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Constitutional Affairs
Justice, rights and democracy

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Dear Des,

18 December 2006

**Proposals arising from meeting with relatives of service personnel on their
experience of the Inquest system**

As you know, ^{on} ~~last~~ ^{11 Dec} Monday I held a meeting with 17 relatives of 12 UK service personnel who died in service in Iraq, to discuss their experience of the Inquest system. The families identified five common areas where changes could have improved their experience.

1. "Regionalisation"

A number of the families expressed concerns about the distances they had to travel to get to the inquests, which, with the exception of one family, were held in Oxford. This led to a number of problems, including the time taken up with travelling, some families not being able to use their own local solicitor at the inquest, and friends and other family members being unable to come and support them. They thought it would be a big improvement if Inquests could be held in regional centres nearer to them.

Under the current arrangements an Inquest may be transferred from one coroner to another, with the agreement of the other coroner. The law requires that the body should still be lying in the first coroner's district when the request is made (the Coroners Bill would remove this restriction). We are encouraging the Oxfordshire coroner to transfer cases to other coroners as a way of reducing his backlog and has recently transferred inquests to Hereford, Manchester, Cumbria and Blackpool. Another possibility is to see whether fatalities could be repatriated directly to the area of "home" coroner without any involvement by the Oxfordshire coroner. We are working on this. Primary legislation would of course give further scope.

There is a particular issue about Scottish fatalities which are repatriated to England and Wales. There is currently no discretion to hold a fatal accident inquiry in Scotland where the death occurs overseas, although we understand that there are moves to review this policy. This means that unless there is an Inquest in England there will be no inquiry at all in Scotland. It was suggested that until such time as the Scottish



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position changes, a coroner in the north of England might be able to take on inquests for Scottish families, and my officials are looking into this possibility. I am also going to discuss with the Scottish Executive the issue of extending the scope of the fatal accident inquiry to cover service deaths abroad.

2. An information pack for families

The families present had not known what to expect from the inquest. They said that they did not feel they were properly supported through the inquest, and were unable to get information about what the process would entail. This was a problem for all those at the meeting but particularly for those from Scotland and Northern Ireland. The families thought that an information pack, explaining what they should expect from the inquest and where to go for further support, would have helped to allay their concerns and ensure that they were better prepared. Such a pack, specifically for service families and inquests into military deaths, could bring together and build on the information already made available by the DCA on coroners' work generally (*The work of the Coroner* and *When Sudden Death Occurs*) and the support provided by the Visiting Officer for each bereaved service family. My officials would be happy to discuss what should go into the pack with officials at MoD. We will give an estimate of the cost of producing such a document tailored to the needs of service families.

3. A victims' advocate service for service families

The families also thought it would have been beneficial for there to be support provided for service families at the inquest, similar to the Coroner's Court Support Service already provided in a number of coroners' courts. They felt that service families had particular problems and a need for additional support as their relatives had died abroad and in conflict situations. The service could build on the service already provided by VOs to service families. The DCA has been involved in providing funding for the current support services of this type.

4. Early advance disclosure of documents

The families were particularly concerned about the issue of disclosure of documents. They strongly felt that they did not have access to the same documents as the Army or others who might be attending the inquest, or only obtained them at a late stage, too late to allow them to work out what questions they wanted to ask. Consequently, they were left with the feeling that they had not understood the full truth of what had happened. My officials will investigate with the Oxfordshire coroner what documents might have not been supplied to families at the inquest and why this would have been the case. I understand that the MoD routinely sends its Board of Inquiry reports to families in advance of the inquest.

Disclosure, in general, raises complex issues but once it has been decided what can be disclosed, we should ensure that the disclosure process takes place forthwith. Provisions on disclosure were included in the draft Bill. Guidance on disclosure was also included in the charter accompanying the Bill, which does not itself require legislation. There should not be any cost implications for coroners from our setting out standards on disclosure. We can do this by guidance and we will begin work on drafting this.

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5. Paying for documents

Some of the families were also concerned about charges they had to pay to obtain copies of certain documents relating to the inquests. The Coroners Rules 1984 currently state that coroners can charge for copies of documents in connection with an inquest. Coroners can also charge fees for transcripts, although not many have recording facilities and inquests are not routinely recorded. The fees for reports and transcripts are set out in the Coroners Records (Fees for Copies) Rules 2002. These Rules are also made by the Lord Chancellor and the rates are set by DCA. The scale of fees for transcripts of inquests depends on the number of words:

- a. For a copy less than 360 words: £6.20
- b. For a copy of more than 360 words but less than 1,440 words: £13.10
- c. For a copy of more than 1,440 words: £13.10 for the first 1,440 words and thereafter 70p for each 72 words or part thereof.

The fee for photocopies is set is currently £1.10 per page. It is a matter for individual Coroners whether they apply these charges or not, and practice varies between jurisdictions. The Oxfordshire coroner tells us that he does not charge for photocopies and only charges for transcripts to recoup the costs of the commercial transcribers.

My officials are looking into the financial implications of amending the rules so that coroners would have to provide **one** set of all documents free to the closest next of kin in all inquests. They are also exploring the cost of reimbursing those service families who have been charged for the cost of photocopies and transcripts. I understand from the coroner's officer in Oxfordshire that there has been one occasion when a family has been charged for transcripts, that being , who attended the meeting. On another occasion ITN were charged for a small section of the Terry Lloyd transcript.

I will write to you again once we have more detail on the practicalities and cost implications of each of these steps.

I am also concerned that the funding issues we discussed at our meeting on 24 May still need to be resolved. My Department is already incurring considerable costs in providing the additional resources for the Oxfordshire coroner. As you know it was MOD policy that determined all the bodies of military personnel should come back through RAF Brize Norton and that the Oxfordshire coroner should be encouraged to deal with the cases rather than transferring them onwards. I would welcome your assurance that MoD funding will be forthcoming as agreed in May.

*Yours**Harriet*

HARRIET HARMAN

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