



4 September 2006

The Rt. Hon. Harriet Harman QC
 Minister of State
 Department of Constitutional Affairs
 Selbourne House
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Draft Coroners Bill

I am writing to respond to the public consultation on the draft Coroners Bill.

I am concerned about one of the main proposals in the draft Bill. This is that coroners should be able to impose reporting restrictions in certain cases.

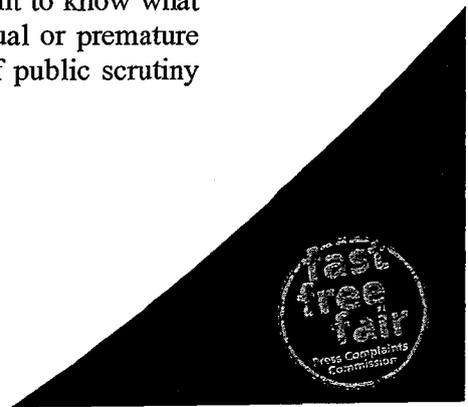
I realise that the motivation is based on an understandable concern for bereaved relatives. Such people contact the Press Complaints Commission frequently. We are experienced in dealing with their concerns, and indeed have suggestions about how they could be helped further. But I am worried that by requiring a case by case public interest test about whether anonymity should be granted, the interests of the broader public in having an open system of hearings into deaths will be overlooked.

In other words, there will surely be a temptation for coroners, when faced with applications for anonymity from the bereaved, to side with those vulnerable individuals who appear before them against the interests of the general public – who will of course be absent and anonymous. With each decision to restrict reporting, the principle of open justice will be eroded further. What is more, I cannot believe that it will be at all easy for a coroner to take a rounded view at the outset of a hearing on whether or not there is no public interest in hearing the case in public.

The right of journalists to report on inquests is not to be defended solely in terms of press freedom, although that is of course important. Such a right is also a key feature of an open society in which the public as a whole has a right to know what is going on, and be reassured that there are no cover ups of unusual or premature deaths. As with evidence given in other courts, the possibility of public scrutiny

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also focuses the minds of those appearing before the coroner on the importance of giving accurate evidence.

None of this is to say that the press has *carte blanche* to report inquests in any way it sees fit. Although journalists have a right to report on them, there are rules on intrusion into grief and shock which are relevant. Specifically, the Code of Practice under which the PCC takes complaints says that publication must be handled sensitively. The Commission has interpreted this as meaning that publication of excessive detail – which might seem to revel in gruesome details – or a report that makes light of an unusual death, may breach the Code.

There are further general rules on news gathering – particularly in terms of harassment – that are relevant when reporters or photographers turn up to inquest hearings.

I believe that the proposal to limit the rights of the press to report inquests is misguided. But that is not to question your motives. Much of what you are trying to achieve should be possible through greater education of the bereaved about what they can expect at such times, and about how they can object to inaccurate or intrusive reporting or newsgathering methods.

For instance, many of the people who complain to us have not even been told that reports of the inquest may be published. This comes as a shock to them. I am not sure whether there is currently a standard procedure for informing relatives about this, but if not I would certainly recommend that it becomes common practice, as the expectations of friends and family are often out of step with the reality. Quite naturally, at such difficult times they are not particularly focused on the broader public interest reasons for having inquest hearings in public.

Information packs about what is going to happen – with details of how to get support or to complain about any aspect of the experience – should be standard if they are not already. For our own part, we try to ensure that coroners' courts are well stocked with our literature and contact details. Members of our full time staff are experienced in advising the bereaved about how to minimise the impact of press reporting on them and their relatives. They can contact us 24 hours a day. If you think that there is more we can do, then we would be pleased to discuss matters with the DCA.

We all have the interests of the bereaved and vulnerable at heart. But there may be other ways of helping to protect such people without the significant downsides that are associated with this particular proposal.

With kind regards.


11 Sir Christopher Meyer

