



Ministry of JUSTICE

Ministry of Justice

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Lord Harris
Chair
Independent Advisory Panel on Deaths in Custody
Clive House
70 Petty France
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eh
9 May 2011

Dear Lord Harris

Re: Proposed Abolition of the Post of Chief Coroner under the Public Bodies Bill

Thank you for your letter of 19 April outlining your concerns about the abolition of the Chief Coroner. You may be aware of similar correspondence I have had with Pat Baskerville which also highlighted the three recommendations accepted by the Ministerial Board on Deaths in Custody in March 2010. I have subsequently had a useful meeting with Pat Baskerville and, moving forward, we have agreed to work together to make sure that the Board's recommendations are taken into account in implementing coroner reform.

As you say in your letter, the creation of the office of the Chief Coroner was intended to provide an important oversight for coroners, and be an effective mechanism for the provision of guidance and standards to coroners to embed the importance of learning during investigations and inquests. But we do not believe that it is the only way to achieve such oversight.

Ministers have recently held a series of very productive meetings with interested parties to discuss alternative models for providing the standard setting, guidance and oversight function that would have rested with the Chief Coroner. It is proposed that this will be achieved by a Ministerial Board that will discuss and decide upon priorities for action at a national level within the coroner service. I would be more than happy to provide you with more information once the proposals have been agreed in detail.

It remains our intention to commence as much of the 2009 Act as possible and in order to achieve this we intend to transfer as many of the Chief Coroner's functions as possible to an appropriate body. Following discussions with the judiciary, broad agreement has been reached as to where these functions should appropriately be transferred, bearing in mind the need to ensure that a coroner's judicial independence must be maintained. Ministers will wish to announce the formal agreement on this in due course to Parliament.

Turning to your point on Rule 43 reports; as I confirmed in my responses to Pat Baskerville, a training session on writing Rule 43 reports was included in the 2010 coroner training courses. This included guidance and discussion on when to issue a report and how to make reports meaningful and relevant. We propose to issue further guidance in due course, consulting the Ministerial Board on Deaths in Custody as the guidance is developed. Indeed we have already been in communication with staff at the Board and Independent Advisory Panel about this and have asked for a list of the specific issues they would like to see addressed in this guidance. If there are any particular points you would like to raise I would be happy to receive them.

With regard to your particular concern about powers available to coroners to follow up Rule 43 reports, coroners have no power to mandate an organisation to respond or act on the contents of Rule 43 reports. This would not have changed if Part 1 of the Coroners and Justice Act 2009 had been implemented in full nor would the Chief Coroner have had any powers to achieve this. However, you might be interested to know that the evidence we have suggests that the majority of recipients of Rule 43 reports do indeed respond to coroners and the majority of responses give details of the actions they have taken. We publish a twice-yearly summary of rule 43 reports received, the most recent of which was published on the Ministry of Justice website on 15 March 2011. This can be viewed at the following link:

<http://www.justice.gov.uk/downloads/publications/policy/moj/rule-43-coroners-report-march2011.pdf>

In considering how best to implement the reforms, we will include a review of how the lessons learned from coroners' Rule 43 reports and the responses received might be more widely disseminated.

I hope this is helpful. I am happy for you to publish this letter on your website; we too are keen to be open with stakeholders about progress.

Yours sincerely,



Dr. Elizabeth Gibby

Deputy Director - Coroners, Burials and Legal Services Regulation and Redress