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Voicing Loss

Principles for Practice No. 3

Humanity at the heart of the coronial process:
**Respecting and including the
deceased person**



Contents

<u>Respecting and including the deceased person - at a glance</u>	i
<u>Introduction</u>	1
<u>Principle 1: Respectful communication about the deceased person</u>	3
<u>Principle 2: Reflecting the personhood of the deceased</u>	6
<u>Sources of guidance and about Voicing Loss</u>	9

May 2024

Respecting and including the deceased person – at a glance

This good practice document is based on findings of the [Voicing Loss project](#) on the role of bereaved people in the coronial process. The project involved interviews with 89 people who had experience of the coroner service following the death of someone they were close to, as well as interviews with coronial professionals and witnesses.

This document is intended for professionals and practitioners in the coronial sector. It aims to support practice which respects and reflects the personhood of the deceased individual throughout the coronial process. This practice can make a substantial, positive difference to bereaved people's experiences of the coroner service.

The focus here is on two principles: **respectful communication about the deceased**; and **reflecting the personhood of the deceased**.

Respectful communication about the deceased person	Reflecting the personhood of the deceased
<ul style="list-style-type: none"> ✓ Language should reflect the humanity and individuality of the deceased. ✓ The deceased should always be referred to by name, in the form preferred by the bereaved. ✓ Bias, discrimination and stigmatisation in conduct or language towards the deceased, bereaved and the death should be recognised and challenged. ✓ Communication about the body and personal effects should be efficient, proactive and sensitive. ✓ Where possible, scheduling of hearings should avoid significant dates relating to the deceased. 	<ul style="list-style-type: none"> ✓ Bereaved people should be routinely offered the opportunity to present pen portraits, and given adequate time to prepare. ✓ The bereaved should also be offered choice and support in relation to how and by whom the pen portrait is presented. ✓ Where the bereaved wish to display a photograph or other visual material during the hearing, this should be accommodated as far as possible. ✓ Any restrictions imposed by the coroner on pen portraits or visual material should be fully and clearly explained to the bereaved.

Introduction

'I know it's all about the death,' said the mother of a young man who had died by suicide while a university student, **'but somehow it becomes about their life when you've got the inquest.'** For coronial professionals undertaking an investigation, the process necessarily centres on the four statutory questions of who has died and how, when and where they died. For the bereaved participants in the Voicing Loss research project, their experience of the coronial process – by definition – centred on the death of an individual with whom they had a relationship. It follows that, for most or all of them, it was not possible to address questions about the death in isolation from considerations of the life and the character of the person who had died.

This essential tension between the perspective of the professionals and the perspective of the bereaved is sometimes played out in disputes about the scope of a coroner's investigation: that is, about the extent to which it should examine factors that might have long predated, yet could have contributed to, the death. The tension is also evident in wider debate about the very purpose of a coroner's investigation – as discussed in the two Voicing Loss Policy Briefs: on the role and remit of the coroner (No. 1), and on locating the bereaved within the coronial process (No.2). The present good practice document, however, is focused more narrowly on aspects of coronial practice which can and should give due recognition to the humanity and uniqueness of the individual whose death is the subject of investigation. These aspects of practice are related here to two core principles:

Principle 1:

Respectful communication about the deceased person

Principle 2:

Reflecting the personhood of the deceased

The principles and good practice set out in this document are informed not only by the findings of Voicing Loss, but also by two widely used theories of grief and bereavement: continuing bonds and meaning-making. A continuing bond is the ongoing attachment that a bereaved person forms with the person who died; while meaning-making concerns the ways in which the bereaved seek to make sense of the death in the context of beliefs and normative assumptions about themselves and the world. Both processes are especially fraught and complicated in the wake of a sudden, traumatic

death.¹ They can, however, be supported by a coronial process which assists the formation of narrative understandings of the death and underlines the strength of the relationship between the deceased and the bereaved.

