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# Road death inquests in the West Midlands: A guide for bereaved families

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west midlands  
office of the police  
and crime commissioner

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## Foreward

If you have been bereaved by a road crash, then please accept our condolences.

Grief is a challenging and life-altering process as it is, but the added impact of post-mortems, investigations, inquests and hearings can add a whole extra level of despair. To suddenly find yourself sitting with police or lawyers or in a courtroom listening to the information surrounding your loved one’s death can only be described as the most surreal nightmare. As you hear what happened depicted in an almost clinical way, with scholarly terminology, you may find your emotions are on a rollercoaster. Feelings can range from disbelief, detachment, anger and heartbreak to a sense of being completely lost.

My brother was killed by a hit and run driver in November 2014. Looking back at my experience of the inquest, I have a vivid memory of sitting with the police after they had concluded their investigation into his death and being totally overwhelmed. We struggled to take in all the information and yet had so many questions we still wanted to ask.

The legal process surrounding my brother’s death took 18 months. We felt as if there was no-one at hand who could truly relate to what we were going through. The effect of experiencing events like these should not be understated and the emotional toll it can take is vast.

The work that RoadPeace do supporting bereaved families who encounter the legal system is paramount. This guide can help you to navigate through the often complex way in which coroners, the police and the legal system works; at a time when you may feel completely confused.

If you are a family who have found yourselves in this situation, then my heart goes out to you and I hope that this guide will be of some assistance.

Your life may never be quite the same, but with the correct information and support you can and will get through this terrible time.

**Lucy Harrison**

RoadPeace member (West Midlands)

# Introduction

If you've recently been bereaved following a road crash, the first thing we want to say is how sorry we are. Nothing can compare to the shock of the death of a loved one.

Road deaths are sudden and violent and cause families terrible suffering – and the last thing you need at a time like this is to be confused or worried by any of the unfamiliar procedures which will follow on from your loss.

One of those procedures is the inquest into the death, and that's why the RoadPeace West Midlands group have put together this guide. In these pages we'll explain what you can expect from an inquest and what your rights are. We'll also discuss the role of the coroner, answer some common questions, and give you advice on where you can get further help.

This guide is based on our 25 years of experience supporting road crash victims. It supplements the two government-funded guides, one produced by Brake (*Information and advice for bereaved families and friends following a death on the road*) and the Ministry of Justice's own Guide to Coroner Services. You should go through this guide and the others with a friend or family member.

The guide has two sections:

**Part 1** explains the inquest system, the people and processes it involves, and what you need to know before the full inquest hearing. This section covers the opening of the inquest and the release of the deceased's body. It is relevant for all families bereaved through road crashes.

**Part 2** describes what happens on the day of the full inquest. It is for families where the police and Crown Prosecution Service (CPS) have decided that there won't be a criminal prosecution. It also explains what steps the coroner may take to prevent future deaths.

We hope you find this guide useful. If you have any questions or would like to talk to someone who is further along this unchosen journey, please get in touch with RoadPeace or join us at the RoadPeace West Midlands group – we're here for you.

Our contact details, along with a list of other organisations you may find useful, are at the end of the guide.

David Jamieson, West Midlands Police and Crime Commissioner (PCC), funded this guide. A former Road Safety Minister (2001–2005), he appreciates the need for safer roads and supporting families bereaved by road deaths.

Thanks to funding from the West Midlands PCC, RoadPeace has introduced a bi-monthly local support group and a six-week trauma support programme for people bereaved by road deaths. Call us on 0845 4500 355 to find out more.

# Part 1: The inquest system

## What is an inquest?

An inquest is a **public hearing into an unnatural death**, led by a coroner. Inquests are always 'opened' (or begun) when people die on the roads.

### Why is it needed?

An inquest's main purpose is to make a legal record of the key facts:

- ▶ **Who** died
- ▶ **How** they died
- ▶ **When** they died
- ▶ **Where** they died

Inquests aren't about blaming anyone for what has happened. The coroner's court doesn't rule on whether someone has committed a crime, or whether they should have to pay compensation. However, the evidence revealed at the inquest may help in a civil compensation claim at a later date.

Inquests also aim to reduce the risk of future deaths. Taking lessons from what's happened can mean there's a chance of stopping it happening again. This involves a coroner making a Preventing Future Deaths (PFD) report. This can often provide some kind of comfort to a bereaved family. You can find more information about PFDs at the end of this guide.

### Key roles:

#### Coroner's officers

The staff who work for the coroner and the **point of contact for bereaved families**. They are often ex-police officers and may even be serving police officers.

