



Right Honourable Dominic Raab MP
Secretary of State for Justice and Lord Chancellor
House of Commons
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13th October 2021

Dear Secretary of State

Re: Government's response to Justice Committee report on coroner's court

While we recognise this is a very recent appointment for you, we consider it important that you are aware at how disappointed we are to read the government's response to the Justice Committee's recommendations on the Coroner Service.

The Justice Committee's report was compiled with the benefit of having received written submissions and heard oral evidence from a wide range of stakeholders. The subsequent recommendations were well founded, well informed, and demonstrated an understanding of the core issues that can make the coroner's court appear a hostile environment to many families.

Over recent years there have been many calls for non means tested legal aid or other public funding to be made available to families. The committee recognises how important and urgent it is for families to have access to public funding in "***all inquests where public authorities are legally represented...***". The importance is reflected in the committee's recommendation that non means tested legal aid or public funding should be introduced without delay, that is by 1st October 2021. The committee stated that bereaved people should not be put through the difficult and time-consuming process of meeting the exceptional cases requirements.

We welcome the government's commitment to remove the means test for Exceptional Case Funding (ECF). However just as pressing is the need to address the exceptional funding requirements. Families are only eligible to apply for legal aid funding if they can show an investigation is required under Article 2 European Convention Human Rights (ECHR) or where the case has "wider public interest". The eligibility requirements are difficult to satisfy. If ECF is to become more accessible, then government needs to focus on improving both the means and merits test for securing ECF.

ECF only covers the family's costs of representation at the inquest – it does not cover the prehearing investigative costs, these are covered by legal aid, more specifically Legal Help. Again, only those families who meet the means and merits test for Legal Help are eligible for it. Legal advice and investigation are a prerequisite for proper representation at the inquest, the need for the public to be able to access this cannot be understated. If the government is

truly committed to tackling the blatant inequality of arms that currently exists for families, these issues need to be addressed without further delay.

The committee's recommendation that non means tested legal aid or other public funding be introduced by 1st October has not been observed. We call on the government to set a clear and urgent timetable for implementing this recommendation. The government has advised the wider issue of legal aid for inquests will be considered in their response to Bishop James' report. We draw attention to the fact that Bishop James' report "***The patronising disposition of power***" was commissioned in April 2016 by former Home Secretary, Theresa May and published four years ago in November 2017. When can we expect a response to this report? The current Home Secretary, Priti Patel has been respectfully copied into this letter to ensure she has the opportunity to reply.

The recommendation that there should be a unified national coroner service for England and Wales to ensure consistency of standards offered has also been rejected outright by government. The justification for this is that the "***cost of creating a national coroner's service is disproportionate to the benefits it might bring***". Will the government share the costs analysis that informed this conclusion?

The recommendation that the Ministry of Justice should consider setting up an independent office to follow up on actions promised to coroners and to report publicly where insufficient action has been taken has not been accepted either. This is a surprising response given that government recognises that prevention future death reports (PFD) are a "***vital tool in ensuring lessons are learnt***" and the active contribution PFDs make to improvements in public safety.

It has been stated that this will be considered further alongside the committee's recommendation on an Inspectorate of Coroner Services. Can you please offer some indication of when this will be considered? Teasing out the action that needs to be taken during an inquest is a time consuming and expensive process, ensuring some sort of oversight is already long overdue.

There is widespread recognition of the cost and impact coronavirus has had on the nation and beyond. However, the concerns and need for change highlighted by the Justice Committee are not new issues, it is simply that there has been a consistent failure to address this need and bring about the changes necessary. We repeat our previous call for this government to prioritise this opportunity and give effect to these recommendations without further delay.

We await hearing from you.

Yours faithfully

Peter Walsh, Chief Executive, Action against Medical Accidents (AvMA)

Beverley Radcliffe, Director, Coroners Court Support Services

Deborah Coles, Executive Director, INQUEST

Paul Rumley, Chairman of the Society of Clinical Injury Lawyers (SCIL)

James Titcombe OBE & Joanne Hughes, Harmed Patients Alliance

Nick Simmons, CEO, Roadpeace

Julian Hendy, Director, Hundredfamilies.org

Eve Henderson, Director and Co-founder, Murdered Abroad

Cc:

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Chief Coroner: Thomas Teague QC - chiefcoronersoffice@judiciary.uk