



dca

Department for  
Constitutional Affairs  
Justice, rights and democracy

DECLASSIFIED

2273  
27 MAR 2007

4/5/2

SUPPORT UNIT

The Rt Hon Harriet Harman QC  
MP  
Minister of State  
Selborne House  
54 Victoria Street  
London SW1E 6QW

T  
F  
E

[www.dca.gov.uk](http://www.dca.gov.uk)

The Rt Hon Des Browne MP  
Secretary of State for Defence  
Whitehall  
London  
SW1A 2HB

✓ PS/Min(AF)  
PS/USofS  
Aps/pus  
Ps/vcds-2<sup>nd</sup>pus  
EA/2SL  
MA/AG  
PSO/AMP  
MA/DCDS(Pers)

DGSPPol  
DGRP  
DGFM-D Fin Pol  
D News  
Head LFSec  
D Def RP-2AD  
SpAds

27 March 2007

Dean Des

### Proposals arising from meeting with relatives of service personnel on their experience of the inquest system

Thank you for your letter of 13 February setting out your views on a range of inquest issues.

#### Regionalisation

The issue of regionalisation seems to be less of a problem for families in England and Wales than it was at the time of the meeting with the servicemen's families in early December as the Oxfordshire coroner has recently been routinely transferring inquests of bodies repatriated via RAF Brize Norton to the coroner of the next of kin. By and large this process seems to have worked smoothly with the inquests being opened in Oxford after post mortem examinations at the John Radcliffe Infirmary before the coroner transfers on.

There has thus not been the need to repatriate fatalities directly to the area of the "home" coroner without any involvement by the Oxfordshire coroner (or his pathologist who may need to travel around England and Wales on a frequent basis to give evidence at inquests). Coroners were advised by a notice on the Coroners' Society website some months ago that the Oxfordshire coroner would be transferring inquests of overseas military fatalities wherever possible so there is no need to inform coroners now as you suggest. I understand that the Oxfordshire coroner's practice of transferring single death inquests will be followed by the Swindon and Wiltshire coroner when fatalities are repatriated via RAF Lyneham in his jurisdiction as from 1 April.

I note your comments on the issue of Scottish fatalities. We certainly would not want to create inconsistency of treatment between Scottish and England and Wales servicemen. I suggest we keep open the options here and explore the possibility of, for example, transferring jurisdiction to coroners nearer the border with Scotland so that families would not have to travel so far to go to inquests.

#### Information pack for families

DCA and MoD officials recently met to discuss the role of the visiting officer and others concerned in dealing with bereaved servicemen's families, including the training of those who assume this role. As far as the visiting officer role is concerned, there does



INVESTOR IN PEOPLE

DECLASSIFIED

DECLASSIFIED

seem to be scope for improvement which would include considering more carefully the appropriateness of those asked to undertake these duties and a better appreciation of the purpose of the inquests and the family's role in it – it seems that in the process of reassurance, families may have been informed that they need not raise questions at the inquest.. The high profile military inquests in Oxfordshire have clearly brought the needs of bereaved families into sharper focus. Your officials will now be drawing up proposals for changes to the existing guidance for visiting officers and those who supervise visiting officers.

#### **Victim's advocate for Service families**

This is largely covered by what I have said above about information for service families. The proposals for changes to existing guidance should result in a better service to families throughout the inquest process from the various visiting officers.

#### **Early advance disclosure of, and paying for, documents**

Work is currently being undertaken by my officials to review advance disclosure practices in a number of jurisdictions with a view to preparing and issuing best practice guidance. This will be a 3-stage project: firstly background research into the current legal position; then a survey of the current practice on advance disclosure in 10 coroner jurisdictions which will include speaking to coroners and their officers to identify both any difficulties they experience and elements of best practice; and finally production of guidance to be issued to coroners.

In the meantime, I understand that [redacted] has been fully reimbursed by Oxfordshire County Council for the fee he paid for the transcript of the inquest into the death of his son.

#### **Funding**

Thank you for investigating other potential funding routes with Treasury and for confirming your offer of £125,000 for 2006-07. As you would expect, I am rather disappointed at this amount but given that we are almost at the end of this financial year I will accept this sum. You should, however, note that we do not consider that your offer sets a precedent and we would expect MoD to contribute should there be future military inquest backlogs requiring additional resources.

In relation to the original inquest backlog, I should advise you that 29 of the original 85 cases will now not be heard in 2006-07. We will need to continue to discuss the costs associated with these inquests in the course of the next financial year but we would be looking to MoD to meet the costs.

*Best wishes*

HARRIET HARMAN

*Yours*

*Helen*

DECLASSIFIED