Another important part of the background to this document is the increasingly common practice of including 'pen portraits' at inquest hearings, involving the presentation by the bereaved of information about the life and character of the deceased. This is reflected in recent Chief Coroner guidance on pen portrait material, which 'welcomes and endorses' the practice.² Almost all (94%) coroners who completed the Coroner Attitude Survey in 2020 – the first ever survey of all serving coroners in England and Wales – agreed that it is appropriate at inquests for a family member to provide a pen portrait of the deceased when giving evidence. However, the survey reveals far more mixed views on the display of photographs by family when they give evidence, with only 27% saying that this is appropriate.³

This document should be read alongside the two other Voicing Loss Principles for Practice documents, which concern information and communication during the coronial process ([PfP No. 1](#)), and the quality of interactions at inquest hearings ([PfP No. 2](#)). All three documents, together, are intended to support the overarching aim of putting **humanity at the heart of the coronial process**.

“ [Reading my son’s pen portrait] was probably the last thing I could do for him, and that was my way of being there... We wanted them to see him as a person. He was a son, he was a brother, he was a cousin and he was a friend to a lot of people. And that’s what we wanted to get through: that he was more than just a prisoner. ” – **Mother**

“ I would have loved to have said: ‘He was an amazing dad, and he loved his children more than life.’ ” – **Wife**

¹ P. Cartwright (2020) *Supporting People Bereaved through a Drug- or Alcohol-Related Death*, Jessica Kingsley.

² Chief Coroner’s Guidance No. 41: Use of ‘Pen Portrait’ Material, July 5, 2021.

³ C. Thomas and T. McGuiness (2021) [2020 Coroner Attitude Survey: Report of findings covering all coroners in England & Wales](#), UCL.

Principle 1:

Respectful communication about the deceased person

The way in which professionals communicate – orally and in writing – about the deceased has significant repercussions for the bereaved. Where communication is respectful and acknowledges the essential humanity of the deceased, this offers comfort and reassurance.

"[The coroner's] approach, when we had the pre-inquest review hearing: she acknowledged the family and she spoke to us. She was very warm... And she was like, 'You know, I'm conscious of the way we're talking about this because it's a person who is involved; it's your loved one.' " - Sister

Respect for the deceased, and those who care for them, can be expressed in a variety of ways – not through communication alone, but also through practical measures such as taking account of special dates associated with the deceased in the scheduling of hearings.

"It was on [my husband]'s birthday that it was meant to start...I said to the coroner, 'You do know [that's his] birthday?' She was like, 'I can't. I've got to change it.' So, she changed it. " - Wife

Poor communication and failings in the wider process can, conversely, deny and even seemingly erase the humanity and individuality of the deceased. This is experienced by the bereaved as hurtful and alienating, and it

undermines trust in the coroner system.

"So we witness [my brother] being stripped of everything before us, again, in death. That was quite something; I'll never be able to describe that. He suffered, he had a life of difference to us because of [his health]. How is it possible that he could just be invisibilised?... We have no faith in anybody; we were naïve to believe that for once the law would do right by [my brother]. " - Sister

The language used by professionals in talking about the deceased is of critical importance. Referring to the person who died as 'the deceased' rather than by name; using the wrong name; misgendering or using the incorrect pronouns – factors such as these can accentuate the sense, for the bereaved, that this is a process that cares little for the people caught up in it.

"We were asked by the coroner about [my daughter's] status because I was told that we'd have to go through the proceedings with her being a male. I said, no, that wasn't right... So I'd taken the coroner's officer aside to explain that [my daughter] was transgender and I gave the [gender reassignment] certificate to be copied. They lost it. " - Mother

"They're talking about my brother, like he's nothing. My brother had no face, no name, no nothing. He was just called 'the

deceased'. And it upsets me that all these parties involved – it suits some of them to keep calling like that, a faceless, nameless human – not even a human." – Sister

"He was calling [my brother] the wrong name. He did that all through the inquest... But he apologised for it in the inquest so I just kind of let it go but, yes, that wasn't ideal. "

– Sister

Conduct and communication experienced as prejudiced or discriminatory, or which seem to demonstrate stigmatising attitudes towards certain types of death, are also damaging for the bereaved and engender wider mistrust in the coronial process and outcomes. This is the case, for example, where coronial professionals appear to treat a death or the deceased not as unique but as 'just another' one of their kind.

