



INQUESTS

A short guide for bereaved families





We have produced this guide because we are concerned about the rising number of homeless deaths in the UK and want to offer support and information to bereaved families who have lost someone they love.

There has been a steep rise in the number of homeless deaths during the COVID-19 pandemic, and only a small portion seem to be due to the virus itself. It is especially worrying that the numbers have risen at a time when the 'Everyone In' policy was in place to house rough sleepers.

The Office for National Statistics has not yet published its statistics on homeless deaths for 2020 but the Museum of Homelessness has reported a [37% increase in homeless deaths](#) based on more than 300 Freedom of Information requests.

It is not clear how many inquests have taken place into the deaths of homeless people during the pandemic or whether they were housed in accommodation that was suitable for their needs. What we do know from the figures is that approximately 41% of people died from physical health conditions, 36% from drug or alcohol use and 15% from suicide.

How might this leaflet help me?

The inquest process can seem like a very complicated and frightening thing to take on when you are also coping with grief. However, it is often the only way a bereaved family can find answers about what happened to their loved one and discover if public

services and organisations did or didn't do things that could have made a difference.

This leaflet is a short guide to the inquest process for bereaved families whose loved ones have died in emergency or hostel accommodation during the COVID-19 pandemic.

It will hopefully answer most of the key questions and give bereaved families some idea of what to expect from the process. It is not intended to replace specialist legal advice.

Why was my loved one's death reported to a coroner?

In certain situations when someone dies, the death will be reported to a coroner. A coroner is the person who is appointed to investigate certain deaths in England and Wales. The most common reasons why a death may be reported are:

- they died a violent or unnatural death;
- the cause of death is unknown; or
- they died whilst in custody or otherwise in state detention.

What is the purpose of an inquest?

The purpose of an inquest is to answer four questions:

1. Who the deceased was.
2. Where they came by their death.
3. When they came by their death.

And most importantly for the family:



4. How they came by their death and, in some cases, the wider circumstances (see 'What is an Article 2 inquest?' below).

Once those questions have been formally answered, the death can be registered.

An inquest is not like a criminal or civil trial. It is meant to find out facts, not to establish blame. This means that inquests are supposed to be more about everyone working together to find out the truth of what happened, rather than two sides arguing against each other.

What happens next?

The coroner will take a first look to see if the cause of death is easy to identify. If not, it is likely that they will direct a post-mortem to take place. If the post-mortem report says the death is because of a natural cause (e.g. an illness) then the inquest process might end there and the coroner will fill in the forms to register the death.

However, even if the death is by a natural cause the inquest process may continue where:

- the death occurred in state detention, such as in prison or whilst the person was sectioned in hospital; or
- the circumstances of the death show there is reason to suspect neglect or failings in the person's treatment or care.

The investigation will also continue if the coroner suspects that the death was unnatural or violent.

Will there always be an inquest into a homeless death?

There won't always be an inquest where a homeless person has died while rough sleeping or when living in B&B, temporary or hostel accommodation. Temporary accommodation is not classed as state detention so an inquest will only be held where the person died a violent or unnatural death, or the cause of their death is unknown.

Inquests should be held into the deaths of homeless people from drug or alcohol use and/or suicide because these are classed as violent or unnatural deaths. It is only when a person died from natural causes and there is no reason to suspect neglect or failings in the person's care or treatment that an inquest is not required.

If a coroner has refused to hold an inquest, can their decision be overruled?

Yes, it can be challenged by the Attorney General or by a bereaved family applying to the High Court for a 'judicial review' of the coroner's decision. Applying for judicial review is complicated and has to be made as quickly as possible and within three months of the coroner's decision.

If you have concerns about a coroner's refusal to hold an inquest, we



recommend you seek advice from a specialist solicitor as soon as possible.

What happens when an inquest is opened?

Once a coroner has decided that an inquest will happen, the family will be notified and a further investigation will likely take place for the coroner to obtain the evidence they need to be able to answer the four questions.

What might happen during an inquest investigation?

It is likely that the coroner will make a direction for further enquiries to be carried out into the death. This often includes obtaining statements from family members and other individuals who were directly involved in the days leading up to the death. It may also include gathering documents including:

- Medical records.
- Prison records/police records.
- Obtaining CCTV or other relevant recordings.
- Obtaining copies of internal investigation reports from state agencies involved with the deceased (i.e. housing providers, local authorities, NHS Trusts, CQC, Health and Safety Executive, the Prison and Probation Ombudsman, Independent Office of Police Conduct).

How long will an inquest take?

