

AP213

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BEREAVED SHOULD COME FIRST IN REVIEW OF CORONERS

The Review of Coroners Services is due to report any day on its recommendations for reforming the coroners and inquests system in England and Wales.

The Association of Personal Injury Lawyers (APIL), which conducted research into the coroners system prior to the announcement of the review, says that an overhaul of the current archaic, fragmented system is long overdue and should be reformed to put the rights of bereaved families first.

Personal injury lawyers are urgently calling for the introduction of a unified national coroners service to be run by the Lord Chancellor's Department (LCD), with coroners appointed and financed by the LCD, rather than local authorities. Under APIL's proposals a full-time coroner would be appointed for each region of England, Wales and Northern Ireland. The coroner would be responsible for the certification of all deaths, so doing away with the registrar's role, and the position should remain open to either doctors or lawyers.

Patrick Allen, APIL's president says, "We are also pushing for a new form of death certification to be introduced which standardises the cause of death, so that trends can be seen at a glance – useful for future research and health and safety purposes."

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Changes to the Coroners Act 1988 are also needed. “It’s madness that if you die in prison an inquest is held if it’s suspected that it was a violent or unnatural death, yet your family’s denied that right if you die in a police station or whilst detained under the Mental Health Act” says Patrick. “A new clause to the Act is also needed to clarify and extend the description of an unnatural death to help the coroner decide whether an inquest is required,” he said.

Bereaved people often consider conventional verdicts such as ‘accidental death’ to be unsatisfactory. APIL suggests alternative verdicts with a series of findings on the facts leading up to the cause of death would be helpful and should be made available routinely. Families do currently have a right to a more in-depth verdict but this is rarely exercised due to lack of awareness.

“The distressing situation of bereaved relatives at their most vulnerable, sometimes having to face the other party’s legal team with no help of their own, should be avoided at all costs. Public funding must be made available on such occasions, so bereaved people receive fair treatment. The provision of ‘exceptional funding’ for representation at inquests has done little to fill the funding gap in this area and this must be addressed,” says Patrick.

APIL believes coroners are ideally placed to make public safety recommendations, which should be taken much more seriously and implemented by relevant agencies. The current situation, in which action is rarely taken to prevent the same situation happening again, is clearly unacceptable. APIL also insists that the new system must also be fully compliant with the Human Rights Act.

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Patrick says that following several meetings with the Coroners Review Group, “We believe many of these ideas generated considerable interest. We hope now that the fundamental root and branch reform that is needed isn’t scuppered by lack of funding.”

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Note to editors: For further information, please contact:

Lorraine Gwinnutt
Press & Parliamentary Manager
APIL
11 Castle Quay
Nottingham
NG7 1FW
Tel: 0115 9580585
Fax: 0115 9243485
email: lorraine@apil.com

or

Jo Garner
Press & PR Officer
APIL
Tel: 0115 958 0585
Fax: 0115 9243485
email: jog@apil.com