#### Family Liaison Officer

The **key point of contact in the police for bereaved families**. They are responsible for keeping the bereaved family informed about the investigation's progress.

#### Coroner

An independent official in the justice system who is **responsible for investigating unnatural deaths**. Their office and position is funded by the local authority. Coroners are most likely to be lawyers but some also have medical degrees. While coroners must work within a framework of law, there is no national coroner service and practices do vary between coroner courts.

#### Pathologist

A **doctor who specialises in diagnosing cause of death by examining the body**. They carry out the post-mortem on the deceased and establish the medical cause of death.

## When do inquests happen?

Inquests are **opened within a few days of the death**, but then ‘adjourned’ (suspended) while the police investigation takes place.

If the police decide there’s a reason to prosecute a driver for causing the death, the inquest will not be resumed, and a criminal prosecution will take place instead.

The **full inquest usually takes place within six to 12 months of the death**. Road death inquests take longer than most to complete, because of the time needed for the police investigation.

In rare cases, new evidence that comes to light during an inquest can indicate that a criminal prosecution should take place – but this is unlikely. Families should not rely on this happening.

A criminal trial would normally be an opportunity to hear evidence and question witnesses. But if the driver pleads guilty – so there’s no need for a trial – the bereaved family can ask the coroner to resume the inquest so the facts of what happened can still be established.

## How much notice will you be given?

Families must be told about the inquest date **within one week** of it being set. This doesn’t necessarily mean you’ll get a week’s notice though. If there are dates which aren’t suitable for your family the coroner should be able to find one that works for you, but you’ll need to let their office know.

## Will a jury be involved?

**Most likely not:** fewer than 2% of inquests involve juries. In general, juries are only used in road death inquests where a police driver has been involved in the fatal crash.

## What you can expect from the coroner’s office

The coroner has many responsibilities towards you.

The Ministry of Justice’s *Guide to Coroner Services* (2014) says that the coroner’s office should:

- ▶ explain the role of the coroner and answer your questions about coroner investigations
- ▶ give you contact details for the office, i.e. a named person and his or her phone number or email address
- ▶ help you understand the cause of death
- ▶ tell you about your rights and responsibilities
- ▶ take account where possible of your views and expectations, including family and community preferences, traditions and religious requirements relating to mourning, post-mortem examinations and funerals
- ▶ provide a welcoming and safe environment and treat you with fairness, respect and sensitivity
- ▶ act with compassion and without judgement about the deceased and the cause of death
- ▶ treat children and young people involved in an investigation in an age-appropriate way in co-operation with the adult(s) responsible for their care

- ▶ make reasonable adjustments, wherever possible, to accommodate your needs if you have a disability (including a learning disability)
- ▶ help you to find further support where needed
- ▶ during a long investigation, unless otherwise agreed with you, contact you at least every three months to update you on the progress of the case, and explain reasons for any delays
- ▶ explain, where relevant, why the coroner intends to take no further action in a particular case

### **What the coroner's office expects of you**

The Ministry of Justice's guide also explains what the coroner's office needs from bereaved families. It asks families to:

- ▶ co-operate fully with the coroner's office and promptly provide all information relevant to the investigation
- ▶ inform the coroner's office of any concerns or worries you may have about the death
- ▶ treat the coroner and his or her officers and other staff with respect
- ▶ wherever possible nominate one individual as the 'next of kin' for communication with the coroner's office. This helps ensure prompt and accurate sharing of information
- ▶ inform the coroner's office of any change of circumstances, such as address or contact number, so you can be contacted promptly
- ▶ not share information that the coroner's office gives you if you are told that it is confidential
- ▶ inform the coroner's office as soon as possible of any specific needs you have for the inquest, for example, relating to a disability, or if English is not your first language, so that reasonable measures can be taken

# Opening of the inquest

The coroner will open the inquest as soon as reasonably possible (within a few days) after the road crash.

## What happens at the opening?

**It's a short hearing that may only last a few minutes.** There won't be any detailed discussion of the collision. No evidence is ever called at the opening of an inquest. Families don't have to speak or attend.

The coroner receives evidence of the identification of the person who has died, including their name, age and address.

At the opening, the coroner sets a date for the full inquest. As the police need time to investigate the collision, this will usually take place in six months. You should be aware that if the coroner doesn't receive the collision investigation file from the police a month before the scheduled full inquest date, it will most likely be postponed.

Coroners will also say when reports, such as the post-mortem report, should be produced by – usually within six weeks.

## Who else may attend?

The opening of **inquests are public**, so anyone – including the press – may attend.