"At the time and then subsequently, I did think: 'Well, I wonder if that's why there was this lack of interest and lack of following certain things up – you know, just another black guy'" – Mother

"The [professionals] were on screens and they grinned all the way through, which was really upsetting. Because it was clearly just another case of another brown person who's died who, really, just no one cares about. "

– Friend

"It was just another student to him; it was another death; it was another young person who took drugs. I really did feel that. I felt there was no respect. I felt that [my son] did deserve respect, because he was a human being, but he had had his struggles."

– Mother

Poor, absent or inconsiderate communication about the personal effects and physical body of the deceased (including in relation to post-mortem examinations, tissue or organ retention,

and viewing or release of the body) can be especially distressing for the bereaved. This kind of communication is harmful because, far from respecting or acknowledging the humanity of the deceased, it *dehumanises* them.

"We didn't expect to have to ring coroners to find out when he'll be released back to the funeral home. We didn't expect to have to ask them if they want the note that he left, because it didn't seem of any importance. You know, it was always us chasing things up, and still is." – Cousin

"I couldn't read [the post-mortem report]... And I can remember now getting really, really angry, not even upset but really angry that I knew about things like the weight of his kidneys and stuff ... and that was really distressing because it kind of took [my son] away from me for a little bit and saw him as no more of as an object... Nobody takes their own life because their kidneys are too heavy. Why did I need to know that? I didn't need to know that. The only thing I wanted to know, as his mum was, 'Have you been eating?'" – Mother

"Then, one morning [the coroner's officer] phoned and said, 'I'm just phoning to give you the good news that the autopsy has been completed. I just want to ask you what you want to do with the soft tissue samples.' I said, 'I beg your pardon?'... At that point, I hadn't actually comprehended the intrusive nature of the autopsy. When he then said about the major organs that those tissue samples had been taken from, I realised what had happened. That was very, very, very distressing, distressing to the point of nightmare stressing." – Mother

Good practice points:**Respectful communication about the deceased person**

- **Language:** The language of written and oral communications about the deceased person should be respectful. This language should acknowledge their humanity and that they are individuals, not 'cases' to be processed.
- **Names:** As part of respectful language about the deceased, they should always be referred to by name, and in the form preferred by the bereaved, with accurate spelling and pronunciation. The preferred gender and pronouns of the deceased should also be respected in all communications concerning them.
- **Challenging bias and discrimination:** It is critically important to recognise and openly challenge bias, discrimination and stigmatisation in conduct or language towards the deceased and bereaved, and towards the circumstances and nature of the death. This includes being alert to and addressing one's own prejudicial or discriminatory attitudes and responses, as well as those of other professionals.
- **Communication about personal effects and the body:** Care should be taken to communicate efficiently, proactively and sensitively about the personal effects and the body of the deceased – including in relation to post-mortem examinations and other tests; the presentation of pathology reports as evidence; organ and tissue retention; and viewing and release of the body.
- **Scheduling:** When this is requested by the bereaved and where practicable, scheduling of hearings should avoid significant dates relating to the deceased.

Principle 2:

Reflecting the personhood of the deceased

We have seen, above, the harms and hurt caused by communication about the deceased which denies their humanity or implies they are 'just another' dead person. In stark contrast, the admission of pen portrait material at inquest hearings is an opportunity for the deceased to be humanised and given a posthumous voice. Pen portraits can be greatly valued by the bereaved as a means of conveying to the court something of the character and quirks of the deceased person; the kind of life they had led and the relationships that had sustained them; and sometimes the struggles and difficulties they and their family had endured.

