/professional opinion.

Be clear about who you are, your role in the organisation and involvement in the case and legislation that underpins your practice such as the Care Act (2014) Mental Capacity Act (2005, 2019) and the Mental Health Act (1983)

Prepare a file in chronological order to ensure you have documents to refer to if needed.

Consider developing a summary of the key points you would want to share with the court.

## **Day of Inquest**

Witnesses/interested parties/family can attend the court in person or give evidence virtually via video link, however the virtual option is only by permission of the judge. Recording is not permitted in the court without permission

Whether you are defined as a witness, or an interested party be prepared to give evidence to the court.

Ensure you are suitably dressed for court

Arrive 10 mins before the allocated time provided

Davis House Room: large room with the judge at the top sitting on an elevated platform.

In front of the judge is the court clerk.

The witness stand is close to the platform where you give evidence.

There may be a jury (albeit rare) if the suspected death may have been due to unnatural causes or linked to the person own or someone else actions whilst at work.

The family sit in the first row and may have legal representation and all other parties sitting behind.

The family are provided with the opportunity to provide evidence and or question witnesses/interested parties.

The coroner is addressed as Ma'am/Sir

You must stand up when the judge enters the court room and sit when told to do so. Stand when the judge leaves the court room.

Giving evidence: Affirmation - swear on oath- religious book or non-religious oath. You are provided with a template to read from. If you wish to swear on any other religious book, please bring it with you.

Answer the question asked and nothing more

If unclear what the question means, ask for it to be repeated

Do not give an opinion unless asked for it.

Do not criticise your colleagues

If asked about an area not in your expertise say so such as I am a social worker not a clinician

If you do not know the answer, then say so

Remember that the family and or other professionals may not know how health and social care work therefore you may need to explain your role/responsibilities. For example: The Care Act, your responsibilities under this legislation example carrying out an assessment, review, develop a support plan, conduct a s42 enquiry.

Use Legislation when explaining how/why a decision was made e.g under The Care Act/Mental Capacity Act.

Your role is to explain to the family what you know about what happened so they can understand better the circumstances around how their family member died.

Acknowledge the family at the inquest this is a very distressing time for them.

If the enquiry related to a provider (care home, dom care agency) the coroner wants to be reassured that LBC as commissioners have taken actions if there was found to be evidence of neglect or abuse. It is good to know the CQC rating of the provider, if they are/were in provider concerns and what ongoing monitoring may be occurring in respect of the home. You may not be asked but it is good to know this information just in case.

A manager or colleague should attend with worker to provide support.