



CHIEF CORONER

GUIDANCE No. 41

USE OF 'PEN PORTRAIT' MATERIAL¹

1. An inquest is an examination of the relevant facts of a death. The coroner (in some cases with a jury) is carrying out a fact-finding exercise designed to determine the answers to four key questions: who, when, where and how a person died.
2. Over several years, the practice has developed of permitting material to be adduced before the coroner (or the coroner and jury) concerning the life of the person at the heart of the inquest. In 2018, 30,700 inquest conclusions were recorded. In the same period 423 inquests were held with juries. Many inquests are relatively short (an hour or so) and if the family are present, the coroner will generally ask them to let the court know something of their loved one in life – what he or she did, their interests and hobbies and details of their wider circle of family and friends. They may be asked if they have any family photographs that the coroner can see. The Chief Coroner welcomes and endorses such an approach.
3. Not all families will want to do this. Exceptionally, cases may also arise in which it would not be appropriate to allow the use of pen portraits. Subject to those rare exceptions, however the coroner should inform the family in advance that they will be allowed to present such material should they wish to do so. A number of recent inquests of national importance have used pen portraits to humanise the process and give dignity to the bereaved. It is a practice that can help the coroner to determine one of the four statutory questions, i.e. 'who' the deceased was.
4. Inquests tend to fall into one of four categories: documentary inquests, inquests where only the coroner and some family members are present, inquests with some interested persons, with or without lawyers, and inquests with coroner and jury.
 - (i) Documentary Inquests held under Rule 23 of the Coroners (Inquests) Rules 2013

¹ The Chief Coroner would like to thank the Coroners Court Support Service and INQUEST for their assistance with this Guidance note.

In these inquests pen portraits do not usually arise because there is just the coroner in the courtroom and no family members are present.

(ii) Inquests where only the coroner and family members are present

This is normally quite an intimate hearing when a family might tell the coroner something about their loved one. The more informal and relaxed nature of the proceedings enables this approach to occur.

(iii) Coroner sitting alone without a jury but with interested persons present

The Chief Coroner would expect a coroner sitting without a jury to adopt a relaxed and flexible approach to the admission of 'pen portrait' material. A family may well wish to adduce material before the coroner about their loved one and it will be incumbent on the coroner conducting the inquest to decide what is permissible and when the material is to be adduced. Such material is acceptable and easy to manage by the coroner, although advance notice of a family statement is preferable. Occasionally it may be appropriate to talk about the impact of the death on the bereaved.

(iv) Coroner sitting with a jury

In inquests heard by a coroner and a jury, photographs and other imagery of the circumstances of the death may well form part of the evidence placed before the court. In such circumstances, families may well wish to include some photographs or imagery from the life of the deceased. The type of material to be permitted, the amount of it and the timing of its admission will be a matter of judgment for the coroner.

It would be sensible for the coroner conducting the inquest to seek disclosure from the family of the material they would like to adduce by way of a 'pen portrait', as well as the format for such material to be presented, for example by way of written statement, photographs or video presentation. Directions given at a Pre-Inquest Review should cater for this. In many cases, a family member will wish to read out a statement rather than have a lawyer do so, but some families find this difficult and prefer a lawyer, coroner's officer or other person to do it for them. Depending on what is said the coroner may have to warn the jury that what was said is not evidence. Experience shows that many families accept there have to be boundaries and appreciate the opportunity to tell everyone in court about their loved one and their qualities and sometimes their shortcomings.

The coroner should make it clear to the jury that the pen portrait is a reflection of the person in life rather than in death and is not a matter of evidence to be taken into account when deciding on the conclusion.

**HHJ THOMAS TEAGUE QC
CHIEF CORONER**

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