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To:

Date: 19 April 2007

cc: Antonia Romeo (SOS PPS)  
Philip Bassett (DCA SpAd)  
Mary Pattison (DCA)  
Colin Myerscough (DCA)  
Paul Harris (DCA)  
Ben Elton (PS SOS)  
- (PS MIN(AF))  
David English (PS SOS MOD)

From: Darren Tierney  
Private Secretary  
Harriet Harman's Private Office  
Selborne House

Tel:

Subject: **Note of meeting between Harriet Harman and Adam Ingram on legal representation at military inquests**

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1. Thank you for attending the meeting with Harriet Harman (HH) and Adam Ingram (AI) today. , Chris Baker (CB), Colin Myerscough (CM) and I also attended.
2. HH began by outlining the good progress that has been made to date with the backlog of military inquests in Oxfordshire but remarked that the process of completing the inquests has thrown up issues in relation to regionalisation, disclosure of information and legal representation.
3. HH remarked that there were two distinct areas to consider: logistical and moral support and advice/information, and separately legal advice/representation. HH said that she had three exposures to families that informed her views: the PLS event in relation to the Coroner Reform Bill on 9 November 2006, the meeting HH had held with families of servicemen and women who died in Iraq and whose inquests were complete on 4 December 2006 and the All Party Parliamentary Group on Army deaths meeting on 27 February. HH said that while the issue of legal representation was not solely one for the MOD, it was in relation to military inquests that the issue was most pressing. HH described the views presented to her by families at these meetings.
4. AI replied that he agreed with many of HH's concerns. AI said that the MOD was on the case in relation to providing a better service to families and was putting significant resources into it. He advised however that he did not see that MOD would ever meet all of the families' requirements given their differing

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needs and conflicting interests within families themselves. Al said that he was keen that the MOD response was practical in nature, but noted that MOD would be hard-pressed to provide such support in the event of one or more mass-casualty events.

5. Al went on to say that the other issues about coroners needed to be addressed by DCA, including as part of the reform process. Al asked for assurances about how DCA would ensure that coroners would deliver a family friendly service. He advised that MOD officials will continue to liaise with coroners and coroners' officers to provide advice and support in relation to MOD processes (for example in relation to Boards of Inquiry) so that they understand the context they are working in.
6. Al moved on to the issue of legal support and argued that there needs to be a cross-Government solution and approach. Al said there could be no question of limiting the provision of legal advice to families where a soldier dies in combat, not least because representation would not always be limited to one family representative, and because there would be implications for other Government departments. Al asked for clarity about the reform process and the context in which funding for representation was being considered. HH confirmed there was no intention to make the inquest process adversarial in nature.
7. In relation to evidence at inquests Al said that MOD had issued hard instructions to staff to trawl for evidence before each inquest to be sure that all possible relevant material is found and is known about before the inquest. He went on to say that he did not want to apply different standard to the United States than the MOD would want applied to it, arguing that MOD may have concerns about complying with similar requests for confidential information and witnesses.
8. HH welcomed the MOD support to coroners. Al said that there is a risk that campaigners will suggest that the MOD is trying to affect the independence of the coroner. HH replied that she is satisfied that she can argue the case for this given that this support is provided at Oxfordshire but is seen as independent by all involved.
9. Al suggested that there could be a training event for all those coroners that we know will have to deal with a military inquest. HH agreed saying that the additional assistant deputy coroners appointed in Oxfordshire had valued the training they had received. **Action:** to identify those coroners who have had cases transferred to them and ascertain their requirements and appropriate training/support.
10. Al asked where the RAF Nimrod inquest would take place. JB explained that it would take place in Oxfordshire because the Oxfordshire coroner had assumed jurisdiction of the bodies when the plane landed at RAF Brize Norton before flying on to RAF Kinloss. Al asked what scope there is to transfer the jurisdiction to Scotland. HH explained that she had discussed this issue with the Scottish Lord Advocate (Aylsh Angiolini) and relevant Scottish Executive

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Minister (Cathy Jamieson) who both said that there is no scope for an inquest or Fatal Accident Inquiry into the deaths. **Action:** agreed to provide detailed advice on why the jurisdiction cannot be transferred to Scotland.

11. On legal support HH said that there is an analogous scheme for providing free legal advice that does not in itself provide a gateway to further legal aid. This was the personal and social legal advice element of the Victims' Advocates scheme. CM remarked that the key difference of the VA scheme is that it is concurrent with a criminal investigation and trial which is designed to decide guilt and punishment as opposed to the inquisitorial inquest process.
12. AI said that the proposed funding on legal representation represented resources that the MOD did not have. HH said that the DCA too had no funding for this. Both Ministers agreed that the increased support for families from the MOD and the increased support from coroners as well as the work on greater disclosure of information would go a long way to providing families with the support they want at inquests. AI said that he was prepared to ensure that families had an MOD representative with them at the inquest to provide explanations and support.
13. AI and HH both agreed that there was a need to table Written Ministerial Statements to update the House on progress.
14. **Action:** to draft WMS on disclosure of information and coroner support. This WMS should also set out what happens to bodies repatriated to Scotland.
15. **Action:** CB to draft WMS for the MOD on the increased support that they will provide to families as well as outlining the support coroners will receive from the MOD.
16. AI and HH agreed that the aim should be to have the WMSs drafted in 3 weeks' time.

Darren Tierney  
Private Secretary

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