

# **Coroner Reform: The Government's Draft Bill**

**Response to Consultation**  
**(R) 6849/07**  
*27/02/2007*



# **Coroner Reform: The Government's Draft Bill**

## Improving Death Investigation in England and Wales

**Response to consultation carried out by the Department for Constitutional Affairs. This information is also available on the DCA website at [www.dca.gov.uk](http://www.dca.gov.uk)**



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## **Foreword**

**By Harriet Harman QC MP, Minister of State for Constitutional Affairs**

The draft Coroners Bill, published in June 2006, set out an ambitious plan of reform for the coroner service. Firstly we will improve the way that the system serves the public interest and meets bereaved families' concerns. The Bill will give families involved in the inquest process a clear legal standing in the system. For the first time, they will have rights through a new appeals system, enabling them to challenge a coroner's decision, and a Charter for Bereaved People will set out the level of service in relation to information and consultation they can expect more generally. Secondly we will strengthen coroners' work. The Bill will establish a transparent appointments system for a new cadre of whole time coroners, who will have to be legally qualified, and will provide them with improved powers of investigation. Thirdly, we will create a national structure for coroners' work. For the first time there will be a Chief Coroner who will provide national leadership for coroners, as the Lord Chief Justice does for judges. This will be supported by national standards, a coronial advisory council, a proper inspection system and national training for coroners and their officers.

I have consulted extensively on these provisions and the more detailed measures in the draft Bill. In addition to the traditional three month opportunity for written comments, I have held regional seminars for those who work in and who fund the service, I have had numerous smaller meetings with representative bodies, and groups from the voluntary sector who work with bereaved families, I have taken full account of the report from the Constitutional Affairs Select Committee (to which I responded on 7 November), and there has been the innovative public pre-legislative scrutiny session in Parliament with members of the public who had recently interacted with the coroner system. I am also publishing that report today.

As a result of the feedback we have received from all of these sources, I will be making changes to the following areas of policy in the Bill:

- appeals;
- deaths abroad;
- juries; and
- lessons learned from investigations.

In addition, I will be introducing new provisions on statutory reporting of deaths by medical professionals, and establishing how the Bill can better reflect the important role of the coroner's officer.

The issues on which we intend to have further discussions before the Bill is introduced in Parliament are:

- reporting restrictions;
- sharing of information between coroners and other authorities;
- disclosure of material to bereaved people;
- improved support for families at inquests;
- new coroner areas;
- improved working relationships between coroners and registrars;
- post-mortems; and
- medical support to the coroner service.

We will also be consulting shortly on new Cremation Regulations. These will include a new right for families to examine the medical forms prior to authorisation of the cremation by the medical referee, and to challenge or query their accuracy.

Last week, the Health Secretary published her response to the Shipman Inquiry. This included a commitment to bring forward proposals on reforms to the death certification system which until recently was linked to coroner reform.

Given the progress in that area, I am confident that we are now in a strong position to make some real and positive changes to the coroner system that will build on the committed service that is currently provided, and which will give effective answers to the questions bereaved people have about the deaths of their loved ones, and which will help to prevent future deaths. It remains the Government's intention to bring the Bill before Parliament as soon as time allows. In advance of that, we will take whatever steps we can, in consultation with those who deliver and fund the service, and those who have experienced the service and others with an interest, to bring about interim improvements to pave the way for legislation.

*Harriet Harman*

## Introduction

This document is the post-consultation report for the consultation on the Government's draft Bill on Coroner Reform.

It will cover:

- the background to the draft Bill;
- a summary of the responses to the draft Bill;
- a response to the broad issues raised; and
- the next steps following this consultation.

