



## A Guide to your Rights -

# Inquests Legal Representation

### What is the purpose of an Inquest?

It is a fact finding enquiry to try and establish how a person came by their death. The purpose of an Inquest is not to decide who is to blame or to establish that a civil claim for compensation will be successful. Determinations on matters of negligence will not form part of the conclusions of the inquest.

### Do I need to see a Solicitor immediately?

It is important that you contact a Solicitor well in advance of the Inquest who will advise you as to whether or not representation may be appropriate in your case. The firms mentioned in this leaflet will give you this initial advice without charge.

### What does an Inquest involve?

- In a case involving medical care, the Coroner will gather evidence from the witnesses, which could include doctors, nurses and a Pathologist who will probably have performed a post mortem examination. Family members and friends may also be called to help establish the facts surrounding the death.
- Your Solicitor may need to get medical records and other documents held by the Coroner or others before the hearing.
- At the Inquest the Coroner will question the witnesses, including family members, under oath. The Coroner has a wide discretion and not all witnesses to all events leading to death will necessarily be called.
- The family will be given the opportunity to ask questions of the witnesses. This can be a daunting prospect at a very difficult and emotional time. This is often why families choose to have a Solicitor represent them.
- It is possible for your Solicitor to put legal argument to the Coroner regarding the way in which the Inquest is held or the conclusion.
- If the Coroner feels action is necessary to prevent more deaths in similar circumstances, they may pass on information or make recommendations to other relevant authorities.

## Death Following Medical Treatment Clinical Negligence Compensation Legal Questions Answered

### Is there a compensation claim?

There may be a claim for compensation if it can be proved that sub-standard medical treatment caused or contributed to the death. The evidence given at the Inquest should help your Solicitor advise you about a claim.

### Who in the family can bring a claim?

The law relating to which family members can bring a claim is complicated. Your Solicitor will be able to advise you.

### Is there a time limit for bringing a claim?

Most claims must be started within 3 years of a death. Again, your solicitor will advise you.

### Which Solicitor?

Clinical Negligence claims are complex and require skilful handling. In addition, if you wish to apply for Legal Aid you will need to instruct a Solicitor who has a Clinical Negligence Franchise. You may wish to telephone one (or more) of the Solicitors listed on this leaflet, all of whom have a Clinical Negligence Franchise.

### How much will it cost?

Whilst Legal Aid is not generally available for representation at an Inquest there are exceptional circumstances where it could be available. Your solicitor will be able to advise you.

Alternatively, other methods of funding available include:

- Conditional Fee Agreement
- Legal Expenses Insurance

Your Solicitor should discuss with you the various funding options at the outset before any claim is started.

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