MILLS & REEVE
Achieve more. Together.

Briefing: Writing a statement for the Coroner

The purpose of the inquest 1
Why statement writing is important 1
The content of the statement 2
Matters of opinion 2
Who will see my statement? 2
The essentials of writing a good statement 3
Changing the statement 4
Take a copy 4
Support 4
Mills & Reeve inquest support 5
Contacts 5

The purpose of the inquest

When preparing for an inquest, remember it is not a trial, and no one will be found 'guilty' or held accountable in negligence. It is an inquiry led by the Coroner into who died, when and where they died, and how they came about their death. In some inquests, the 'how' question will involve a wider consideration of the circumstances in which the deceased person died.

If you provide a statement in an inquest, it may be read out in court, or you may be required to give live evidence on oath or affirmation on the basis of the statement, so you should always tell the truth. It is a criminal offence to say anything which you know to be false or do not believe to be true. If in doubt, seek advice.

Why statement writing is important

You need to take time and thought over any statement that you prepare for any purpose. It is worth remembering it will be a reflection of your professional standing. It is evidence of your work and professional activities. Statements are also an important source of information for others to understand what has happened and can be seen as important evidence about an incident. As well as helping the Coroner, good statement writing helps others with risk management and governance issues, to the benefit of the organisation, patients and staff.

It is also worth remembering that the process of pulling together the information and writing a statement is an excellent way of helping you remember what happened. If you are ever questioned about it later, a well-written statement will become an excellent 'aide memoir'. If you are providing live evidence in an inquest, it is acceptable to refer back to a written statement you have provided to the Coroner.

The content of the statement

A statement in an inquest is likely to fall into two categories:

1. A factual statement, where the Coroner is seeking factual evidence of your involvement.
2. An organisational learning statement, to provide an overview of changes implemented or planned by your organisation to prevent future similar incidents from reoccurring.

This briefing relates to factual statements. For information about organisational learning, please refer to our briefing note, 'Preventing future deaths'.

You should refer to the relevant documents and records before you start preparing your statement to refresh your memory or acquaint yourself with the deceased person's history. You may be called to give first hand evidence of your involvement or care of the deceased. Alternatively, you may be asked to comment as the 'leader of the team' involved with the deceased. If so, you should make clear what is known from your own knowledge and what is understood to be the case from your team and from the notes. There is nothing wrong with including matters in the statement which come from other people, as long as the statement makes it clear that this is what you are doing.

Please bear in mind the following points:

- Assume no medical or specialist knowledge on the part of the reader or the Coroner. You should explain all business, medical and industry terms and abbreviations.

- Focus on the factual issues and prepare your statement on the basis of a chronological outline of the facts.

Matters of opinion

If you have concerns about any care provided, or the conduct of others, or systems, you have a professional obligation to bring these to the attention of the relevant managers and to invoke internal governance procedures. This should be done at the earliest possible opportunity, rather than leaving it until close to the inquest.

Such issues can sometimes be of interest to the Coroner, but they may not be relevant to the inquest process given its limited remit.

It will be best practice in such circumstances to seek guidance through the appropriate channels within the organisation and to seek legal advice. This will ensure that matters are properly addressed, with investigations and actions put in place as appropriate.

You should also seek advice on the appropriate drafting of your statement if this is the case.

Who will see my statement?

Although a statement in an inquest is prepared for the Coroner, you must assume others outside your organisation might get to see it. This is likely to include the deceased person's family, and other interested persons who may be present at the inquest. As a good rule of thumb, it is also safe to assume that managers, advisers or lawyers might see your statement at some stage. It is also possible it could be seen by the press, although this does not happen in every inquest.

You must treat your statement as though it is a public document and may come into the public domain. Please write accordingly and be prepared to back-up what you write.

The essentials of writing a good statement

It is vital the statement has a logical order with a start, middle and ending and that it covers all the relevant information. Be honest and do not be influenced by others. The statement should be easy to read and understand. You might find the attached template helpful. The statement should use numbered paragraphs, be typed and prepared on 1.5-line spacing. There are certain formalities in respect of a proper heading and a statement of truth at the end.

