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Oxfordshire coroner:

Note of meeting at 10 a.m. on 18 October 2006 in room 8.04 Steel House

Present

, MoD Service Personnel Policy
Martin Fuller, MoD Service Personnel Policy
, Army Inquiries and Aftercare Support Cell (AIASC)
, DCA Coroners Unit
, DCA Coroners Unit
, DCA Coroners Unit
, DCA, Private Secretary to Harriet Harman (until 10.50 a.m.)
, DCA finance

Purpose of the meeting

To agree on proposals to be presented to Harriet Harman and Des Browne on how to improve the handling of future inquest arrangements of servicemen and women deaths overseas and in particular to reconsider the current policy of repatriating bodies via RAF Brize Norton.

Points discussed

i. Current position

1. Government had exceptionally provided resources for the Oxfordshire coroner jurisdiction to reduce the backlog of inquests. Nicholas Gardiner, the Oxfordshire coroner, had now allocated all overseas servicemen's deaths to the 3 additional assistant deputies, Selena Lynch, Andrew Walker and Sir Richard Curtis. But the extra resources were for a limited period only until the backlog had been cleared and there had been 40 new cases since 15 May.
2. The coroner was now considering transferring cases to other jurisdictions but in limited circumstances. This followed the established policy when a body comes from abroad for the coroner to transfer the case to the deceased person's "home" coroner or the coroner at the intended place of burial or cremation. The coroner would not be transferring cases where there were multiple deaths and all transfers required the agreement of the receiving coroner.
3. The MoD had a good relationship with NG. Arrangements were well in hand for 2003 inquests and 2004 was looking equally positive. Selena Lynch had already been briefed with security information in connection with a number of deaths from roadside bombs.
4. Hostilities seemed to be escalating with an increasing number of casualties. While there were some advantages in NG becoming known as "the Army coroner", there were nevertheless serious delays and the needs of families awaiting an inquest had to be considered. There was increasing press and parliamentary interest in the delays. The "ordinary" coroner work in Oxfordshire, including prison and hospital deaths, needed to be handled too. The coroner had around 2000 deaths reported to him from Oxfordshire and he had serious backlogs here too. MoD officials accepted this.
5. One delay factor was that the coroner rightly waited for the MoD Board of Inquiry report before being able to list the inquest. This could not be avoided – a coroner invariably needed to wait for the completion of other inquiries before concluding the inquest – but it was crucial for families to be kept informed. It was already

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MoD practice to do this, appointing a visiting officer to each bereaved family for as long as they needed.

6. MoD had confidence in the way NG and his officers treated families. But DCA considered that he would be unable to cope once the additional resources were removed.

ii. Possible options

7. The Secretary of State for Defence hoped that the work could be shared among as many coroners as possible rather than keeping them all with the Oxfordshire coroner. However there was only a limited number of officials able to brief coroners on security information.
8. Harriet Harman and Des Browne expected this meeting to offer them some proposals to remove or greatly reduce the cases being dealt with by NG. Three possible options were mooted:
 - i) bodies to be flown in to other airheads than RAF Brize Norton, Oxon;
 - ii) rely on NG's existing power to initiate transfers;
 - iii) rely on a future power of the proposed Chief Coroner. This option could be discounted until at least 2009.

In discussion a different solution was identified as set out below.

