

Inquest Services

Protect your reputation, support your staff

The Coroner's Court has always been a stressful and unpredictable place, both for healthcare professionals and their employers. The effect of the Human Rights Act on inquests has increased the risk of a critical verdict by the Coroner or Jury and the impact on staff morale and danger of bad publicity is greater than ever before.

Capsticks' inquest team can help protect your organisation's reputation and give your staff the support they need in the lead-up to and during an inquest. Because we combine advocacy with the expertise needed to prepare thoroughly for an inquest, cases can be handled by the same lawyer from the outset to representation in court. We support you through all aspects of the inquest process, giving initial advice on whether legal representation might be needed at the inquest, preparing statements, guiding witnesses and providing advocacy at the inquest itself.

WHAT WE OFFER

The strength, depth and expertise of our team working round the clock with the NHS, private sector and insurers means we can provide unparalleled advice on the issues facing you. We will support you through the entire process from the beginning to the end.

Before the inquest

We will provide:

- advice on draft witness statements
- advice on disclosure to the coroner
- advice on internal investigation reports
- witness preparation
- a pre-inquest report explaining the risks, possible verdicts and suggested action plan
- cost saving advice on dealing with a claim prior to the inquest
- advice on risk management and avoiding a prevention of future deaths report
- handling of media enquiries
- liaising with the coroner and other interested persons

During the inquest

We will provide:

- specialist healthcare expertise
- inquest advocacy
- support for your staff

During the inquest

We will provide:

- a post-inquest report advising on the outcome and further action required

THE BENEFITS

We are best placed to advise you because we have:

- a team of specialist healthcare inquest lawyers, led by a former coroner
- leading expertise derived from our national experience of over 600 inquests a year, from the routine to the most sensitive and high profile cases
- advocates in-house, making the process more cost effective and convenient for you
- a range of pricing options to help you meet your budgetary needs

FREQUENTLY ASKED QUESTIONS

How much will it cost?

Right from the outset, we will consider each case individually and agree a budget to suit your needs. We have flexible pricing options including a fixed price menu for specific tasks. In most cases we will use our own advocates to represent you, saving on the cost of hiring an external barrister.

Who will represent you?

You will be represented by one of our specialist healthcare Inquest lawyers. We will try to ensure that the same lawyer that prepares your witnesses will also represent you at every hearing of your case.

When should you seek legal advice?

Special attention should be paid to key factors which indicate a higher risk for your organisation, especially if:

- the family are legally represented
- the family have made a complaint or a claim
- there has been an internal investigation
- you are worried about a neglect verdict or criticism
- the evidence is inconsistent
- your staff need extra support before or during the hearing
- there is a risk of adverse publicity
- there is a criminal or regulatory investigation.

If you are facing any of the above cases, we strongly recommend you contact us for advice as soon as you are notified that an inquest will take place as an early response can save you time and cost, and provide you with the security you need to move forward.

DON'T TAKE OUR WORD FOR IT

What is it really like to work with us? The best people to ask are our clients:

"We have found that Capsticks' depth of knowledge, through being a specialist health law firm, is very helpful in ensuring we get the right advice, from the right person at the right time."

Kim Goddard, Director of Nursing and Governance South West London & St George's Mental Health Trust

"As my time on the stand is now over and the dust has settled a little, I write to thank you for the support I received while I gave evidence at the 7/7 Inquests. It was extremely humbling to have such strong support while operating in this difficult environment."

Paul Gibson, Ambulance Operations Manager London Ambulance Service NHS Trust

"Thank you for your representation yesterday for the Inquest, it was a good outcome for the Trust and I am grateful for your assistance and support to the witnesses, particularly given the questioning they endured – they were well prepared."

Edwina Andersson, Head of Legal Affairs Surrey and Sussex Healthcare NHS Trust

EXAMPLES OF OUR WORK

We act for a wide spectrum of organisations including NHS, private sector and insurers nationwide. Here are a few examples of our recent work:

London Bombings

We represented the London Ambulance Service (LAS) at one of the largest inquests ever held concerning the deaths of 53 people. Issues included the response of the emergency services, whether more lives could have been saved and whether risk management recommendations needed to be made. After a six month hearing the Coroner only made one fairly minor risk management recommendation to the LAS.

Baby P

The death of baby Peter triggered a wide review of child protection services with national implications and caused public outrage. We represented all NHS organisations involved in the Coroner's Inquiry and specifically dealt with legal arguments as to whether the Coroner had sufficient cause to resume the Inquest into baby Peter's death in light of all of the other investigations. After hearing submissions, the Coroner was persuaded not to resume the inquest.

Maternal deaths

We represented the NHS Trust at inquests into a series of maternal deaths at the hospital. The cases were also part of a review by the Care Quality Commission into the Trust's maternity services which resulted in special measures. We advised on clinical governance issues and were able to show the Coroner that significant changes had been made and that it was a safe service. We also handled the negligence claims arising in liaison with NHS Resolution.

Rita Goodson

We represented the NHS Trust involved in this test case covering how inquests into deaths in hospital should be conducted in accordance with Article 2 of the European Convention on Human Rights. The Coroner and the Court on Appeal accepted our case that independent expert evidence and a wider, Article 2 compliant inquiry by the Coroner is not required where the death raised no more than a potential liability in negligence.

If you could like to know more about how we can help, please get in touch with a member of our team.

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