

Ministry of Justice: Draft Charter for the current Coroner Service consultation

Response from Thompsons Solicitors

September 2011

About Thompsons

Thompsons is the UK's most experienced trade union and personal injury law firm. It has a network of offices across the UK, including in the separate legal jurisdictions of Scotland and Northern Ireland.

Thompsons has represented families in many major tragedies such as Hillsborough, Piper Alpha, Kings Cross and Ladbroke Grove. The firm also acts on behalf of families of individuals killed in workplace accidents and regularly represents families who have lost loved ones due to industrial diseases such as mesothelioma and pneumoconiosis.

The firm is involved in around 50 inquests a year either on behalf of the family of the victim of a workplace fatality or by acting for a union member who, as an employee, was associated with an incident that led to a death.

We gave evidence to the Department of Work and Pensions and Home Affairs select committee on the Corporate Manslaughter Bill and have responded to all the consultation papers dealing with coroner reform.

Our response

Q1 Do you agree that the Charter and the Guide are complementary and best published together in one booklet?

Yes.

Q2 Do you agree that the Charter should include witnesses and all other properly interested persons, as well as bereaved people? If not, why?

Yes.

Q3 Does the draft Charter contain enough detail about current coronial practice? If not, what else should be included? (Please bear in mind that some information is contained in the Guide rather than the Charter.)

Yes.

Q4 Are the sections on how to complain about the conduct of a coroner, and the level of service received, easy to understand? If not, how could they be improved?

Yes.

Q5 What are your views on our proposal for a committee of voluntary bereavement organisations to assess the impact that the Charter has on the coroner service and to report their findings to the Secretary of State?

While we welcome an assessment of the charter's impact we think it would assist if the committee also included representatives from the trades union movement who are often involved in inquests following deaths at work.

Q6 Is the Charter a user-friendly document, and are there any other terms that need to be included in the Glossary?

Yes.

Q7 Have all the responsibilities of bereaved people and others who come into contact with the coroner service been included? If not, what other responsibilities should be included?

Yes.

Q8 Do you have any other comments on the draft Charter?

We are extremely disappointed that there has been no appointment of a Chief Coroner and that while the Office of Chief Coroner remains on the statute book, a number of its functions have been reallocated. We do not agree with the MoJ that plans to implement national leadership from a chief coroner should not proceed in the current economic climate.

Unless an individual has overall responsibility for the leadership, culture or behaviour of coroners, the lack of consistency in the approach that different coroners take to the conduct of inquests and the disclosure of documents will remain. Thompsons has always maintained that consistency in the approach by coroners around the country must be a fundamental principle of coroner court reform.

A Chief Coroner would provide guidance on the administration and conduct of inquests into work-related deaths, particularly where there may be an HSE and/or police investigation and where there may be a prosecution under the Corporate Manslaughter and Corporate Homicide Act.

In such circumstances the Chief Coroner should, for example, consider issuing guidance into access to documents and what type of documents should be requested. There is nothing in the Charter to address this problem.

A Chief Coroner would address the all too common problem of properly interested persons not being given information and disclosure of relevant documents and information.

While we agree with the requirement for a three month update and explanation of delays there are some occasions when it is not clear at the outset of the investigation whether we will be representing witnesses to the inquest. This usually arises where an employer will represent the witness but then finds it cannot due to a conflict of interest.

In order to assess whether a conflict exists we require the same information provided to all those recognised by the coroner as properly interested persons, whether or not we ultimately represent witnesses at the inquest.

A Chief Coroner would be able to decide on whether coroners should provide information in these circumstances.

By the same token, we are disappointed with the removal from the guide of the clause about properly interested persons obtaining a record of the inquest (page 26).

Q9 Do the Impact Assessment and accompanying Equality Impact Assessment accurately assess the costs and benefits of our proposal to publish the Charter? If not, what have we missed?

We have no comment.

Further information:

Jennie Walsh

Thompsons Solicitors

Congress House

Great Russell Street

London

WC1B 3LW

jenniewalsh@thompsons.law.co.uk