Writing a statement for a coroner’s inquest
A guide for NHS staff

The coroner investigates the cause of unexplained deaths. The purpose of the coroner’s inquest is to answer four questions about the deceased;

1. Who was the deceased?
2. When did they die?
3. Where did they die?
4. How did they die? i.e. by what means did they come by their death?

In relation to deaths following medical treatment, the coroner usually requests witness statements from medical and nursing staff who were involved in providing care to the deceased. This is so that the coroner can understand what medical problems the deceased was suffering from, what treatment was given and what may have contributed to the death. The statement needs to explain to the coroner (who may be a doctor or a lawyer) what treatment was provided by the author and on what dates. The coroner will use the information in the statements to decide who to call as a witness to the inquest hearing to answer questions and explain further. The statement will be disclosed to the family of the deceased and any other interested persons to the inquest.

Duty of Candour

The Francis Report was issued in February 2013 following a public inquiry into the concerns about NHS care in Mid Staffordshire. The report included a recommendation that there should be a statutory ‘duty of candour’ to ensure that patients harmed by the health service are informed. The Government intends to create a legal duty for healthcare professionals to inform people if they believe the treatment or care has caused death or serious injury. However, the current NHS Contract already contains a contractual duty of candour, requiring providers to tell the patient and/or their family about any patient safety incident that resulted in moderate or severe harm or death to a patient. This should be completed within 10 working days.

If you are concerned about the care given to a patient, you should not wait until the inquest to disclose the information. A factual explanation with an apology would not normally constitute an admission of liability. Failure to comply with the duty of candour will be treated extremely seriously by employers, commissioners, coroners and regulatory bodies. If you believe there will be litigation or you are unsure, seek advice from your Trust’s legal department immediately.

In addition, following recent changes to the law, it is now a criminal offence to:

- do anything that is intended, or is likely, to have the effect of distorting, altering or preventing any evidence or document that is given for the purposes of a coroner’s investigation.
- intentionally suppress, conceal, alter or destroy a relevant document. A document is relevant if it is likely that a coroner conducting an investigation would, if aware of its existence, wish to be provided with it.

Therefore, if you are asked to provide a statement for an inquest, you should carefully consider all of the information which might be relevant for the coroner, enclose a copy of relevant documents and make reference to any event which you believe contributed to the death.

Here are our tips for writing a statement:

1. Start each statement with your; full name, the name of your employer, work address, current job, grade, and specialty.
2. Do not copy out the contents of the medical records; use full sentences to explain each time you were involved, the date and time, your actions and the reasons for them. Remember that an inquest is a public hearing and your statement may be read out to the court and family e.g. “I saw the patient in the out-patient clinic at Limington Hospital for a routine appointment on 9 June 2013. I asked Nurse Taghavi to arrange an x ray as I was concerned that the patient had been losing weight. I undertook an examination of the shoulder and noted that there was some pain on movement. I left the examination room and spoke to my consultant, Ms Ritter. We agreed that the patient should be asked to return to the clinic the next day.”
3. The coroner uses the statements to decide who to call as a witness. Consider the medical records carefully so that you can explain each occasion when you were involved in the care. If it is not clear from your statement whether you were involved in a particular event, you may be called to give evidence about the event you have described e.g. “The patient was prescribed antibiotics and then underwent surgery; the surgery was carried out by Ms Avery.”

4. Avoid jargon and abbreviations and use simple and clear language. Include the names of any doctors or nurses that you refer to. Explain medical terms and test results e.g. “The temperature was 36.7 which is normal. The oxygen saturations were within the normal range but the sodium was raised. A CT scan did not identify any cause for concern”.

5. The coroner requires factual information e.g. dates, times, the identities of those involved and a factual explanation of the medical treatment given which is relevant to the death. Avoid making judgements about the actions of others unless you are clear on all of the relevant information. If you are called to give evidence at the inquest it will be as a ‘witness of fact’ to explain what actions you took.

6. End your statement by making it clear the last date and time that you had any involvement with the deceased.

7. Make sure you include any information which is relevant to how the person died, including actions or events which you think contributed to the death. Identify any documents which are relevant to the coroner. If you are unsure, seek advice.

8. Read through your statement carefully once completed – make sure it is accurate and that there are no spelling mistakes. The coroner and family of the deceased will expect you to have taken sufficient time to ensure that your evidence for the court is correct. When you are happy with your statement then sign and date it.

9. If you need help or advice in writing a statement; ask your manager or contact your legal or risk management department. Do not send your statement directly to the coroner.

10. Keep a copy of your statement and take it with you to the coroner’s court if you are called to attend; you can take it into the witness box when giving evidence to help you with relevant facts and dates.

For more information, or to discuss another inquest related matter, please contact:

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