

Pre-Inquest Review Hearings: Chief Coroner good practice recommendations - February 2014

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Issue

The Chief Coroner, HH Judge Peter Thornton QC has recommended that Coroners should ensure all interested persons, particularly bereaved families, have sufficient notice of the matters to be discussed at pre-inquest hearings. To this end, the Coroner should provide a written agenda ahead of PIRs and, if appropriate, express provisional views so agreement or opposition can be expressed.

Acknowledging agendas should be tailored to individual cases, the Chief Coroner advised that agendas (particularly in more complex or difficult cases) should include:

- A list of interested persons;
- A proposed list of witnesses - identifying those who might be called and those to be read;
- Issues to be considered at the inquest;
- Scope of the evidence;
- Whether a jury is required;
- Whether article 2 of the ECHR is engaged;
- Any issues of disclosure;
- The date of the final hearing;
- Any other relevant matters.

In complex matters, interested persons should be invited to respond to the Coroner's agenda in advance of the review hearing in writing, stating what they agree with and what they disagree with.

The Coroner should also ensure that interested persons, particularly those unrepresented, have sufficient disclosure of relevant statements and documents before the hearing so as to be able to address the agenda on an informed basis.

Coroners should also avoid giving the impression at pre-inquest review hearing that findings and conclusions are in any way pre-determined, even when the evidence points substantially in one direction.

Coroners should take care not to appear too familiar with interested parties, even those they may know well in the course of their work, to avoid the impression of favouritism or bias to other interested parties.

Market perspective

The recommendations, if adopted, will significantly impact, the way both Coroners and interested parties prepare for pre-inquest hearings.

Whilst they should ultimately smooth issues out well ahead of the start of the inquest itself and avoid unexpected adjournments, the requirement to identify witnesses and disclose evidence ahead of pre-inquest reviews in particular, may cause significant practical challenges for some Coroners. Whether this will result in some form of preliminary investigation hearings in advance of a formal pre inquest review remains to be seen.

Our view

Often Trust risk managers attend pre-inquest hearings and then take a view on the necessity of legal representation for the Inquest. The areas identified in the Chief Coroner's recommended agenda should be borne in mind when Trusts prepare for upcoming pre-inquest review hearings.

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