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Briefing: Pre-inquest review hearings

Be prepared!

A pre-inquest review hearing or 'PIRH' is an administrative hearing which seeks to ensure efficient case management of an inquest.

When and how are they held?

PIRHs are not required in every inquest, but in our experience, they tend to be utilised in more complex inquests.

The Coroner can decide to hold one at any time during the course of their investigation, before the inquest hearing begins. PIRHs should be held in public, although the press and the public can be excluded by the Coroner in certain circumstances. Interested Persons ('IPs') should be notified of a PIRH's date and time.

It will sometimes be necessary for PIRHs to take place in person, but where appropriate, attendance via video link should be offered due to proportionality considerations.

Best practice

- **Notice**: The Coroner should ensure that all IPs, particularly bereaved families, have sufficient notice of the matters to be discussed at the PIRH.
- **Agenda**: Coroners should usually provide an agenda to all IPs at least two weeks in advance and, if appropriate, express provisional views so that agreement or opposition can be expressed. The agenda can be expected to include the following, particularly in the more complex or difficult cases:
    - The identity of the IPs
    - The scope of the inquest
    - Whether Article 2 of the European Convention on Human Rights is engaged
    - Whether a jury is required
    - Any issues of disclosure and the inquest bundle
    - A proposed list of witnesses, identifying those who might be called and those whose statements might be read
    - The date and length of the final hearing, and practical arrangements
    - Any other relevant matters

In a complex or difficult investigation, IPs may be invited to respond to the Coroner's agenda in advance of the PIRH, in writing, stating what they agree with and disagree with.

- **Disclosure**: The Coroner should also ensure that IPs, particularly those who are unrepresented, have sufficient disclosure of relevant statements and documents before distribution of the agenda, so that IPs can address the agenda on an informed basis. We suggest you should always invite the Coroner to disclose such evidence well in advance if it is not forthcoming voluntarily.

- **Recording**: Coroners are required to make and keep a recording of a PIRH under Rule 26 of the Coroners (Inquests) Rules 2013. It is not usual for a PIRH transcript to be provided to IPs, but it is good practice for the Coroner to provide the IPs with a written note following the PIRH that records the key issues and directions.

- **Evidence, conclusions and findings**: No evidence should be called at a PIRH. Coroners should avoid giving the impression at a PIRH (and in any documentation supplied before it) that the findings and conclusions of the inquest (or indeed final decisions of the PIRH) are in any way predetermined.

- **Appearance of bias**: Coroners should, at all times, take care in their dealings with IPs not to give the impression of bias. A Coroner should be careful in correspondence with an IP, such as a health and care provider, not to appear too familiar with or close to the correspondent; they should also not encourage familiarity from the correspondent, even though they might have got to know the correspondent well in the course of their work as a Coroner. Coroners should only write letters (and emails) in the course of their work which would stand the test of looking fair and unbiased if read out in court in litigation.

Legislation

Coroners and Justice Act 2009
The Coroners (Inquests) Rules 2013

Guidance

Chief Coroner's Guidance on Pre-Inquest Review Hearings

Mills & Reeve online inquest support

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

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