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Northern Ireland Court Service

# Modernising the Coroners Service in Northern Ireland

## The Way Forward



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## Foreword



Baroness Catherine Ashton, Parliamentary Under Secretary at the Department for Constitutional Affairs and Minister for the Northern Ireland Court Service

Foreword

In February last year the Northern Ireland Court Service published a consultation paper on 'The Coroners Service of Northern Ireland: Proposals for Administrative Redesign'. The proposals outlined in the consultation paper were designed to improve the Coroners Service in Northern Ireland through administrative redesign.

The consultation period lasted until the end of April 2004. As part of the consultation process meetings were held with Northern Ireland political Parties and stakeholders to hear their views. There has been a good response to this consultation exercise and I am pleased to say that the great majority of responses were supportive of the proposals in the paper.

This paper provides an analysis of the responses received for each of the proposals and sets out a plan for the way forward in respect of each area.

I am confident that the reforms outlined in this paper will provide a high quality and professional service to bereaved families in Northern Ireland and the wide range of agencies with which the Coroners Service interfaces.

Catherine Ashton

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## Introduction

1. The Coroners Service in Northern Ireland is part of the Northern Ireland Court Service, which is the Lord Chancellor's department in Northern Ireland.
2. The consultation paper – 'The Coroners Service of Northern Ireland: Proposals for Administrative Redesign' was published in February 2004, and identified the following areas for improvement to the Coroners Service:
  - creating a single Northern Ireland coroners jurisdiction
  - revising the judicial structure of the Coroners Service
  - providing a better service to the public
  - establishing protocols with other agencies
  - death investigation
  - improving the availability and relevance of management information
  - introducing a Coroners Service Inspectorate
  - planning the future policy on the reform of the Coroners Service.
3. This paper provides an analysis of the responses received and outlines the way ahead in respect of each area.

## Creating a Single Northern Ireland Coroners Jurisdiction

### The Consultation Paper Proposed

1. The consultation paper proposed that the seven coroners' districts should be amalgamated into a single district covering the whole of Northern Ireland. Inquests would continue to be held throughout Northern Ireland as required. The Coroners Service would have its administrative headquarters in Belfast.
2. Creating a single coroners jurisdiction would entail improving the current staffing, accommodation and IT provision for the Coroners Service.

### Responses Received

3. This proposal received widespread support. A number of responses indicated that a single coroners jurisdiction would speed up the service and reduce delay.
4. Some concern was expressed at a potential loss of local involvement and the possibility of centralisation of inquests.

### The Way Ahead

5. We propose to create a single coroners jurisdiction for Northern Ireland. This will help to achieve uniformity of practice and provide a more effective and consistent service to bereaved families and other stakeholders.
6. The seven coroners districts in Northern Ireland: Armagh, East Tyrone and Magherafelt, Fermanagh and Omagh, Greater Belfast, Londonderry, North Antrim and South Down will be amalgamated into a single coroners district.



7. Although all coroners will be based in Belfast, they will travel throughout Northern Ireland to hear inquests. The location of the inquest hearing will normally be based on where the deceased resided, although the coroner will have the discretion to change the venue if a contrary wish is expressed by the next of kin or for other compelling reasons.
8. The administrative headquarters of this new coroners district will be in Belfast.
9. Additional staff resources will be allocated to the Coroners Office and enhancements will be made to the existing IT system to cater for the new service.

## Revising the Judicial Structure of the Coroners Service

### The Consultation Paper Proposed

1. The consultation paper proposed that the Northern Ireland Coroners Service should be overseen by a senior presiding judge at High Court level. There should also be a full-time coroner and two other full-time coroners.
2. The senior presiding judge would be appointed as a coroner following consultation with the Lord Chief Justice of Northern Ireland.
3. The current full-time coroner would assume day-to-day responsibility for the new Coroners Service. Two additional full-time coroners would be appointed.

### Responses Received

4. This proposal was welcomed by everyone who responded. Some respondents questioned whether the number of coroners to be appointed was sufficient to deal with the anticipated workload.

### The Way Ahead

5. We consider that it is important for the Coroners Service to become fully integrated into the mainstream judiciary and to be headed by a presiding judge.
6. The Lord Chief Justice of Northern Ireland will be invited to appoint a High Court Judge as presiding judge for the Coroners Service. The presiding judge will have the same powers as a coroner in respect of the investigation of deaths.

7. The Coroner for Greater Belfast will become the Coroner for Northern Ireland.
8. Two additional full-time coroners will be appointed.
9. We are satisfied that three full-time coroners and a presiding judge will be able to manage the caseload of the Coroners Service.

## Providing a Better Service to the Public

### The Consultation Paper Proposed

1. The consultation paper proposed that the service to the public could be improved in the following ways:

#### (i) Improved Family Liaison

Appropriately trained staff would be available to undertake a family liaison role. The family liaison officers would provide the bereaved family with information about the role of the coroner, the reason for a post-mortem examination, organ retention issues (if appropriate), the purpose of an inquest and the procedures that would be followed. They would also be able to keep the bereaved family informed of the progress of the coroners inquiry.

