CHANGES TO THE LORD CHANCELLOR’S EXCEPTIONAL FUNDING GUIDANCE FOR INQUESTS

I am writing to update you on the progress made by my Department to drive the Ministerial Board on Death in Custody’s work programme forward.

As the Committee will be aware, there is public and parliamentary interest in the provision of legal aid for inquests, and death in custody cases in particular. The Ministry of Justice is undertaking several pieces of work in this field.

In response to Dame Elish Angiolini’s report of her review of deaths and serious incidents in police custody, the Government made a number of commitments to the Board including the following:

i) To review the Lord Chancellor’s Exceptional Funding Guidance for Inquests; and

ii) To review provision of legal aid for inquests alongside the Post Implementation Review (PIR) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO).

These commitments to the Board were made to ensure that if a death in custody occurs, families are better supported through the process.

We will be announcing amendments to the Lord Chancellor’s Exceptional Funding Guidance for Inquests today on the government website. I therefore wanted to make sure you had sight of those amendments.

The changes to the guidance will make immediate improvements to the wording therein, to ensure a clear starting presumption that legal aid should be awarded for representation of the bereaved at an inquest following the non-natural death or suicide of a person detained.

The Ministry of Justice is also reviewing the provision of legal aid for inquests which will be published later this year, alongside the review of the wider reforms of legal aid (PIR). This will serve as a comprehensive overview of the provision of legal aid for inquests. It will also, importantly, look at other potential areas for improvement to ensure that families are provided with support they need to understand and properly participate in the proceedings.

Evidence gathering is currently underway. We are holding official-led meetings with key stakeholder groups, some of which have already taken place. We will also be publishing a call for evidence on this subject. This will provide an opportunity for anyone affected or interested in this area of work to contribute to the review and feed into future work. We invite and welcome Committee members to contribute to the call for evidence, details of which will be announced in due course.
Yours sincerely

LUCY FRAZER QC MP