The law states that an inquest should be concluded as soon as possible and

within six months of the death occurring. Most straightforward inquests will be concluded within six months from the date of the death.

However, when a death occurs involving the state or the death is more complicated, the inquest process is likely to take a lot longer.

Who else will be involved in my loved one's inquest?

At an inquest there are what are called Interested Persons (IPs) who are likely to take an active role in proceedings. The family will always be an IP. IPs can be legally represented, and they are entitled to ask questions of any of the witnesses that attend to give spoken evidence at the inquest. They will also receive copies of the documents that are relevant to answering the four questions being considered by the inquest.

Other IPs will depend on the circumstances leading up to the death but can include:

- The housing provider.
- Local authority (for example if they commission or pay for the accommodation the person was housed in or if the person was known to social services).
- NHS trust (which could include the community mental health team).
- GP.

If a person was detained in prison or the police were involved in the lead up



to their death, the prison and/or police force will usually be an IP.

What is a pre-inquest review hearing?

A pre-inquest review is a hearing to manage the running of the inquest investigation and make sure that the coroner has all the relevant documents and will hear from all the relevant witnesses so that they can answer the four inquest questions at the final inquest hearing.

At the hearing the coroner will try to decide the following:

- The scope of the inquest (what matters need to be considered).
- Whether 'Article 2 is engaged' (we explain this below).
- Who will be included as an Interested Person.
- What documents need to be considered.
- What witnesses will need to give a written statement or spoken evidence at the hearing.
- Whether a jury is needed.
- Whether the coroner needs evidence from an expert.
- How long the inquest is likely to last and when the final hearing will be.

The pre-inquest review hearing is just about procedure and the coroner doesn't hear any evidence or make any decision about the four questions. There may be more than one review hearing if the case is very complicated, just to make sure that everything is ready for the final hearing.

What is an Article 2 inquest?

Article 2 is the human right that says the state has to respect the 'right to life'. It says the state should not cause death, should have systems to prevent or reduce the risk of death and should investigate when the state has done something or not done something that might have contributed to a person's death.

An Article 2 inquest is essentially an enhanced investigation into a death. It might affect how wide the scope of an inquest is (e.g. what issues the inquest will look at) and it can also affect the conclusion at the end of the inquest.

An enhanced investigation will always take place when the person was being detained (in custody, hospital or immigration detention) and their death was unnatural or when the state directly caused the death (for example if the police shoot someone).

In other cases, it's more complicated. However, if a homeless person has died in emergency or hostel accommodation that is commissioned/paid for by a local authority, Article 2 could be relevant if the lack of systems or safeguards in the accommodation contributed to the death. These could include a lack of policies for health and safety, suicide prevention and staff training about the risk of overdose.

Article 2 could also be relevant if the local authority or staff at the accommodation knew or should have known that there was a real and



immediate risk to the person's life and didn't take reasonable steps to prevent the person dying.

As outlined above, this area of law is complex. If you have concerns about whether the state contributed to your loved one's death, we recommend you seek advice from a specialist solicitor.

What is a report to prevent future deaths?

If the coroner becomes aware of anything during their investigation which suggests that other deaths might occur unless circumstances change and they think that action should be taken to reduce that risk, they have to report the matter to someone who has the power to take action – which could be a housing provider or local authority. That person or organisation then needs to respond to the coroner within 56 days to say what action they have taken, or are going to take, to reduce the risk. If they are not going to take any action, they should explain why.

Will there be a jury?

Jury inquests are not very common and it is only in very limited circumstances that a jury has to be appointed for the inquest. If a jury is appointed then they will be asked to decide on the facts of the case and answer the four questions.

Can I get funding for an inquest?

Legal aid is available for inquests where Article 2 is relevant or where there is a significant wider public interest because the outcome of the inquest will be important for more people than the family or people directly involved. Legal aid does have a means test though, so a lawyer will have to assess your financial circumstances. People not normally financially eligible can be granted 'a waiver' to get some help from legal aid, although they may still have to pay a contribution towards their legal costs.

Are there any organisations that can help?

If you would like some free, initial legal advice on the inquest process, please contact the team at Ison Harrison solicitors on 0113 200 7404 or by email to inquests@isonharrison.co.uk.

Museum of Homelessness hosts regular Death Cafes online where people affected by death and homelessness can support each other. For more info, email:

jess@museumofhomelessness.org.

There are useful resources, including the more comprehensive INQUEST handbook, available on the INQUEST website.¹ INQUEST also offers a [Skills Toolkit](#) put together by families for other families navigating the process, and includes more interactive formats of information and practical advice.

¹ <https://www.inquest.org.uk/useful-resources>