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15 November 2021

Dear All,

GOVERNMENT'S RESPONSE TO THE JUSTICE COMMITTEE'S REPORT ON CORONER'S COURTS

Thank you for your joint letter of 13 October regarding the Government's response to the Justice Committee's report of its inquiry into the Coroner Service. I am responding as the Minister responsible for coroner and inquests law and policy.

We acknowledge the call for the provision of legal representation for bereaved families at inquests where public authorities are legally represented. However, we believe the coroner's role in managing the inquest to ensure it remains inquisitorial is sufficient to guide the inquest process and support bereaved families. The Chief Coroner has provided training and support to coroners and their officers to best deliver this approach.

I want to assure you that we are pursuing ways in which bereaved families can be further integrated in the inquest process through Legal Aid. The Legal Support Action Plan published in February 2019 following the Legal Aid Sentencing and Punishment of Offenders Act 2012 Post-implementation Review, committed to 'simplify the Exceptional Case Funding (ECF) scheme to ensure it works as effectively as possible' and we retain our commitment to this.

As you will know, we have already backdated the legal help waiver for inquests, meaning that the Director of Legal Aid Casework has a discretion to disregard upper financial eligibility limits for those seeking funding for legal help and/or legal representation at an inquest hearing under the ECF scheme. The department made this amendment so that families no longer have to pay privately in the early stages of the inquest process to enable solicitors to carry out work pending the disclosure of documentation.

I agree that the process for bereaved people at inquests should be as simple and easy as possible. As you have outlined in your letter, the department recently announced that we are taking forward legislation that removes the means test for ECF in relation to representation at an inquest, which we hope will improve access to ECF. We are also proposing to provide non-means tested legal help in relation to an inquest for which ECF has been granted for legal representation. We anticipate that this legislation will come into force in early 2022.

Further to this work, we are considering our overall approach to the means-testing of initial access to legal help for inquests as part of the Means Test Review. We hope to conclude the review shortly, at which point we will publish a consultation paper setting out our future policy proposals in this area.

On the Government's rejection of the Justice Committee's recommendation for a unified national coroner service, as explained in the response to the Committee, the Government carefully considered the resource that would be required to bring 85 separate coroner services, with staff on different terms and conditions and with different salary ranges and job roles, into a single service. Conscious of the Ministry of Justice experience in creating Her Majesty's Courts Service out of 42 magistrates' courts committees, this took a large team and significant resources over three years to achieve.

The Government, nevertheless, remains committed to ensuring that coroner services are delivered as consistently as possible across coroner areas and we will continue to work with the Chief Coroner to identify potential areas for improvement in the coronial system. We expect the Chief Coroner will continue to provide judicial leadership, guidance and support to coroners.

In its response to the Justice Committee, the Government committed to look further into ten of the recommendations, including establishing a coroner service inspectorate and options for ensuring reports to Prevent Future Deaths actively contribute to public safety, and we will report back in due course.

As you will all be aware, we are taking forward five clauses in the Judicial Review and Courts Bill aimed at streamlining inquest procedures, and in so doing, improving the experience of bereaved families, as well as supporting the Chief Coroner and individual coroners in their post-pandemic recovery plans.

Once again, thank you for having taken the time to write and I trust that this reply is helpful in clarifying the situation.

Yours sincerely,



TOM PURSGLOVE MP