



Chief
Coroner

HHJ Thomas Teague KC

Sir Bob Neil MP
Chair, Justice Select Committee
House of Parliament
SW1A 0AA

By email only

15 March 2024

Dear Sir Bob,

As you know I gave evidence to the Justice Select Committee on 30 January 2024. As part of that evidence, I answered questions from your colleague, Tahir Ali MP, in respect of coroner decisions following faith deaths. Whilst I cannot comment on individual judicial decisions, nor, as I said in my evidence, would it be fair to enter into public dialogue about individual coroner areas, given the interest in this issue I hope it will be useful to the Committee if I set out my thoughts in more detail than it was possible to do in the course of my evidence.

I would first like to address the general issue of raising complaints about individual judicial decisions or local coroner services more generally, since this was part of the context of the discussion on faith deaths during the evidence session, and I am concerned there may be some confusion as to the appropriate mechanisms for challenging judicial decisions.

As you will be aware, MPs have been requested by the Parliamentary Commissioner for Standards not to write on behalf of their constituents directly to judges to raise concerns about decisions in individual cases or to seek a particular outcome¹. This is not an edict or directive issued by the judiciary; rather it comes from Parliament itself. Nevertheless, from the perspective of the judiciary it is important guidance because it supports the rule of law and ensures that judicial independence in individual cases is respected and that judges are not pressured (or seen to be pressured) by Members of Parliament.

Coroners, as I know the Committee understands, are judges, and the Parliamentary Commissioner for Standards has recently made it clear that the guidance applies to them. As I explained in my evidence, coroners, as inquisitorial, investigating judges make any number of judicial decisions in an individual case, right from the point a death is referred to them. For example, a decision to have (or not to have) a post-mortem examination is a judicial decision. Similarly, case management decisions about which cases to prioritise, and when and how they should be progressed, are judicial decisions. That is why writing to a coroner to complain about a

¹ <https://www.parliament.uk/globalassets/documents/pcf/s/advice-notes/advice-note-2023.03.05---mps-writing-to-judges.pdf>

delay in a specific case is not appropriate; this puts pressure on the coroner to make case management decisions in a particular way.

Coroners' judicial decisions can be challenged in two ways, depending on the circumstances. The first and most common is through the judicial review process in the High Court. The second is by the process set out in section 13 of the Coroners Act 1988.

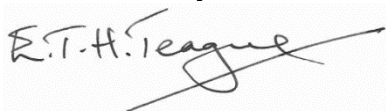
This does not mean, however, that there is nothing MPs can do if constituents in their area raise concerns about their local coroner service. Often the reason a constituent may be experiencing difficulty might be because there is an underlying general problem within the area. For example, if there is insufficient funding from the local authority to ensure the coroner service is appropriately staffed and resourced, the coroner may not be able to meet everyone's legitimate needs. Whilst it would not be appropriate for MPs to ask for something to be done in relation to a constituent's individual case, there is no reason why MPs cannot raise general concerns about the efficiency of an area or its approach to faith deaths. I would suggest that issues that may relate to resourcing (such as an insufficient out of hours service or concerns about delays) should first be raised with the Relevant Local Authority, which has a statutory duty to fund the service. MPs can also write to my office to draw my attention to any general issues. It may also be useful to raise resourcing or structural concerns about the coroner service with the Ministry of Justice because of its responsibility for coroner policy.

The second point I would like to make is that whilst coroners can prioritise faith death cases because of the disproportionate impact of delays on the families (as the courts have recognised, and as is reflected in Chief Coroner guidance), coroners will always have to take into account the facts of each specific case when deciding whether they can release a body. For example, a coroner may be unable to discharge their duty to conduct a sufficient investigation without ordering a post-mortem examination in a particular case. Even in the most well-resourced areas, the merits of individual cases will therefore mean that some requests to expedite the release of bodies for burial or cremation will have to be refused. There might also be delays as a result of external factors, such as the serious shortage of pathologists. If an interested person believes that the coroner has made an incorrect decision in relation to the release of a body, the appropriate mechanism for challenge is judicial review. What is not appropriate, because it undermines the rule of law, is that other means of pressure are deployed to seek to persuade the coroner to change their mind. It is crucial that coroners can make decisions based only on the law and the merits of an individual case.

As I hope I have already made clear in my evidence to the Committee and through the work I have done during my tenure, I am committed to supporting coroners to work in a way that respects peoples' religious beliefs. I am however keen for it to be recognised that there is chronic under-funding within the coroner service and that there are pressures on coroners that are outside their control. The vast majority of coroners are doing their best in difficult circumstances, and any perceived failures in expedited decision-making should be raised in an appropriate way that recognises the wider circumstances.

I hope this information is useful to the Committee.

Yours sincerely

A handwritten signature in black ink, appearing to read 'E.T.H. Teague', with a long horizontal flourish extending to the right.

HHJ Thomas Teague KC
Chief Coroner of England and Wales