## After the opening

The **coroner's officer will contact you to find out how you would like your loved one's belongings returned.** They can be cleaned or returned unchanged: it's up to you.

## Post-mortems and release of the body

**A post-mortem is a medical examination to find out the cause of death.** Post-mortems are held for almost all road deaths. In most cases, the coroner can't release the body of your loved one until the post-mortem is done.

There are different types of examinations depending on the circumstances of the crash. If a criminal prosecution isn't expected, a hospital pathologist can do a standard post-mortem. But if a driver is being prosecuted for causing the death, a more thorough forensic post-mortem will be needed. A Home Office-approved pathologist will do this.

On rare occasions, small pieces of tissue or an organ may need to be taken from the body for further examination.

## Second post-mortems

If a driver has been arrested on suspicion of causing the death, they have the right to ask for a **second post-mortem to confirm the crash caused the death, and it wasn't down to natural causes**. A second independent pathologist will carry this out.

The coroner may also arrange a second post-mortem if no-one has been charged within a month but the investigation remains open and a criminal prosecution is still possible.

Coroners are supposed to release your loved one's body within 28 days, but a second post-mortem can cause a delay of several weeks. This can be very distressing for families. Please contact RoadPeace for more information on what you can do to speed up the process. The Chief Coroner is currently proposing to expedite second post mortems. At present, families are encouraged to query the need for a second post-mortem, as the first one should be enough to confirm the cause of death.

## Post-mortems: your family's rights

**The coroner must tell you when and where the post-mortem is to be held.** Although you don't have the right to attend, you do have the right to be represented by a medical practitioner – for example, your GP.

You can also ask to see your loved one's body before it has been released. If this is something you feel you want to do, contact the coroner's office and they'll make the arrangements. Your Family Liaison Officer can help you with this.

## The post-mortem examination report

When the post-mortem is complete, a report of the results will be sent to the coroner. In all road deaths of people over the age of 16 this will **include tests for drugs and alcohol**. It is possible but rare that these tests will be done on younger victims. The post-mortem report will be presented at the inquest, so its **contents will become public**.

The post-mortem report won't show if death was instantaneous. This is a question many families have, and it is often asked of the pathologist at inquests. Let the coroner's office know if you want the pathologist to explain this.

You can ask for a copy of the post-mortem report, and you should get this at no charge.

## When can a death be registered?

**A death certificate can't be issued until after an inquest or a criminal case is finished. However, an interim death certificate** – officially known as a 'coroner's certificate of fact of death' – can be issued in the case of road deaths. You can use this if you have to let banks or other organisations know about your loved one's death.



# Part 2: The inquest

## Preparing for the inquest

Families often tell us how unprepared they feel when it comes to the inquest. The best advice we can give is to consider going to another inquest first, so you won't feel confused or concerned by what takes place during the inquest into your own loved one's death.

Tell the coroner's office that you'd like to go to another road death inquest, and they'll give you possible dates and times. Inquests are open to the public, but please ask the coroner's office to let the other bereaved family know that you'll be there.

### What you need to know about the inquest

#### Disclosure before the inquest

Coroners are expected to release evidence before the inquest takes place, unless a criminal prosecution is still being considered.

The coroner should write to the family (and anyone else they consider to be a 'properly interested person') to ask if they want to see the evidence, including the:

- ▶ post-mortem report
- ▶ witness statements
- ▶ collision investigator's report

There's no charge for these documents before the inquest – although you are expected to pay if you wait until after the inquest to ask for them.

#### What is a pre-inquest review?

**A pre-inquest review is held if the coroner needs to discuss what the inquest will cover** – but they rarely take place for road deaths.

If a pre-inquest review does turn out to be scheduled, you'll be notified and invited to attend. Any other 'properly interested person' – including any surviving driver involved and their legal representatives – can also attend.

#### Legal representation – do I need a solicitor?

The state doesn't provide legal representation for bereaved families at road death inquests. You don't have to have a solicitor to represent you at an inquest, but **RoadPeace would encourage you to think about getting one**. As well as sometimes being quite technical, inquests can be very upsetting for families. Solicitors have the professional training and experience to understand and explain what's going on.

If you're making a civil claim for compensation, you should ask your personal injury solicitor about representation at the inquest. They'll find it useful to attend and hear the evidence. It should be possible to claim the cost of legal representation in a civil compensation claim.

#### Is legal aid available?

Legal aid – free legal help – is **very rarely available** for road traffic death inquests. However, families can contact the Bar Pro Bono Unit ([www.barprobono.org.uk](http://www.barprobono.org.uk)), which may be able to help.