The heading	At the head of the statement, you should include the date and confirm that this is the 'Witness statement of [your name]'. If the inquest process is already underway, you should include details of the relevant Coroner's Court and that the inquest is touching upon the death of [the deceased person's name]. In the introductory paragraphs, you should include details of your position, where you work, and your relevant experience / qualifications (with dates).
Terms of reference	Explain the purpose of the statement, why you are writing it and who has asked you to prepare it. You should make it clear that it is to assist the Coroner and help at any inquest into the death of the named individual.
Evidence	Explain your methodology, including documents you have read and references to any other sources of information and help in preparing the statement.
Isolate the facts	As soon as you are asked to prepare a statement, read any notes and records carefully. It's why we make notes – it's not a memory test! If you make separate notes of an event, make sure they are filed away with the records: do not throw them away. If it is a long and detailed series of events, create your own 'factual matrix' so you do not miss anything out and everything is in the right order. A chronological account of the facts is usually best. Be clear and avoid ambiguity. Make clear what is taken from the records, and what is constructed from your memory or from standard practice at the time.
Avoid lapses of memory	An inquest is a fact-finding inquiry, and honesty is the best policy. If something happened, and it is relevant, it should be included in your statement. Information should not be deliberately omitted because of a worry about how it will be perceived. If you have concerns about anything that happened, or about what might happen in response to your statement, then seek help and advice before writing. It is rarely as bad as you think. On the other hand, if you genuinely cannot remember something - say so clearly. Do not leave a gap in your evidence.
Statement of truth	You should conclude your statement with the following acknowledgement: *"I believe that the facts stated in this witness statement are true. I understand that proceedings for contempt of court may be brought against anyone who makes, or causes to be made, a false statement in a document verified by a statement of truth without an honest belief in its truth."* You should sign and date it.
Some basic points	• Make sure the statement is legible. Type it, and avoid pen and pencil. • Check the spelling, grammar and punctuation. • Make sure it looks neat and tidy.

- Avoid abbreviations and 'NHS Speak' (e.g. SCBU, CMHT etc.).
- Write in plain English so everyone can understand and explain any complicated or medical terms.
- Be mindful of confidentiality – avoid unnecessary and irrelevant issues or details and avoid references to other patients by name.
- Avoid gratuitous personal comments.
- Read it in detail before you sign it, especially if someone else writes it out. Put yourself in the shoes of a third party who does not know anything about this matter and ask yourself:
- Does this statement tell the story about what happened?
- Does the sequence of events flow naturally?
- Can someone who has no knowledge of this matter make sense of this statement?
- Is each and every point relevant and helpful to the Coroner?

Changing the statement

We are all human, and you may remember something after finalising your statement, and want to make a change to it. In those circumstances, you should explain why you are making the change, and ensure the change is clear. It is best done by an 'addendum' or supplementary statement, which you should sign and date. It is best to avoid crossing out whole chunks or writing over the original statement; this is likely to invite unwanted and unnecessary questions.

If you need to make a minor alteration to a finalised statement (such as correcting a mistyped date), and an addendum or supplementary statement is not felt to be necessary, make sure your change to the original statement is clear and initialled or signed.

Take a copy

Always take a copy of your statement to an inquest, even if someone else writes it down for you. Always agree this before you sign it. It is your statement, and if you are asked to provide live evidence, you will need it to refer to.

Support

In certain cases, it will be good practice to check the contents of your statement with defence organisations or with your legal adviser before submitting it to the Coroner.

There should be a central point of contact between your organisation and the local Coroner's Office; check this and make sure you liaise through them. Do not liaise directly with the Coroner yourself and make sure you follow local procedures.

Mills & Reeve inquest support

Visit our inquest support webpage for guidance and short videos to help you prepare for and navigate the coronial process.

Explore our inquest support resources
Watch our inquest videos

Contacts

Feel free to contact our inquest specialists at any time.



Neil Ward
Partner
T: +441214568202
M: +447918287141
E: neil.ward@mills-reeve.com



Duncan Astill
Partner
T: +441223222477
M: +447974949723
E: duncan.astill@mills-reeve.com



Claire Bridgman
Principal Associate
T: +441214568467
M: +447552489395
E: claire.bridgman@mills-reeve.com



Ed Wrightson
Senior Associate
T: +441612348783
M: +447467997876
E: ed.wrightson@mills-reeve.com

Mills & Reeve LLP is a limited liability partnership authorised and regulated by the Solicitors Regulation Authority and registered in England and Wales with registered number OC326165. Its registered office is at 7th & 8th floors, 24 King William Street, London, EC4R 9AT, which is the London office of Mills & Reeve LLP. A list of members may be inspected at any of the LLP's offices. The term "partner" is used to refer to a member of Mills & Reeve LLP.
The contents of this document are copyright © Mills & Reeve LLP. All rights reserved. This document contains general advice and comments only and therefore specific legal advice should be taken before reliance is placed upon it in any particular circumstances. Where hyperlinks are provided to third party websites, Mills & Reeve LLP is not responsible for the content of such sites.
Mills & Reeve LLP will process your personal data fairly and lawfully in accordance with professional standards and the Data Protection Act 2018, General Data Protection Regulation (EU) 2016/679 (as applicable) and any other applicable laws relating to the protection of personal data and the privacy of individuals. You can set your marketing preferences or unsubscribe at any time from Mills & Reeve LLP marketing communications at www.preferences.mills-reeve.com or by emailing preferences@mills-reeve.com T +44(0)344 880 2666