#### (ii) Better Administration and Information Technology

Additional administrative staff would be appointed to support the Coroners Service.

IT facilities would be improved. This would improve the efficiency of office administration and case management.

#### (iii) Improved Public Relations

The Information Service of the Northern Ireland Court Service would provide an enhanced public relations service to the Coroners Service including support for liaison with the media.

Information on the Coroners Service would be made available through the Northern Ireland Court Service website.

#### **(iv) Inquest hearings**

Appropriately trained staff would support the coroners at inquests. This would include swearing in a jury, if required, and any witnesses to be heard at the inquest. When necessary lawyers would be engaged to assist coroners in presenting the evidence at complex inquests.

#### **(v) Improved Training For Coroners**

Improving the training available for coroners is an important part of the reform proposals. We shall continue to make use of the existing training programmes and provide new programmes in conjunction with Northern Ireland Judicial Studies Board.

#### **(vi) Liaison between the Coroners Service and other agencies**

The Court Service would ensure that coroners' views are represented on Committees and Working Groups in areas affecting the Coroners Service. Coroners would work closely with the State Pathologist's Department, Hospital Pathologists and the Chief Medical Officer in Northern Ireland.

Coroners in Northern Ireland would maintain close contact with the Coroners Service in England and Wales to promote best practice.

### **Responses Received**

2. There was strong support for these proposals with a particular emphasis on improved liaison with bereaved families and the public in general. Some respondents suggested that a Family Charter should be developed.



3. Respondents emphasised the need for counselling skills, bereavement training and other appropriate training for both coroners and staff.

### The Way Ahead

4. Providing a service to families who have been bereaved is one of the core functions of the Coroners Service. We consider that the changes we have proposed will result in a more efficient and responsive service in which the public can have confidence:
  - Particular emphasis will be placed on training staff to deal with bereaved families and ensuring that relevant and timely information is available to the family especially in cases where it has proved necessary for the coroner to order a post-mortem. An improved public information leaflet detailing the coroner's role will be made available to the public.
  - Additional administrative staff will be appointed to the Coroners Service to provide support for the coroners and to ensure relevant information is provided to families and other agencies in a timely fashion.
  - Enhancements will be made to the Coroners Service IT system to allow more effective case tracking.
  - When necessary lawyers will be engaged to assist coroners in presenting the evidence at complex inquests.
  - Improved training will be provided for coroners under the auspices of the Northern Ireland Judicial Studies Board.

- The Court Service will ensure that coroners' views are represented on Committees and Working Groups in areas affecting the coroner's jurisdiction. Coroners will work closely with the Police Service of Northern Ireland, State Pathologist's Department, Hospital Pathologists and the Chief Medical Officer in Northern Ireland.
- A Family Charter will be developed detailing the standard of service members of the public should expect from the Coroners Service.

## Establishing Protocols with Other Agencies

### The Consultation Paper Proposed

1. The consultation paper proposed that the Coroners Service should develop protocols and memoranda of understanding with other agencies such as the Police Ombudsman.

### Responses Received

2. There was general agreement that protocols were necessary and the specific proposals in respect of child deaths and the Police Ombudsman were welcomed.
3. A number of responses suggested that protocols should be established with other agencies such as State Pathology and the Police Service of Northern Ireland.

### The Way Ahead

4. We propose that the Coroners Service will establish protocols with a wide range of agencies involved in death investigation. This will enable these agencies to agree on areas of responsibility together and the co-ordinating of investigations.

5. Work has commenced on establishing a protocol in respect of child deaths. The Department of Health, Social Services and Public Safety and the Northern Ireland Court Services together with other agencies are in the process of developing a regional Child Death Review Protocol for Northern Ireland. Once this work is completed there will be consultation with stakeholders on the content of the protocol and its applicability across Northern Ireland.
6. Work is already underway to develop a protocol in respect of the investigation of deaths in hospital.
7. The Coroners Service will agree with the Police Ombudsman a protocol setting out the information and services the coroner can expect in cases where the Police Ombudsman is investigating a death.
8. The Coroners Service will develop protocols to build upon the informal arrangements which already exist with the Police Service of Northern Ireland and the State Pathologist's Department.

## Improving Death Investigation

### The Consultation Paper Proposed

1. The consultation paper invited views on whether certain categories of death should be investigated by someone other than by the police.
2. One option would be to develop an investigative capacity within the Coroners Service. This might involve appointing suitably trained personnel who would assume responsibility for investigating the deaths and, if appropriate, refer cases to the police or other agencies. However, this could possibly result in investigative duplication and it would take significant time and resources to develop a comparable level of investigative expertise to that currently provided by the police.
3. It is important to establish whether there is a need for an investigative capability other than that currently provided for coroners by the police and the office of the Police Ombudsman and, if so, the best means of providing that capability. The consultation paper expressed a provisional view that the police (and in appropriate cases the Police Ombudsman) are best placed, and have the necessary expertise and resources, to undertake the investigation of the majority of deaths reported to coroners.
4. The consultation paper also invited views on the adequacy of the current arrangements for investigating deaths reported to coroners, and whether improved liaison arrangements should be put in place between coroners and other agencies.