# Your role and rights in the inquest process

There are various actions you can take with an inquest. These include:

## Preparing a statement about your loved one

The inquest will open with a short, **simple statement about the person who has died**. If you'd like to make it, you should be allowed to do this – many families do. If you'd rather not speak, the coroner can read out a written statement instead.

## Disclosure of medical records

**A GP report will be presented at the inquest**, in addition to the post-mortem. If you're concerned about the press reporting the medical information this may contain, you should speak to the coroner's office about it – but you can't stop the information itself being disclosed.

## Witnesses called

It's **up to the coroner to decide which witnesses need to come to the inquest in person**, and which witness statements can be read out without the witness attending.

If you have questions about the witnesses, or why certain witnesses have not been invited, you can speak to the coroner. You can also ask the coroner to request witnesses attend in person. If you want to see any of the witness statements in advance, you should also be able to do this.

## Who can come to an inquest?

Inquests are **open to the public**, which means that anyone can attend – including the press. Many families want to see lessons learned from their loved one's death and, if they come, the media can help. If it helps, you can prepare a statement and have photos that the coroner's office can email to the press.

# Preventing Future Deaths (PFD)

Part of a coroner's duties is to try to **stop future deaths**. With this in mind, coroners can write a PFD report. You can also encourage the coroner to write a PDF report if this is important to you.

Most PFD reports relate to highway design, but they can also address vehicle design or be driver-related.

If a PFD report is made, the coroner will send it to the relevant authorities/people after the inquest. They need to respond within 56 days, explaining what action (if any) they're going to take, and a timetable for it. If they aren't going to take any action, then the response should say why not.

You'll be sent a copy of the PFD report and the response. PFD reports are also published online in the chief coroners's section of the [www.judiciary.gov.uk](http://www.judiciary.gov.uk) website.

To encourage more PFD reports, the Chief Coroner has issued guidance and provided templates for coroners. This is something RoadPeace has a lot of knowledge on, so please contact us if you'd like more information on our helpline or email us (contact details below).

# The inquest – on the day

## At the court

### Where you wait

There's no separate waiting area for the family outside the court, so you may have to sit or wait near any other drivers (and their families) or witnesses to the crash.

### How many people can come with you?

As many as you like: most **people bring family or friends** to support them during an inquest.

### Support available during the inquest

In the West Midlands, **Police Family Liaison Officers attend inquests** and will be there to answer any questions you have.

### How long the inquest will last

Road death inquests usually take about **half a day**, but they can range from less than an hour for a single vehicle collision where the driver is the only casualty, to several days if police vehicles are involved.

### Inquest running order – what happens when on the day

- 1 The inquest starts with a **reading of the opening statement about the victim**, written by the family. The coroner will usually read this, but you can ask to read it if you want to.
- 2 **Medical evidence will then be heard.** The post-mortem report may be read, or summarised. A report from the GP of the deceased will also be presented.  
  
You don't need to worry about having to hear or see things you don't want to. The coroner will allow you to leave the room if information you may find distressing is going to be heard.
- 3 **Witnesses to the crash give evidence next.** Depending on the coroner's decision witnesses will either give evidence in person or provide statements to be read out. Witnesses who have been summoned must attend – they could be fined or even sent to prison if they don't attend (although this is highly unlikely).

The coroner is the first to question a witness. They may warn drivers that they don't have to answer any question that might incriminate them, so this is something to be prepared for. When the coroner has finished, you – or your legal representative if you have one – will get the chance to ask questions. However, these can only be about the facts and must not imply blame.

Others can also ask questions if they've been identified as a 'properly interested person'. This will include the driver and their legal team.

- 4 **The collision investigator is usually the last to give evidence.** They will summarise their findings from the collision investigation report.
- 5 At the end of the hearing, **the coroner will leave the court to review the evidence** and prepare the report on their conclusions.

## Coroner's conclusions

What used to be called 'the verdict' is now known as 'the conclusion', to avoid any association with a criminal trial. The conclusion of the inquest is an explanation of the cause and circumstances of the death, based on the evidence.

The **conclusion will take one of three forms**: a short-form conclusion, a narrative conclusion or a combination of the two.

There are nine short-form conclusions possible:

- ▶ Accident or misadventure
- ▶ Alcohol-/drug-related
- ▶ Industrial disease
- ▶ Lawful/unlawful killing
- ▶ Natural causes
- ▶ Open (used when there is insufficient evidence for any other outcome)
- ▶ Road traffic collision
- ▶ Stillbirth
- ▶ Suicide

**A narrative conclusion is more detailed**, and sets out the facts and circumstances surrounding the death. A narrative verdict can be given on its own, or in combination with the road traffic collision short-form conclusion or another of the short-form conclusions.