Further copies of this report and the draft Bill can be obtained by contacting the address below:

**Coroners Unit  
Department for Constitutional Affairs  
5<sup>th</sup> Floor, Steel House  
11 Tothill Street  
London  
SW1H 9LH**

**Telephone: 0207 210 0312**

**Email: Sarah.Henderson@dca.gsi.gov.uk**

This report is also available on the Department's website at: [www.dca.gov.uk](http://www.dca.gov.uk)

## Background

1. The Government's draft Bill on coroner reform was published on 12th June 2006. Although the consultation period formally closed on 8 September 2006, owing to the high level of interest and a number of meetings with interested groups that were held deep into the autumn, this response has been delayed.
2. The Bill aims to modernise the coroner system so that it provides a better response to bereaved families and others who are touched by the service. It will have new national leadership, while at the same time retaining the best features of a locally based service, and coroners will have new powers to enable them to carry out more effective investigations.
3. The Bill will provide five key reforms:
  - bereaved people will be able to contribute more to coroners' investigations, and there will be a new appeals system if they are unhappy about decisions taken;
  - national leadership will be introduced through a new Chief Coroner and a Coronial Advisory Council;
  - coroner posts will be whole-time and current boundaries will be reshaped to ensure a fair distribution of work and good links with relevant agencies;
  - coroners will have new powers to obtain information and to summon witnesses which will ensure better investigations and inquests; and
  - coroners will have better medical support and advice at both local and national level.
4. A list of respondents is at **Annex A**.

## Summary of responses

5. A total of 150 responses to the consultation paper were received. Responses came from a wide variety of organisations and individuals, including coroners themselves, local authorities, medical and legal organisations and a wide range of voluntary groups. In addition to the written consultation, the Department for Constitutional Affairs (DCA) held four regional conferences across the country, with those who work within or who fund the current service, in order to explain and discuss the key proposals in the draft Bill. We have also had a number of meetings with groups or individuals with a particular interest in coroner reform.
6. Responses to the consultation have been mixed. There is general support for the wider aims of the Bill and some of its particular provisions. However, there are objections from a range of respondents to some of the fundamental policy issues (largely echoing the reservations expressed by the Constitutional Affairs Select Committee); many called for a return to the proposals set out in the Shipman Inquiry Report and Home Office Position Paper of 2004.
7. To summarise, comments on the main issues were as follows:
  - **Changing Status and Structure of Coroners' Positions and Areas:** Mixed views were received on the proposal to have only whole-time coroners and concern about the reduction in coroners' numbers was expressed by several respondents. Additionally, some respondents felt that the proposed new titles for coroners are confusing. The proposal to alter boundaries was not met with any major objection, although there is a view from some that it will not achieve what is intended, and others wished to reserve their position until more detailed proposals emerge. ***We will bring forward such proposals later this year.***
  - **The Role of Local Authorities and Views on the Creation of a National Organisation:** The move towards giving the system a national perspective is welcomed by many respondents, but the majority of respondents have called for a return to the proposal for a full national organisation. There is a general concern that the system will remain fragmented if responsibility for funding and appointments remains with local authorities. ***We continue to believe that a service with national leadership from a Chief Coroner, but with delivery at an area level with involvement from local authorities, is the most effective reform model.***
  - **Resources:** The majority of respondents commented on the extent to which the current service is perceived to be under-resourced, and many raised concerns about the sufficiency of funds which the Government is devoting to reform. ***We will reconsider the estimates provided in our June 2006 regulatory impact assessment before a Bill is introduced.***