"[The pen portraits] are so important, that you get to humanise a person, before anyone hears any evidence, I think." - **Mother**

"It was an opportunity to cover how difficult it had been for us, and to try and go some small way to explaining what it was like to live with a child with OCD [obsessive compulsive disorder], so that, when things came up during the inquest, there was some understanding of them." - **Mother**

Where bereaved people choose to read a pen portrait statement themselves, this can help to create a powerful sense of engagement with and inclusion in the inquest process.

"He made me feel like I owned that

courtroom... I was made to feel like I was the most important person in there by the coroner, and everyone else... I wanted [my brother's] voice to be heard. And the way for his voice to be heard is for me to do it."

- **Sister**

"The coroner did say to me, did I want to read it from the seat where I was, behind my solicitor, or did I want to come up to the witness stand? I said, 'No, I want to go up to the witness stand, I want to face the jury.'... I was given the option of either the coroner reading it or my solicitor reading it, but I wanted to read it, for [my son]." - **Mother**

The admission of a statement reflecting upon the life and character of the deceased can be meaningful for the bereaved even if they opt not to attend the hearing.

"I felt bad; I felt like I was letting [my son] down by not being [at the inquest]. But [my husband] and I just didn't want to be around the press... The coroner's assistant, did actually ask us if there was anything that we wanted to say. So, we put together a document of what [our son] was like. I believe that was read out, which was really great, because we felt that we had a voice."

- **Mother**

Where, in contrast, the bereaved are denied the opportunity to present material about the

deceased person, this can cause frustration, disappointment and a sense of exclusion.

"You are that bereaved person's spokesman. When they're dead, they don't have a voice. You're their only voice... I didn't get to speak about [my mother]. The coroner never spoke directly to me. The fact that he was so dismissive about her life, her name, her address – no, it just felt like a process was happening. I was present, but I wasn't really part of it." - Daughter

Mother: "And the coroner, literally, speaking with his head down so that I could barely hear what he was actually saying, was flicking through all the evidence that we'd sent to him... Then rapidly gave his decision. Got up. And I said: 'What about my family statement?' And he said – "

Father: "– 'It's over. It's finished. I've given my judgment.' Turned tail and walked out through his door."

The display of photographs, pictures or short videos of the bereaved – as part of the presentation of a pen portrait, or at other times during the hearing – can also be highly significant for the bereaved.

"For the whole [hearing, my daughter's photograph] was up front and centre, just in front of the coroner... It was propped up, slightly angled so it was looking towards the witnesses... I can't overestimate the positive impact that had for us, as a family, to really feel that she was part of the proceedings... Just to remind everybody that this name on the documents that they're talking about was a person, and a young person, who had funny-coloured hair." - Mother

"We started with a little video of [my son], which was, actually, very powerful... And that felt very important in the process. It just felt that [my son] was there, in the courtroom." - Father

Coroners' views on the place of visual material at inquests vary widely (as also indicated by the Coroner Attitude Survey, referred to in the introduction to this document). Some coroners have particular concerns about the impact on witnesses or jurors; others have few reservations..

"I don't have a problem with [photographs] at all. You're talking about the death of a person, so why not see the person? In any other court, whether it be a defendant or a victim, we see the person. So, why should it be different at inquest?" - Coroner

"Witnesses are there and they're still human, and the last thing I want is them to be upset. But usually, ... you can show [the photograph] to the jury members, so we know who we're talking about when I'm doing all my opening. But then once the evidence starts, then usually the photo will be down." - Coroner

From the perspective of the bereaved, however, a coroner's decision to disallow a picture or photograph – on the grounds of concern for the welfare of others – can be mystifying and a cause of anger.

