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GOVERNMENT URGED TO IMPROVE LEGAL FUNDING FOR BEREAVED FAMILIES

Bereaved families facing the trauma of an inquest must not be denied legal advice and representation because of financial worries, APIL has told the Government in response to its draft Coroner Reform Bill.*

Calling for the power to award public funding to lie with the coroner, APIL president Richard Langton said families will be left in an intolerable position unless access to legal advice becomes more accessible.

“This draft bill, which in many ways will drag the coroners system into the 21st century, is a chance for the Government to really ensure bereaved families are not left to go through the system alone,” he said. “At inquests, families who are obviously already traumatised usually find themselves alone in the coroner’s court, while other parties – a big business for example - usually appear with legal representation.

“We know the number of families who currently receive legal funding is limited, and that lots of borderline cases are turned away,” said Langton. “Applications for funding should be made to the coroner and if the coroner gives it the go ahead, his decision should be binding on the Legal Services Commission. The Government has proposed introducing a charter for bereaved people, and we

believe this is a prime opportunity to remind people they have a right to legal advice, and that advice is readily available.”

APIL said it welcomed much of what the Government had proposed and was certain it would bring much-needed reform to the current out-dated system.

“There is no doubt the Government has worked hard on these proposals and while we feel there are still areas which can be improved, many of the proposals will undoubtedly be of benefit to bereaved people.”

APIL believes people should be compelled to report back to the coroner on any action they have taken to prevent similar deaths reoccurring in the future.

“While the draft bill does say people should take action, there is no statutory duty to follow up the findings of the coroner which means the guilty party may get away with doing nothing at all,” said Langton. “There must be an obligation on people to report back and show what measures they have taken to prevent the same thing happening again.”

Language used in coroners’ verdicts should also be modernised, according to APIL. Phrases such as ‘accidental’, ‘open’ and ‘misadventure’ do little to enhance the families understanding of what happened, says Langton.

“These short-form verdicts are outdated and the Government should seize the opportunity to use language which actually has meaning to the relatives of the deceased,” he said. “We believe narrative verdicts, including a series of findings on the facts leading up to the cause of death, would mean much more to a family than a single word summary.”

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Note to editors:

* *Draft Coroner Reform Bill*, published by the Department for Constitutional Affairs

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