At this stage the coroner should also say if they are planning to produce a PFD report.

### Inquest recordings and transcripts

You can buy copies of audio recordings of the inquest hearing for £5. Printed copies – known as 'court transcripts' – are also available, but they'll work out much more expensive as they're charged by the page.

# Complaints and appeals

If you're unhappy with a coroner's behaviour, you should raise this with the coroner first.

If you're not satisfied with their response, you can then complain to the Judicial Conduct Investigations Office at:

The Judicial Conduct Investigations Office  
81-82 Queens Building  
Royal Courts of Justice  
Strand  
London WC2A 2LL  
Tel 020 7073 4719  
Email [inbox@jcio.gsi.gov.uk](mailto:inbox@jcio.gsi.gov.uk)

## Complaints about standard of service

If you're unhappy with any other aspect of the inquest, you should send your complaint to the coroner involved, along with copies to the Chief Coroner and the relevant county council.

While the Chief Coroner is responsible for promoting good practice among coroners, he does not investigate complaints about individual coroners.

## Appeals

Families do not have the right to appeal an inquest conclusion.

If you're unhappy with the conclusion, you'll need to get advice from a solicitor on challenging the coroner's decision. There are ways to do this, but you should bear in mind that it can be very expensive, and it's unlikely you'll receive legal aid.

It's a sad fact that your family won't be the last to be bereaved by a road crash. We'd really appreciate knowing if this guide was useful to you and your family. If you have any suggestions on how we can improve it, please let us know. You can contact us at [helpline@roadpeace.org](mailto:helpline@roadpeace.org) or call 020 7733 1603.

## Find out more

You can find out more about coroners and inquests by reading:

- ▶ RoadPeace (2017), *Road Death Inquest Guide for Bereaved Families*.
- ▶ Ministry of Justice (2014), *Guide to Coroner Services*.

# How RoadPeace can help you

RoadPeace is the national charity for road crash victims. We support bereaved families and those who have been seriously injured by road crashes through:

## Support

### Helpline – 0845 4500 355

Our helpline provides emotional support, information about the justice system and signposting to appropriate services. It is for anyone bereaved or injured in a road crash. The helpline is open **Monday to Friday from 9am to 5pm**.

### Befriender support

Our befriending service offers ongoing telephone support from trained volunteers who have suffered a similar experience.

### Resilience building programme

This is a six-week trauma support programme for bereaved families. It offers families:

- ▶ an opportunity to meet with others bereaved by road crashes
- ▶ the chance to develop ways to understand and cope with the reactions to your loss
- ▶ an insight into how the mind and body can react to traumatic loss

### Local support groups

Bi-monthly meetings are held in Birmingham and offer bereaved families the chance to get together. They provide families the opportunity for mutual support and can raise awareness of local issues relating to road danger and justice for road crash victims.

## Advocacy and justice

### Information guides

RoadPeace helps families navigate the justice system through detailed guides on:

- ▶ collision investigation
- ▶ inquests
- ▶ criminal prosecution

### Casework assistance

We help victims with queries about investigation, inquests, prosecution, compensation and sentencing.

### Access to justice

The RoadPeace Legal Panel provides high quality legal advice to those bereaved or seriously injured in road collisions and to support them to achieve justice and fair compensation.

The Legal Panel is made up of leading specialist personal injury law firms. Panel members sign up to an agreed set of qualifying criteria including quality standards as their sign of commitment to road crash victims.

To access our services please call our helpline or email RoadPeace.

## Ways of remembering

RoadPeace understands the importance of remembering family and friends who have died in a road crash. We organise the following:

### World Day of Remembrance for Road Traffic Victims

An annual event with services held across the UK on the third Sunday in November – please contact RoadPeace for your local service.

### August National Road Victim Month

An annual Ceremony of Remembrance, held at the National Memorial Arboretum, Staffordshire on the second Saturday in August, as part of National Road Victim Month.

### Roadside memorials

We can provide a Remember Me plaque, which can be used as a roadside memorial to mark the site of a crash.

## Campaign for justice

In addition to supporting crash victims, we campaign for change including for:

- ▶ improved post-crash response by the justice system
- ▶ improved rights and recognition for crash victims
- ▶ road danger reduction policies that prioritise vulnerable road users and the environment

**If you have any questions about road death inquests or need any other support, please contact RoadPeace. To find out more about our West Midlands Support Group, call our helpline or email RoadPeace.**

Call our Helpline on **0845 4500 355**

Send an email to: **helpline@roadpeace.org**

Visit our website: **www.roadpeace.org**