

Client briefing

Remote inquest hearings: top tips to support you

Introduction

With remote inquest hearings set to continue for the time being, this briefing is intended to support health and care professionals preparing for and dealing with remote inquest hearings following a Coroner's decision to hold a hearing remotely. It is based on our experience of conducting remote inquest hearings over the past 12 months. We include some tips to help you manage remote participation effectively and professionally. It is hoped that these tips will help reduce the extra layer of anxiety presented by preparing and attending a remote inquest hearing.

Overview

In June 2020, the Chief Coroner issued [Guidance No.38](#) to facilitate remote participation in Coroners' inquests. The Guidance provides that the Coroner must be physically present in court at all times during a hearing and should not be conducting wholly remote hearings, but that other participants in the proceedings such as, Interested Persons (IP) and their legal representatives, witnesses, family members (not the public or the press) can access the proceedings remotely. Coroners via their officers, will usually provide participants with the necessary details and instructions about joining the hearing remotely.

[Guidance No.38](#) provides that remote hearings will not be used for jury inquests, except in the "*most exceptional and limited circumstances*".

Tips on remote participation

The location/rooms

You should establish with the Coroner's officer whether participants need to be in the same room or can dial in separately – this will help you work out your location and room requirements. Remember the room(s) need to be secure and as far as possible ensure that there is no background noise. Participants in hearings should mute their microphones when not speaking.

Some Coroners may require all witnesses from each IP and their legal representatives to be in the same room and on the same video-link. If that is the case, you will need to investigate whether your organisation has a room available to accommodate this safely and securely following current Covid-19 guidance.

Equally, if a Coroner's preference is for each IP and representatives to sit in separate rooms, ensure that you have a list of mobile numbers for all participants to enable you to take instructions and provide support during the hearing if you need to.

We have been acutely aware from our experience in the past months that supporting witnesses and individuals through the process of giving evidence is more difficult to achieve remotely.

The way that this can be done effectively will depend on the individuals involved but things to consider are:

- If an individual can have someone to support them in the room they are giving evidence in.
- Check if witnesses have particular concerns about giving evidence remotely - for some this may prove to be less daunting than giving evidence at court and for others the use of the technology itself may cause concerns.
- Check whether witnesses require arrangements to be made if they are giving evidence at home: is there a private and secure place available?

Preparing for the first day of your remote hearing

Here is a checklist to work through:

- Check your technology: is your device fully charged, is the Wi-Fi suitable and do you have easy access to the Coroner's video-links?
- Do you have mobile numbers for each witness?
- Identify where your witnesses will sit in relation to the legal representative in your room.
- Make sure you have access to all the necessary documentation: witness statements, medical records and the Coroner's hearing bundle.
- Ensure you have the printed wording of the oath and affirmation for witnesses to read before giving evidence. If witnesses choose to take the oath then they also need to have physical access to the relevant holy book upon which to place their hand when doing so.
- Ensure that you have a sign to display '*Inquest hearing in progress*' outside your room(s).
- Check in with witnesses and ensure that they will be ready to join the video link some 20 minutes before the start time of the hearing to tease out any connectivity problems. Do remind witnesses to mute themselves, turn off their video when waiting for the inquest to commence and to remember to unmute themselves and turn their video back on at the Coroner's direction.
- Ensure witnesses are aware that they must not speak about their evidence while the hearing is '*off-line*' if they are in the middle of giving their evidence.

Mills & Reeve inquest support

You will find this guidance and a lot more information and further guidance documents on our free online support page: www.mills-reeve.com/services/inquests

Of particular interest to witnesses is our briefing: [Attending the Coroner's court as a witness and how to give evidence](#)

Contacts

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