An Update in Coronial Case Law – Inquests

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Whilst updates in coronial case law are rarely of concern, providers will want to take note of the recent case of *Maughan v HM Senior Coroner for Oxfordshire [2020],* which confirms the standard of proof for conclusions of suicide and unlawful killing.

Previously, conclusions of suicide and unlawful killing required the Coroner (or jury) to be satisfied so that they are *sure* of the fact of those conclusions. However, this case has now confirmed that the Coroner (or jury) now need only be satisfied *on the balance of probabilities* that such a conclusion is appropriate. The standard of proof is therefore now confirmed to be the *civil* standard of proof as opposed to the *criminal* standard of proof.

As a result of this judgment, conclusions of unlawful killing are likely to significantly increase and where, for example, there are concerns about care provided to a deceased individual, families may increasingly seek to persuade the Coroner that a finding of unlawful killing is appropriate, where the higher standard of proof may previously have prevented them from doing so.

Whilst a Coroner cannot make a finding of civil or criminal liability in respect of a named person (or organisation), conclusions such as unlawful killing will undoubtedly have far reaching consequences for a provider of care services, or indeed an individual person involved.

As a result of this case, care providers should exercise particular caution when involved in an inquest and should seek legal advice if there are concerns that appropriate care has not been provided or if there are allegations of poor care, whether justified or not.

If you do require any support in respect of an inquest you are involved in, please contact one of our specialist healthcare lawyers on 01202 786135 or by email to: online.enquiries@LA-law.com.

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