



CHIEF CORONER

Chief Coroner COVID-19 Note #3

This is the third note on COVID-19 issued by the Chief Coroner

Substantive Guidance on COVID-19 deaths

I expect this to be issued early next week subject to coordination with other interested parties.

Training

The Judicial College has cancelled all face-to-face training until at the earliest the end of June 2020. This includes my Conference on 27 March. I will update you when there is more information on the plan for training going forward.

Emergency legislation

Emergency legislation has been introduced in to the House of Commons. It contains a number of clauses relevant to coroners. Royal Assent and commencement of the clauses will come in due course. I will email a briefing note to you all later today.

COVID-19 consultative group

I have formed a small group of senior coroners who I will be having regular telephone conferences with. The purpose of those telephone calls is to ask senior coroners to update me on COVID-19 issues as they stand in their local areas: planning, including their perception of LRF planning and readiness, the capacity of the coroner service locally, numbers of reported deaths, issues with community deaths and any other issues which need to be aired.

Those named will also operate as regional contacts for me. Please feel free to use those senior coroners as a point to feed issues and concerns to me or my office.

HHJ Alexia Durran
Derek Winter
Fiona Wilcox
Graeme Hughes
Nicola Mundy
Louise Hunt
Joanne Kearsley
Andre Rebello
Penny Schofield
Caroline Beasley-Murray

Patricia Harding
Catherine Mason
Tony Williams
Heidi Connor
Jackie Lake
Maria Voisin

To state the obvious, it is not practical for the Chief Coroner to have a dialogue with 88 senior coroners on a conference call and the list of participants therefore has to be quite small. It is not my intention to exclude any senior coroner. The group in part it is based on the DVI cadre. The rationale for the named attendees includes (but is not limited to) that they operate in a major urban area, or a major region, or they are the SC for a very large area.

I intend the group to be flexible. Other senior coroners can be added if necessary, subject to a reasonable limit on participants.

Adjournment of inquests and other hearings

I apologise I have not been able to produce this Guidance to you before today. As you can imagine the position is fast moving. I know that some senior coroners have already been put in the position of adjourning all cases because their local authorities are closing buildings.

You will have seen the message from the Lord Chief Justice in respect of criminal trials in the Crown Court. Other Guidance on this topic has been issued to the mainstream judiciary today. It can be found on the judicial intranet.

Coroners courts are different in many ways to the 'mainstream' courts and tribunals in England and Wales and this Guidance recognises that difference. Coroners are investigative judges, and this means the majority of their judicial work is done at an early stage. Most reported deaths never proceed to inquest. Workload demands at the report of death and investigation stage have the potential to increase significantly in coming weeks and months and it is generally the anticipation of this factor over others which may mean that inquests will need to be adjourned.

My advice to all coroners in this exceptional situation is as follows:

1. Senior coroners should review their lists (as well as those of their area coroners and Assistant Coroners) and adjourn any jury inquests which are due to start between 31 March and Friday 28 August of any significant length. Cases which are scheduled for 1 September onwards should generally remain in the list. The 'three-day' approach of the LCJ may be a useful guide but events on the ground will inevitably guide your decisions. In practice this is likely to mean that the vast majority of jury inquests will be adjourned to a later date. It is a matter for each senior coroner whether they adjourn to a (realistic) new date now, or leave the position to be reviewed in due course and a new date fixed then.
2. Similarly, long or complex inquests not involving a jury due to start between 31 March and Friday 28 August, which will include those which require large numbers of witnesses to give evidence in person, should be reviewed and may have to be adjourned. As with criminal trials, complex inquests present particular problems because they are fact-finding inquiries which normally

require the presence in court of many different participants including the coroner, potentially a jury, the bereaved family and other interested persons and also lawyers and witnesses as well as staff.

3. Inquests which are ongoing - including jury inquests - should not be automatically abandoned. These inquests should generally proceed in the hope that they can be completed. However, there may be factors, such as the loss of jurors who are self-isolating, or other events outside your control, which may mean that some inquests will inevitably and regrettably have to be stopped and re-heard at a future date.
4. Less complex inquests and pre-inquest reviews which are listed to start between now and 31 March should generally proceed where at all possible, subject to individual factors in the case. I recognise in some parts of the country in practice this may be very difficult.
5. Coroners should make every attempt, where feasible, to use modern technology to enable the participation of the bereaved family and other Interested Persons and their representatives and those giving evidence. This will include, where possible, video links, skype, facetime or other applications and the telephone. Coroners will recognise that it may be prudent to complete as many inquests as possible now, in light of potential increases in workload in the coming weeks and months. Coroners should review the position in respect of less complex inquests beyond 31 March as this month progresses.
6. There may be other factors which mean cases which otherwise might proceed should be adjourned. This may include the vulnerability of family members and other Interested Persons in relation to COVID-19 risk factors. Families may wish not to attend but equally may be uncomfortable with an inquest proceeding in their absence. In some circumstances it may include the availability of counsel or solicitors who are following self-isolation advice, although coroners should attempt to keep proceedings on track first. These are all issues which may be raised with you. Cases which involve NHS staff may have to be adjourned to allow those staff to remain at work in the emergency period. However, I would caution coroners on taking a blanket approach. A member of NHS staff giving evidence, particularly in a shorter inquest, may not in practice disrupt the public health effort against COVID-19. A similar approach should be taken with police, prison and ambulance service witnesses. Dialogue with Interested Persons is important.
7. The coroner should seek views on adjournments from Interested Persons where possible. However, the decision on how to proceed in general rests with the senior coroner for the jurisdiction, and for each case, with the coroner hearing the matter. I recognise that decisions may have to be made with speed. The decision to adjourn should be communicated to the bereaved family in particular with sensitivity.
8. All those attending court should follow Public Health England guidance suitably adjusted to reflect the distinct features of a court as a working environment for all concerned, including jurors. This is the position taken by the Lord Chief Justice.
9. I am acutely aware that coroners may find themselves under significant pressure over the coming months. In any event, coroners may have no choice but to prioritise investigation and decision making on report of death over

inquests and this may well lead to adjournment. Coroners should keep the position on court hearings under review and I will issue further Guidance in due course.

10. Welfare of all coroners, coroners' officers and those working in the coronial system is vitally important. Please do ensure that you monitor your workload and that of those around you.
11. Finally, it is ultimately a matter for each senior coroner to take listing decisions for their coroner area. In some jurisdictions the pressures and issues will be different and different approaches, within the framework of Guidance above, may need be taken.

As the Lord Chief Justice says, we must make every effort to maintain a functioning court system in support of the administration of justice and rule of law. I know that all coroners are working hard towards this goal.

A handwritten signature in black ink that reads "Mark Lucraft". The signature is written in a cursive, slightly slanted style.

**HH JUDGE MARK LUCRAFT QC
CHIEF CORONER OF ENGLAND AND WALES**