## Responses Received

5. Responses revealed a divergence of views between those respondents who consider the police best placed to investigate deaths on behalf of the coroner and those respondents who considered that in certain categories of death it would be more appropriate to have a new investigative authority, e.g. Coroners Officers.
6. A number of respondents suggested that someone other than the police should investigate deaths where members of the Army were involved.

## The Way Ahead

7. We consider that in the majority of cases the police (or Police Ombudsman) are best placed to investigate the circumstances surrounding a death on behalf of the coroner. We consider however that there is a case for appointing a number of specially trained liaison officers in the Coroners Office to provide a link between the Coroners Service and bereaved families. These officers will have a particular role in cases where the coroner has decided that a post-mortem examination is required in order to accurately determine the cause of death. It will be a specific responsibility of liaison officers to ensure that family members are fully informed about post-mortem procedures and kept up to date about the progress of the case.
8. The need for a separate investigative capacity within the Coroners Service will be kept under review.

## Improving Management Information

### The Consultation Paper Proposed

1. The consultation paper proposed that coroners information systems would be enhanced to enable more effective management of data.

### Responses Received

2. The proposals were welcomed by all respondents on the basis that ensuring effective information is available will enhance public confidence in the Coroners Service.

### The Way Ahead

3. We propose that the information systems of the Coroners Service will be enhanced so that the following additional information will be made available:
  - the date on which a death is notified to the coroner;
  - the date on which information in writing about a death is received by the coroner from the police;
  - the date on which a final post-mortem report is received; and
  - the date on which the coroners inquiry is completed.
4. In addition we propose that the Coroners Service IT system will be modified to enable collection of information in respect of classification and categories of death.

## Introducing a Coroners Service Inspectorate

### The Consultation Paper Proposed

1. The consultation paper proposed that the Courts Inspectorate would be responsible for inspecting the performance of the Coroners Service in Northern Ireland.
2. The consultation paper anticipated that following the devolution of responsibility for the administration of justice to the Northern Ireland Assembly, this inspectorate function would be likely to become the responsibility of the Chief Inspector of Criminal Justice for Northern Ireland.

### Responses Received

3. A majority of responses welcomed the proposal that the Coroners Service should be subject to oversight by an independent Inspectorate. It was suggested that this would enhance the accountability of the service.

### The Way Ahead

4. We propose that the Coroners Service will be subject to independent inspection by the Courts Inspectorate.
5. Following the devolution of responsibility for the administration of justice to the Northern Ireland Assembly, we anticipate that the inspectorate function for the Coroners Service will become the responsibility of the Chief Inspector of Criminal Justice in Northern Ireland.

## Establishing a Coronial Council

### The Consultation Paper Proposed

1. The consultation paper proposed that consideration should be given to establishing a Coronial Council for Northern Ireland to advise on the operation of the Coroners Service. The paper further proposed that the Northern Ireland Coroners Service would be represented at the national Coronial Council.

### Responses received

2. Responses supported the establishment of a Coronial Council with the majority favouring participation in a national Coronial Council.

### The Way Ahead

3. We propose that the Northern Ireland Coroners Service should be represented on the national Coronial Council.
4. The possibility of establishing a Coronial Council for Northern Ireland will be kept under review.

## Implementation Plan

### Jurisdictional Changes

1. It is anticipated that the amalgamation of coroner districts will be rolled out over the coming months to create a single Northern Ireland coroners district.

### Changes To Judicial Structure

2. The Lord Chief Justice of Northern Ireland is expected to designate a High Court Judge as senior presiding judge of the Coroners Service before the Summer of 2005. The recruitment scheme to appoint two full-time coroners will be taken forward by the Judicial Appointments Commission when it assumes responsibility for judicial appointments in Northern Ireland in June 2005.

### Service Provision

3. The creation of a single coroners district serviced by the Coroners Office in Belfast will necessitate the appointment of administrative and liaison staff to manage the administration of the new service. This will commence in September 2005. Other necessary changes required to provide a better service to the public including the issue of public information leaflets and enhancement of the IT system will commence at the same time. A Family Charter will be developed during 2006.





### **Protocols and Enhanced Working Relationships**

4. Work has already commenced on agreeing protocols with agencies involved in the death certification and investigation process. It is expected that a protocol with the Police Ombudsman will be finalised by October 2005.

## Acknowledgement

The modernisation of the Coroners Service for Northern Ireland has benefited from the responses received to the consultation process.

The Northern Ireland Court Service wishes to thank all the individuals, groups and organisations that took part in the consultation exercise – their participation and the constructive views expressed are greatly appreciated.

Acknowledgement



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