"They wouldn't let me put a picture of [my daughter] up. They made me take a photo of her down because it was too upsetting for the clinicians giving evidence. I thought, 'Fuck your clinicians, what about us?'" - Mother

"The lawyer from the [health] trust asked us to take the picture down, on the basis that it might be upsetting for their client.... How upsetting do they think it is for us, mate?... We had to take it down." - Mother

Good practice points:**Reflecting the personhood of the deceased**

- **Allowing pen portraits:** Bereaved people should routinely be offered the opportunity to present information about the life of the deceased at inquest hearings, in accordance with the Chief Coroner guidance on pen portraits. The bereaved should be informed of this opportunity well in advance of the inquest, in order that they can decide whether to do so and prepare for it, and coroners should always ensure that time is allowed for the contribution during the hearing.⁴
- **Support with presentation of pen portraits:** The bereaved should be offered choice and support with presentation of a pen portrait – including in relation whether they or another undertakes this, and where in the courtroom they would sit or stand to do so.
- **Allowing visual material:** Bereaved people's wishes to display photographs, pictures or videos at hearings should be accommodated as far as possible. If coroners have concerns about the impact on witnesses or jurors, these should be weighed up against potential benefits to the bereaved.
- **Clear, kind communication about pen portraits and visual material:** Where a coroner deems it necessary to restrict the content of a pen portrait or the display of visual material, the rationale should be kindly, clearly and carefully explained to the bereaved in advance of the hearing. Where there are specific sensitivities around visual material, this should also be discussed with witnesses before a decision is made about whether or how the material is displayed.

⁴ Practice should reflect the [Chief Coroner's Guidance No. 41: Use of 'Pen Portrait' Material](#), July 5, 2021.

Sources of guidance and about Voicing Loss

This Principles for Practice document should be read in conjunction with the following practice guidance:

- Chief Coroner's Guidance, Advice and Law Sheets, which are intended to assist coroners with the law and their legal duties, and to provide commentary and advice on policy and practice
- Equal Treatment Bench Book which aims to increase awareness and understanding – among all members of the judiciary – of the different circumstances of people appearing in courts and tribunals
- The Statement of Expected Behaviour, setting out the standards of behaviour expected from all judicial office holders – in relation to each other, staff and court users
- The Advocate's Gateway's practical, evidence-based guidance for legal practitioners on communicating with vulnerable court users
- Resources produced by the Bar Standards Board, Solicitors Regulation Authority and CILEx Regulation for legal practitioners practising in coroners' courts, which include a statement of competencies.
- The practitioner's guide on Achieving Racial Justice at Inquests, produced by JUSTICE in association with INQUEST.



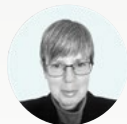
Voicing Loss



- The Voicing Loss project was conducted by the Institute for Crime and Justice Policy Research (ICPR) at Birkbeck, University of London, and the Centre for Death and Society (CDAS) at the University of Bath. It ran from May 2021 to May 2024.
- The study involved interviews with 89 bereaved people with experience of the coronial process; 82 coronial professionals (including coroners, coroners' officers, lawyers and others); and 19 individuals who had given evidence to an inquest in a professional capacity and/or supported colleagues who were witnesses. This constitutes the largest ever empirical investigation of lay and professional experiences of the coronial process in England and Wales.
- The project examined the role of bereaved people in the coronial process, as defined in law and policy and as experienced in practice; and explored ways in which the inclusion and participation of bereaved people in the process can be better supported.
- As a qualitative study, Voicing Loss does not seek to provide an exhaustive or representative portrayal of the coronial process. The self-selected sample of bereaved people is likely to be skewed towards those who had been bereaved in contentious circumstances. However, this does not detract from the value of their detailed, reflective accounts of direct experiences.

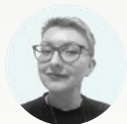
Further information on the study, including research, practice, policy and other outputs, is available on the [project website](#)

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Artwork by [Tyla Scott Owen](#).