- **Appeals System:** Proposals for an appeals system were welcomed by the majority of respondents. However, there were some concerns that the scope, as drafted in the Bill, is too wide. Many respondents felt that the term 'interested person' requires definition. ***We have dealt with these issues in our response to the Constitutional Affairs Select Committee Report.***
- **Coroners' Officers:** Many respondents commented on the fact that the Bill does not directly refer to the role of Coroners' Officers and felt that this should be rectified to acknowledge the important work that they carry out. ***We agree that Coroners' Officers undertake a vital function, and we will consider further how their role might be reflected in the Bill.***
- **Coronial Advisory Council:** The majority of respondents welcomed the introduction of the Coronial Advisory Council and were pleased that it will include a role for lay people.
- **Death Certification:** A large number of respondents expressed concern that the draft Bill does not cover reform of the death certification system. The medical profession and the Coroners' Society have expressed particularly strong views on this. ***On 21 February, the Department of Health, in responding to the Shipman Inquiry in its entirety, announced that it would be bringing forward proposals on death certification shortly.***
- **Deaths Abroad:** Varying views were received on this issue. In the main, coroners felt that the proposal to remove the duty to investigate all deaths abroad was appropriate. However, there was a view from other respondents that the proposal does not go far enough to ensure an effective investigation into some deaths. The majority of respondents agreed that coroners' investigatory powers need to be strengthened when dealing with deaths abroad. ***We will announce proposals to address these concerns in due course.***
- **Use of Juries and Deaths at Work:** Mixed views were received on this issue. Many coroners supported the Bill's proposal to have discretion to summon a jury in any case where the public interest demands. However, a number of trade unions, including the Trades Union Congress (TUC) itself, objected to the removal of juries from the mandatory category as they felt that it would take away the necessary transparency and accountability from the process. Varying views were received on the proposal to reduce the number of jurors. ***We intend to retain the statutory criteria, under the current law, for jury inquests, although we believe that a maximum of 9 jurors is sufficient for the purposes of a coroner's inquest.***

- **Post-Mortem Examinations:** Responses were received both on the specific issues in the Bill and wider issues relating to post-mortems. The main points raised relate to the need for further specification as to who is qualified to perform a post-mortem, and also a common view from a number of respondents on the need for clarification on the purpose of post-mortem examinations. ***We will consider this further, taking account of the conclusions of the report by the National Confidential Enquiry into Patient Outcome and Death.***
  - **Outcome of Investigations and Civil Liability:** One of the main views received on this issue concerns the responsibility placed on coroners to report matters of public safety. A clear view expressed by many respondents was that there is a need to enhance, even further than in the draft Bill, the coroner's role in this respect. ***We announced, on 30 January, our plans to build on the Bill's proposals with the aim of improving the impact and monitoring of coroners' recommendations to prevent future deaths.***
  - **Reporting Restrictions:** The media expressed strong views against the proposal for coroners to have the power to impose reporting restrictions requiring anonymity in sensitive cases. However, many voluntary groups and individuals were equally strongly in favour of the proposal as a means to protect the privacy of bereaved families. ***In considering this further, we will also take account of the National Suicide Strategy.***
  - **Access to Information:** Most respondents welcomed the new coroners' powers of entry and seizure, although there were concerns about how it would work in practice. Varied views were received on the disclosure of evidence, including concerns about delays and inconsistency in the current system. ***We will give further consideration to these issues.***
  - **Provision of Medical Advice:** The provision of medical advice and post of national Medical Advisor in the Chief Coroner's office were welcomed. However, there was general concern that insufficient resources had been allocated for this to operate effectively, particularly at a local level, and more details of our plans would have been welcomed. ***We will publish these plans during 2007.***
  - **Draft Charter for Bereaved People:** The Charter was generally welcomed, although there were concerns that it risks raising expectations that cannot be met if a reformed service is not properly resourced. ***The Charter was intended as an illustrative draft only, and we will consult further on it as the reform programme progresses.***
8. **Further issues raised by respondents:** Comments were received from a number of respondents on: the suspension of investigations; deaths over 50 years old; evidence from witnesses under 17; deaths in custody; legal representation for families; accommodation; complaints; training; and treasure.

## Conclusion and next steps

9. The Government is grateful for the diverse and informed responses it has received about the draft Bill. We have already indicated, in responding to the report of the Constitutional Affairs Select Committee, how we intend to take forward policy on appeals and requiring doctors to refer particular deaths to coroners. We have also announced our plans to strengthen the Bill provisions about coroners' recommendations to prevent future deaths. In addition, the Department of Health has announced plans to consult on the reform of the death certification system. We will bring forward proposals, or consider further, the following issues during the next few months:
  - reporting restrictions;
  - deaths abroad;
  - juries;
  - how the role of the coroner's officer should be reflected in legislation;
  - sharing of information between coroners and other authorities;
  - disclosure of material to bereaved people;
  - improved support for families at inquests;
  - new coroner areas;
  - post-mortems; and
  - medical support to the coroner service.
10. The intention remains to bring the Bill before Parliament as soon as time allows. In the meantime we will also be looking – with many of those who responded to this consultation – at what improvements can be made to the service in advance of, and to pave the way for, legislation.

## **Consultation Co-ordinator contact details**

If you have any complaints or comments about the **consultation process** rather than about the topic covered by this paper, you should contact the Department for Constitutional Affairs Consultation Co-ordinator, Laurence Fiddler, on 020 7210 2622 or email him at [consultation@dca.gsi.gov.uk](mailto:consultation@dca.gsi.gov.uk)

Alternatively, you may wish to write to the address below:

**Laurence Fiddler  
Consultation Co-ordinator  
Department for Constitutional Affairs  
5<sup>th</sup> Floor Selborne House  
54-60 Victoria Street  
London  
SW1E 6QW**

If your complaints or comments refer to the topic covered by this paper rather than the consultation process, please direct them to the contact given on page 5.

## **The Consultation Criteria**

The six consultation criteria are as follows:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation process influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

**These criteria must be reproduced within all consultation documents.**

## **Annex A – List of Respondents**

### **Coroners**

The Coroners' Society

The Northern Coroners' Society

Dr James Adeley (HM Coroner for Preston and West Lancashire)

Robin Balmain (HM Coroner for The Black Country)

Dr Nigel Chapman (HM Coroner for the City of Nottingham)

Alan Crickmore (HM Coroner for Cheltenham in Gloucestershire)

Peter Dean (HM Coroner for Greater Suffolk and South East Sussex)

Chris Dorries (HM Coroner for South Yorkshire – Western District)

Nick Gardiner (HM Coroner for Oxfordshire)

Michael Johnston (HM Coroner for Western District of Dorset)

Paul Matthews (HM Coroner for the City of London)

Nigel Meadows ((then) HM Coroner for Plymouth and South West Devon)

Michael Oakley (HM Coroner for North Yorkshire – Eastern District)

Roy Palmer (HM Coroner for Southern London)

Michael Rose (HM Coroner for Western Somerset)

Victor Round (HM Coroner for Worcestershire)

Michael Singleton (HM Coroner for Blackburn, Hyndburn and Ribble Valley District)

Ian Smith (HM Coroner for Furness and South Cumbria)

### **Coroners' Officers**

Coroners' Officers Association

Henryk Pycz

### **Coroners' administrative staff**

Annie Johnson

**Voluntary organisations**

Action against Medical Accidents (AvMA)  
Adverse Psychiatric Reactions Information Link (APRIL)  
Asbestos Support Group Forum  
Cardiac Risk in the Young (CRY)  
Centre for Corporate Accountability  
Child Bereavement Trust (CBT)  
Epilepsy Bereaved  
JUSTICE  
Coroners' Courts Support Service (CCSS)  
CRUSE Bereavement Care  
Families against Corporate Killing  
INQUEST  
Justice for Victims  
Liberty  
Marchioness Action Group (MAG)  
Merseyside Asbestos Victim Support Group  
National Bereavement Partnership  
National Society for the Prevention of Cruelty to Children (NSPCC)  
Refuge  
Rethink  
RoadPeace  
Sudden Adult Death Trust  
Survivors after Murder and Manslaughter (SAMM) Abroad  
Survivors of Bereavement by Suicide (SOBS)  
The Childhood Bereavement Network (CBN)  
The Compassionate Friends  
Victim Support  
Victims' Voice

**Local Authorities**

Cambridgeshire County Council  
Camden Council  
Local Government Association (LGA)  
Mayor of London  
Midlands and Eastern Region Coroner Services Group  
Milton Keynes Council  
Shropshire County Council

**Medical organisations**

British Medical Association  
Cardiff University School of Medicine  
London-wide Local Medical Committee and London GP Forum  
National Confidential Enquiry into Patient Outcome and Death (NCEPOD)  
National Programme for Substance Abuse Deaths (np-SAD)  
Public Health Genetics, Cambridge Genetics Knowledge Park  
Royal College of Pathologists  
Royal College of Physicians  
University of Bristol Clinicians and Researchers

**Legal profession**

Association of Personal Injury Lawyers (APIL)  
Law Reform Committee of the Bar Council  
Bevan Brittan Solicitors  
Health and Safety Lawyers Association  
The Law Society  
Putsmans Solicitors

**Press organisations**

BBC

ITN

National Union of Journalists

The Newspaper Society

Press Complaints Commission

Society of Editors

**Other public authorities**

Independent Police Complaints Commission (IPCC)

Metropolitan Police

**Unions and professional/representative bodies**

AMICUS

Communication Workers Union

The Federation of British Cremation Authorities

National Association of Funeral Directors

Occupational and Environmental Diseases Association

Trades Union Congress (TUC)

The Transport and General Workers Union

UNISON

**Other Government Departments**

Department for Communities and Local Government (DCLG)

Department for Transport

Department of Health: National Suicide Prevention Strategy

Health and Safety Executive (HSE)

Home Office Crime Reduction and Community Safety Group

Ministry of Defence

National Patient Safety Agency, incorporating the National Clinical Assessment Service, (NPSA)

**Government committees**

Constitutional Affairs Select Committee (CASC)

**Other organisations**

Citizens Commission on Human Rights

City of London Committee on Administration of Justice

Forum for Preventing Deaths in Custody

Midlands Co-operative Funeral Services

National Museum of Wales

**Individual responses**

WH Adams

Ann Alexander (consultant, Irwin Mitchell Solicitors)

Malcolm Alexander (Lecturer in Patient and Public Involvement at the University of Westminster)

Paul Balen (solicitor)

Margaret Beckett MP

Pat Bentley (Member of RoadPeace)

Marie Best (Member of Parents Association for Prevention of Young Suicide)

Tim Boswell MP

Neil Cameron (Barrister)

Janice Cannon

Brian Carroll

Dr Lois Chaber and Neil Macindoe

Janet Dean MP

Dr Bridget Dolan

P R E Double (City of London Remembrancer)

Mrs A Drinkwater

Erica Duggan (Chair of Coroners Services Accountability Group)

Daniel Elton (Safety Management magazine)

Paul Farrelly MP

Michael Foster

Audrey Fraser

Tom Hawkyard (Hertfordshire County Council)

Professor Steven Hirsch

Michael Hutin

Adam Ingram MP

Greg Insull (Norfolk County Council)

Elaine Isaacs

Gail Jones

Stuart Jones

Ruth Kelly MP (on behalf of constituents)

Derek Langston Butler

Dr Stephen Leadbetter

Andy Lee (Leicestershire Constabulary)

Lilly Lewy

Tom Luce (Chair of the Fundamental Review of Death Certification and Investigation in England and Wales)

Jonathan Medland

Jessica Morden MP

Frank Mullane (on behalf of the Mullane/ Pemberton Family)

Andrew Murrison MP

D J R K Parker

Helen Reeves

Audrey Revell

Professor D S Robinson

Chris Rogers

Neil Ross (Glaisyers Solicitors)

Holly Rushton

Chris Simpson (Consultant Histopathologist)

Zoë Stow (Former Chair of RoadPeace)

Rita Taylor (Member of RoadPeace)

Shailesh Vara MP

Anne Wadey (Bereavement Services Manager)

Stephen White



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