

To: Members of the Judicial Review and Courts Bill Committee
scrutiny@parliament.uk

16 November 2021

Dear Committee members,

We write to urge your attention to the crucial opportunity that this Bill presents to level the playing field at inquests and introduce automatic non-means tested public funding for bereaved families at inquests where the actions of state bodies require scrutiny.

This inequality of arms is an unacceptable curtailing of justice, and undermines the preventative potential of inquests, to interrogate the facts and ensure harmful practices are brought to light. Inquests following state-related deaths are intended to seek the truth, to expose unsafe practices and abuses of state power. But the reality faced by most families is of multiple expert legal teams defending the interests and reputations of state and corporate bodies fighting to shut down or narrow lines of enquiry with a primary focus on damage limitation.

The evidence for this change is overwhelming. It is [supported](#) from all quarters, including every independent review and public inquiry that has considered issues faced by bereaved families over the last 20 years.

Most recently, the Justice Committee called on the government to *“make sure non-means tested legal aid or other public funding for legal representation is also available for the people that have been bereaved”* for all inquests where public authorities are legally represented. The 1 October deadline it set for government action has now passed.

We note the recent announcement from the Ministry of Justice that they will remove the means test for Exceptional Case Funding at inquests – this is a welcome step but does not go far enough. It will not ensure funding for families in crucial circumstances where we that the conduct of state bodies must be interrogated.

Examples of these circumstances include healthcare-related deaths in detention, self-inflicted deaths of voluntary patients in mental health settings or under the direct care of a mental health trust in the community, deaths in supported accommodation or care settings where the person has been placed by a public body or local authority.

The Ministry of Justice plans also do not yet guarantee funding for families during the important early stages of the investigation and inquest process where legal advice is crucial in navigating the system and can input on the scope and quality of the subsequent inquest.

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In its Committee Stage [briefing](#), INQUEST set out the detailed rationale for this crucial step as well as the elements of any amendment that should introduce this change. The organisations that have signed this letter support these proposals and urge you to commit to ensuring the Judicial Review and Courts Bill does not miss this crucial opportunity.

Yours sincerely,



Deborah Coles
Executive Director
INQUEST

Peter Walsh, Action against Medical Accidents (AvMA), Chief Executive
Emily Bolton, APPEAL, Founder and Director
Neil McKinley, Association of Personal Injury Lawyers, President
Sanchita Hosali, British Institute of Human Rights, Director
Jessica Mullen, Clinks, Director of Influence and Communications
Steven Wibberley, Cruse Bereavement Support, Chief Executive Officer
Jo Wittams, The Equality Trust, Acting Executive Director
Natasha Elcock, Grenfell United, Chair
Andrea Coomber, Howard League for Penal Reform, Chief Executive
Stephanie Needleman, JUSTICE, Acting Legal Director
Julie Bishop, Law Centres Network, Director
Paola Uccellari, Law Society, Director of Policy
Sue James, Legal Action Group, Chief Executive
Chris Minnoch, Legal Aid Practitioners Group, Chief Executive Officer
Sam Grant, Liberty, Head of Policy and Campaigns
Paul Farmer, Mind, Chief Executive
Emma Ginn, Medical Justice, Director
Lubia Begum-Rob, Prisoners Advice Service, Director
Peter Dawson, Prison Reform Trust, Director
Jo Hickman, Public Law Project, Director
Niamh Eastwood, Release, Executive Director
United Families & Friends Campaign
Mark Johnson, User Voice, Chief Executive Officer
Dr Kate Paradine, Women in Prison, Chief Executive
Khatuna Tsintsadze, Zahid Mubarek Trust, Co-director

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