

Checklist when preparing for remote participation in an inquest hearing

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Lockdown restrictions imposed in March 2020 led to many inquest hearings being postponed. As these restrictions eased, Coroners came under increasing pressure to reduce the number of delayed inquest hearings, hold a greater number of inquests to clear the backlog, and ensure that these hearings are conducted safely. To that end, in June 2020, the Chief Coroner issued [Guidance No. 38](#) to facilitate remote participation in coroner's inquests.

The Guidance requires that the Coroner must be physically present in court throughout the inquest hearing, but in order to manage the impact of the pandemic on court proceedings it is permissible for some or all of the participants in an inquest to access the hearing remotely. This may include Interested Persons (IP) and their legal representatives, witnesses, family members and the media.

The Coroners (Inquest) Rules 2013 at Rule 17(2) makes specific provision for witnesses to give live evidence via video-link where to do so 'would improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently'. It is the Chief Coroner's view that the pandemic has increased the need to use technology to facilitate remote participation in hearings and that "partially remote hearings should take place wherever possible if the technology allows, it is in the interests of justice and their use is consistent with the administration of justice".

To satisfy the principles of open justice, the courtroom as far as possible should remain accessible to professional participants, interested persons, witnesses and in particular must be open for the public and the press even if remote participation is taking place during a particular hearing. There may be restrictions on how many people can safely attend the court and most Coroners are asking IPs to confirm in advance of the inquest how many people will be physically in attendance at court.

The decision to hold a remote hearing

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

A Coroner can order a remote hearing. Prior to this order being made, all those individuals and organisations affected should be given the opportunity to make representations and the Coroner will need to consider these alongside an 'interests of justice' test. If the family object to an inquest being dealt with remotely it is likely that the Coroner will revert to a face to face inquest hearing, albeit that this may result in a delay in the inquest being heard.

If the Coroner does not order remote participation, any participant can apply to take part in the proceedings remotely. Again, the Coroner will consider this alongside an 'interests of justice' test and so if you make such an application this should seek to demonstrate that remote participation:

- 'Would improve the quality of the evidence given by the witness or allow the inquest to proceed more expediently' (Rule 17(2)); or
- Is in the interests of justice and consistent with the administration of justice ([Guidance No. 38](#)).

Preparing for and dealing with a remote hearing

Coroners have worked hard to set up the technology to facilitate remote participation in inquests and are now beginning to work through the backlog of inquests that built up during the early stages of the pandemic. This is a new medium and the checklist below sets out some tips to help you deal with remote participation effectively and professionally:

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