



Ministry
of Justice

The Right Honourable
David Gauke MP
Lord Chancellor & Secretary
of State for Justice

Rt Hon Harriet Harman MP
Chair of the Joint Committee on Human Rights
Committee Office
House of Commons
London
SW1A 0AA

26 March 2018

Dear Harriet

JCHR INQUIRY INTO ENFORCEMENT RIGHTS

Thank you for your letter of 12 March 2018 concerning the experiences of bereaved families involved in the inquest process.

An inquest can be traumatic for bereaved families both in searching for answers and in hearing how their loved ones died. That search for the truth is important in helping the bereaved to understand and make sense of what happened. Their needs should be central to the investigation.

An inquest should be an inquisitorial process but, as you note, this is not always the case. We are therefore also considering how we can make inquests less adversarial and reduce the number of lawyers who attend without compromising fairness alongside other measures to make inquests more sympathetic to the needs of bereaved people, working with other government departments who are often represented at inquests, as well as the legal profession, the Chief Coroner's office and other key stakeholders.

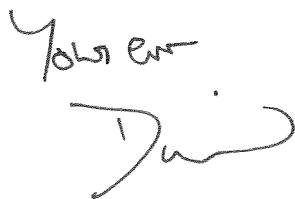
Specifically, we think that there might be some scope to change institutional behaviours early on after the death which might make an adversarial approach down the line at the inquest less likely and that there might be some scope for the Bar Standards Board and Solicitors Regulation Authority to improve the way lawyers conduct their representation in inquests to make it less adversarial.

We are also engaging with the Chief Coroner, who is responsible for coroner training, to see what might be done to train coroners to give them more confidence in "holding the ring", controlling the lawyers who attend inquests and keeping questions relevant.

Currently only just over a third of coroner areas in England and Wales have a formal service which provides bereaved families with practical and emotional support when they attend inquests and we are looking at the scope for extending this support to all coroner's courts, as well as considering the written communication which is currently provided to bereaved families.

My predecessor also committed to a review of the provision of legal aid for inquests which, alongside the review of the wider reforms of legal aid, will be published later this year. The provision of publicly funded representation in cases where the state is represented will be considered as part of this. The review is

already underway, and we will invite and welcome anyone with an interest to contribute to evidence gathering process.

A handwritten signature in black ink, appearing to read 'Yours truly' followed by a stylized signature of 'David Gauke'.

RT HON DAVID GAUKE MP