

Coroners' Inquests – Writing a statement

Section 1: Introduction

The role of a witness to fact in a Coroner's inquest is to assist the Coroner in the conduct of the investigation. Remember this when compiling a statement. A thorough and well written witness statement means you will be better prepared to attend the inquest hearing and it will be of greater assistance to the Coroner. Where this explains the course of events fully and in an understandable way and there are no additional questions on your involvement, and it is unlikely to be disputed, then it is possible that you will not be required to attend the inquest. You should consider seeking advice from your Medical Defence Organisation (MDO) on any draft statement before submission to the Coroner as they have much experience in helping doctors in these situations.

No one can tell you what to include or take out of your statement. This is your document and you should include all of the information that informed your clinical actions and/or described your actions that you consider relevant and you would wish the Coroner to be aware of. Be aware of your ethical obligation to cooperate with the Coroner's investigation. It is also important to ensure the contents of your statement are correct and that relevant information is not omitted deliberately.

Section 2: Writing a statement – general points

- Keep it professional. Statements should be typed and on headed paper. A suggested template is included below although your Trust/organisation may have a preferred structure.
- You may express your condolences to the family of the deceased if you wish, but this is not mandatory.
- Make clear the capacity in which you are making the statement. This will usually be as a professional witness i.e. witness to fact (as opposed to an expert witness).
- Access to the medical records is essential and other documents may also be helpful (incident report forms, theatre lists, ward diary, duty rotas, protocols etc.) but it would be appropriate to discuss referring to these with your MDO before submission of the statement. You may assume that the Coroner will have copies of the records and therefore it is appropriate to refer to them in your statement, although it may be clearer and easier to follow if you quote the specific entries in full with appropriate explanation of any abbreviations or diagrams. Unless the statement is straight forward and you are comfortable with its wording, it is advisable to discuss the matter with your MDO before submitting it to the Trust or to the Coroner.
- Remember you have a duty to be honest (required by GMC guidance in Good Medical Practice, paragraphs 72 - 76); giving the impression that you are concealing facts or misleading the court can lead to serious consequences.
- Be clear which comments are made with reference to the medical records and which are made from memory of events and those based on usual practice.
- Avoid hearsay or second hand reporting – focus instead on what you did and what you said. If you did speak to someone else, for example in seeking advice from a senior colleague, you should identify them by name and by their professional grade. It is appropriate to include in your statement a summary of those discussions.

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- Keep to the facts, do not speculate. Interpretation is the purpose of the inquest.
- Be concise and clear, avoiding jargon or abbreviations. Explain medical terminology including medication and what it is used for. Abbreviations can be used but on the first occasion must be explained/defined in full with the abbreviation between parentheses. Write as if for an intelligent lay person. This will be appreciated by the Coroner and the family.
- Deal with any errors or omissions – this is an opportunity to explain why something was not done.
- Look at the overall impact of your statement. Does it allow the reader to visualise how events occurred?
- As the statement is disclosable in law, it is essential to ensure that your report is accurate, do not rush it or do it at the end of a busy shift or without the medical records and having taken MDO advice.
- In helping you prepare your statement you may find it useful, while matters are fresh in your mind, to draft a detailed chronology from the medical records. This will help you to ensure the facts are clear and can be presented in a logical order and it will help ensure that factual accuracy is maintained across different forums, for example if you are asked for a statement as part of the Trust's clinical governance procedures. Seek MDO advice if you have concerns. For example, if the police wish to take a statement from you directly. It would also be important to be aware of the capacity in which the police are acting, for example on behalf of the Coroner, as Coroner's Officer, or are they separately involved in investigating the matter?
- Read your statement through, make any changes you consider are necessary, and only sign it when you are completely comfortable with what it says and how it says it. This is your statement.
- Include a statement of truth (see HEE template statement guidance for appropriate wording), sign and date, and send to the Coroner with a covering letter. This should be with the knowledge and agreement of the Trust, usually the Medical Director or Director of Nursing.
- Ensure that you keep a copy of the statement and the chronology (if you prepared one) as the inquest may occur after you have changed posts and are working in another Trust.
- Remember the Coroner will ask for a statement if they want your help; it does not imply you have done something wrong. If you are informed by the Coroner or the Trust that you are an Interested Person (IP) at the inquest, this may indicate that your involvement, through act or omission, may have caused or contributed to the death of the deceased. This is uncommon, and where this occurs you should contact your MDO if you have not already. The Trust's legal advisers will also guide you as legal representation is likely to be required.