9. Option a) would not be practicable. In April 2005 MoD looked at the feasibility of using other airheads for repatriation. Airheads at Marham, Waddington, Leeming, Leuchars, Yeovilton and St Mawgan were considered.
10. Marham and Waddington were discounted due to operational and infrastructure reasons, Leeming, Leuchars, Yeovilton and St Mawgan could mount such a ceremony but with some reservations and accepting some impact to operations.
11. RAF Lyneham was close by, and the technical crews could travel, but Lyneham was to close in 2 years;
12. Moving away from Brize Norton carried a significant degree of risk. Issues such as liaison with different coroners (or procurator fiscals), funeral services, local police forces and other authorities outside the department's control are significant; if plans (and working relationships) are not of the highest standards the adverse effect on families could be considerable.
13. Brize Norton has proved most suitable for the following reasons:
 - The unit is large enough to offer a significant amount of organic support
 - Brize Norton's technical facilities to receive C5 aircraft were not replicated elsewhere
 - It has a temporary mortuary facility
 - It has a training resource for potential coffin bearers
 - Considerate handling of relatives and friends of the deceased
 - Personnel at Brize Norton were thoroughly practised in the requirements of military ceremonial, which was the nation's thanks to the fallen and must not be marred by any error.
 - The security aspects lend itself more to Brize given levels of ministerial and senior Service officer attendance

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13. Civilian airheads been discounted because of security, media cost and C2 reasons:

- civil bases unable to handle AT armed with flares
- each airfield identified as a suitable option would have to give unqualified guarantee that commercial operations would cease during the repatriation ceremony
- at a civil airfield, media are likely to be less controllable

14. On option b), if a body arrived at Brize Norton and the death was reported to the coroner, that already made some work and NG would still have to undertake the transfer process with a potential risk of refusal by the "home" coroner in the current uncertain climate for coroners. There were also issues of the initial post mortem being carried out at the John Radcliffe Hospital by the Home Office pathologist who would then need to travel to the home coroner for the eventual inquest.

15. Currently the Oxfordshire coroner's officers briefed the family the night before the ceremony. It had, however, emerged at a meeting some ten days ago that they were not happy with this role. JH suggested that the briefing role could be incorporated into MoD's contract with funeral directors, who would of course be already present on site.

iii Proposed solution

16. JH pointed out that before a casualty was flown home there was a lead time of 5-10 working days to make preparations at home. Once an incident happened MoD policy could incorporate letting the "home" (or place of disposal) coroner know that the body will be coming into his district. This would avoid the need to involve the Oxfordshire coroner at all.

17. The following solution was **agreed**:

- MoD to continue to use Brize Norton for ceremonial purposes only;
- Families will have been contacted immediately after the death; the "home" or place of disposal coroner to be apprised that Kenyon's will take the body to his district immediately after the ceremony;
- Single bodies to be dispersed as above, and multiple bodies to one coroner if practicable;
- Casualties from Scotland or Northern Ireland to be dispersed as above, and the Procurator Fiscal or Northern Ireland coroner apprised so that they may begin an investigation if they think proper (and respond to any disputes from the family);
- Bodies of non-UK citizens or any casualties from the Gibraltar Regiment contingent to be returned home as at present;
- Civilian and security guard casualties to be dispersed as above (no military ceremonial is involved);
- Casualties from the Special Forces to be taken to the Herefordshire coroner's jurisdiction, where security considerations are already known and well met.
- The collation of coroner casualty data would be the responsibility of the DCA Coroners Unit.

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iv. Possible issues

18. JB felt there was a serious issue that some coroners might be difficult over the proposals and queried whether their views should be canvassed – if so the intended benefit to families should be stressed. The Coroners Society Hon Sec had only recently strongly endorsed a policy along the lines being proposed but the goodwill of coroners could not be guaranteed.
19. MH raised the possibility that after these measures NG might still be unable to live within his budget. MF confirmed that the question of payment of the special funding was still with the MoD Accounting Officer. JB clarified that the special funding was specifically to reduce the backlog and he would have to deal with the more recent inquests from Afghanistan and Iraq out of his existing resources. If any other coroners asked for similar funds the local authority would be advised that they would have to meet the expense.
20. JH asked if NG might be persuaded to disperse some of the backlog cases. BP replied that it could be done if NG still had the body and could get the agreement of the receiving coroner. But in the case of the Nimrod crash, NG must take the inquests forward as the bodies were no longer in his district.
21. The proposed policy would have to be revisited in the event of a very large number of casualties from one incident.

v. Other matters

22. JH would send JB a recent report on procedures at Brize Norton.
- 23.

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