

Inquest Law

Comprehensive analysis of the
latest changes introduced by
the Coroners & Justice Act

Wednesday 22 September 2010
Central London



Accredited by APIL

Chaired by:

MARTIN SMITH

Field Fisher Waterhouse LLP

Keynote speaker:

**SENIOR OFFICIAL FROM THE
MINISTRY OF JUSTICE**

Expert speakers:

DEREK WINTER

The City of Sunderland

BRIDGET DOLAN

3 Serjeants' Inn

HUGH SOUTHEY QC

Tooks Chambers

JONATHAN HOUGH

Four New Square

PETER MERCHANT

Beachcroft LLP

ALISON MACDONALD

Matrix Chambers

DAVID LEWIS

Weightmans LLP

KEVIN MCLOUGHLIN

Temple Garden Chambers

HENRIETTA HILL

Doughty Street Chambers

This must-attend event will provide you with practical
guidance on current and future developments.

- Hear directly from **The Ministry of Justice** on the implementation of the Coroners & Justice Act
- Understand in what circumstances coroners are **applying Rule 43**
- Explore the effect of **Article 2** of the ECHR on inquests
- Debate the new system of **appeals**
- Understand the impact of the **latest case law** developments

Public sector organisations attend from as little as £349 + VAT

BOOK TODAY tel +44 (0)20 7347 3573

fax +44 (0)20 7347 3576 email registrations@lexisnexis.co.uk

www.conferencesandtraining.com/inquest-law

Comprehensive analysis of the latest changes introduced by the Coroners & Justice Act

Why attend this conference?

Organisations that owe a duty of care for the welfare of those under their watch need to prepare themselves for the challenges of dealing with an inquest, especially in light of the new **Coroners & Justice Act** and the **Human Rights Act**.

On 12 November 2009 Royal Assent was given to the new Coroners and Justice Act. This heralded the **first major reform** of the coroner system for more than 100 years. The Act will provide significant new powers for coroners to compel **witnesses** and **produce documents**, as well as widening the circumstances in which a jury is required. It will also introduce a new system of appeals.

Along with the new Act, Article 2 of the Human Rights Act has broadened the scope of the coroner's inquiry, requiring the coroner to carry out a **lengthy and detailed inquiry**.

Chaired by **Martin Smith** of **Field Fisher Waterhouse LLP**, our panel of expert speakers, including the **Ministry of Justice**, will offer their insights and expert guidance to help you understand the implications of the recent and upcoming changes.

How will you benefit from attending?

- 1) Understand what the **Coroners & Justice Act** will mean in practice for the inquest system
- 2) Hear directly from a coroner how an inquiry differs from an inquest
- 3) Get to grips with the latest **case law developments**, including the implications of Pre-Inquest disclosure after *Smith* and *Butler*
- 4) Understand the practice and procedure for inquests involving deaths in **healthcare** and **workplace** settings

Who will you meet?

Network and share ideas with those concerned with inquest law. Delegates that benefited from our March 2010 Inquest Law Conference, include:

- Avon & Wiltshire Mental Health Partnership Trust • Basildon & Thurrock University Hospitals NHS Foundation Trust • Beachcroft LLP • Berrymans Lace Mawer • Birnberg Peirce & Partners • Blake Laphorn • Bond Pearce LLP • Brachers LLP • Bradford Teaching Hospitals NHS Foundation Trust • Browne Jacobson LLP • Burges Salmon LLP • Capsticks • Cardiff County Council • Carson McDowell Solicitors • Chesterfield Royal Hospital NHS Foundation Trust • Clarke Willmott LLP • Cloisters Chambers • Coventry City Council • Crown Solicitors Office • Derby Hospitals NHS Foundation Trust • Devereux Chambers • Devonalds • Doughty Street Chambers • Essex County Council • Everatt & Co • Field Fisher Waterhouse LLP • Francis Taylor Building • Gloucestershire Hospitals NHS Foundation Trust • Goodmans Law Ltd • Gordons Partnership LLP • Greater Manchester West MH NHS Foundation Trust • Greenwoods Solicitors • Gwent Police • Harvey Ingram LLP • Health & Safety Executive • Hempsons • Hertfordshire Partnership NHS Foundation Trust • Hill Dickinson LLP • Homerton University Hospital NHS Foundation Trust • Huntington's Disease Association • Independent Police Complaints Commission • INQUEST • Irwin Mitchell LLP • Kennedys • Leigh Day & Co • LIBERTY • London Fire & Emergency Planning Authority • MDDUS • MENCAP • Metropolitan Police • Mills & Reeve LLP • Ministry of Defence • Ministry of Justice • Morgan Cole • Nestor Healthcare Group plc • NewLaw Solicitors LLP • Norfolk Constabulary • North Yorkshire & York PCT • Northumbria Police Office of Rail Regulation • Pannone LLP • Plexus Law • Reynolds Porter Chamberlain LLP • Sergeants' Inn Chambers • Sheffield Children's NHS Foundation Trust • Shook Hardy & Bacon International LLP • Temple Garden Chambers • Thames Valley Police • The Bar Library • The Howard League for Penal Reform • Thompsons Solicitors • Treasury Solicitors Department • UCL Hospitals NHS Foundation Trust • United Hospitals Bristol NHS Foundation Trust • University Hospitals of Morecambe Bay NHS Trust • Warrington & Halton NHS Foundation Trust • Welsh Health Legal Services • West London Coroner's Services • West Yorkshire Police

Hear what delegates at our March 2010 Inquest Law conference said:

"An entirely useful day out of the office, with a broad overview of the area of inquests and the changing times ahead"

Fiona Butler, