Coroners Rules 1984 - Rule 43

Issued by:
Chris Boulton
Office of the Chief Fire and Rescue Adviser

Addressed to: Please forward to:
The Chair of the Fire and Rescue Authority
The Chief Executive of the County Council
The Clerk to the Fire and Rescue Authority
The Clerk to the Combined Fire and Rescue Authority
The Commissioner of the London Fire and Emergency Planning Authority
The Chief Fire Officer

Summary
This circular provides guidance and promotes best practice in the sharing of information between key stakeholders on issues concerning fire and rescue service activities identified within the Coroners Rules 1984 – Rule 43 process.

For further information, contact:
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General helpline 020 7944 8194 Website www.communities.gov.uk
1. **Background**

1.1 This Circular follows the earlier advice issued by the Chief Fire and Rescue Adviser (CFRA) to Chief Fire Officers on the 21st November 2008 (see appendix A) which detailed the changes to Rule 43 of the Coroners Rules 1984.

1.2 The Circular provides guidance which is intended to promote the sharing of information between key stakeholders on issues identified within the Rule 43 process that appertain to activities such as fire and rescue service operations, health and safety, training and other fire and rescue service activities. It encourages best practice and will also ensure that coroner’s letters are responded to both in a timely and a consistent manner.

2. **Rule 43 letters**

2.1 Coroners may choose to write to an organisation or individual; it is therefore possible that a Rule 43 letter is sent direct to the CFRA or to Communities and Local Government (CLG) as a Government Department. Equally, they could send a letter direct to a Fire and Rescue Authority (FRA) or a Chief Fire Officer. There may also be instances where a letter is sent to a third party involved in an incident e.g. a local authority.

2.2 When a FRA receives a Coroner’s letter addressed either to a Chief Fire Officer or a FRA it is advised that the CFRA should be contacted as soon as possible to ensure that the appropriate advice is made available to the FRA. It is also advisable that the CFRA is alerted to any subsequent recommendations made by a coroner within the Rule 43 process so that consideration can be given by as to whether there is a need to issue or amend national advice or guidance.

2.3 Under the Health and Safety at Work legislation employers have a duty to consult with employees or their safety representatives on health and safety issues, and provide them with the necessary information to enable them to perform their health and safety functions effectively. Where information appertaining to health and safety related issues are contained within a Coroner’s Rule 43 Letter it is recommended that FRAs, subject to their own legal advice, provide the relevant information to their employees or safety representatives as soon as possible.

2.4 In cases where either CLG or the CFRA receive a Rule 43 letter; contact will be made with the relevant FRA to discuss the incident. The CFRA will also ensure that the draft response is discussed with the relevant FRA before a reply is sent. Likewise if a third party receives a coroner’s letter concerning fire and rescue service related issues the CFRA will make contact to offer advice.

2.5 Responses to the Coroner will need to include details of any action that has been taken or which it is proposed will be taken, whether in response to the report or otherwise; or an explanation as to why no action is proposed.

2.6 Arising from the statutory changes the organisations and individuals who receive a Coroner’s Rule 43 letter have a statutory duty to respond to the Coroner and should do so within the 56 day time limit which commences from the date that the letter is sent. Any FRA receiving a Rule 43 letter should therefore act on it urgently.
2.7 The Rule 43 letter and its response should be assumed to be subject to the Freedom of Information Act. Therefore, the Lord Chancellor may potentially publish a copy of the response and/or send a copy of the response to any person who it is considered will have an interest or find the response useful. The Lord Chancellor could also choose to record the failure of an organisation or an individual to respond to a Rule 43 letter in any document published concerning Rule 43 letters (mostly likely an Annual Report laid before Parliament).

3. Further Information

3.1 Queries should be addressed to Chris Boulton, Office of the Chief Fire & Rescue Adviser.

Chris Boulton

Office of the Chief Fire and Rescue Adviser
To: All Chief Fire Officers (England)
London Fire Commissioner

21 November 2008

Dear Colleague

I thought it might be useful to update FRS colleagues on the changes to Rule 43 of the Coroners Rules 1984. The changes took effect from the 17th July 2008 and are detailed in The Coroners (Amendment) Rules 2008.

The amended rule introduces a new statutory duty for organisations to respond to coroner reports (a person who receives a report must send the coroner a written response). The rule requires that a written response be provided within 56 days of the day of the report being sent; although it is possible to apply for an extension.

The amended rule requires the Coroner to provide interested parties to the inquest and the Lord Chancellor with a copy of their report and the response(s) received. The Coroner or the Lord Chancellor may also send a copy of the Coroner’s report and the response(s) to any other person with an interest. The Lord Chancellor may publish the coroner’s report and response(s), or a summary of them.

The amended rule also clarifies when a Coroner may report the circumstances of a death to a person who the Coroner believes will have the power to take action in relation to future deaths. This will enable Coroners to report issues that may be peripheral to the current case but nevertheless prevent future deaths.

I will issue further advice in due course about how my team will be handling future Rule 43 letters that are sent to me for information and/or action.

I also intend to consider with CFOA how Rule 43 letters that are sent direct to FRAs for response, are best collated for potential subsequent operational guidance.
If you are in receipt of a Coroners Rule 43 letter during this interim period I would be grateful if you would let me know.

Yours sincerely

Sir Ken Knight CBE QFSM DL
Chief Fire and Rescue Adviser

cc: Barry Dixon CFOA Operations Committee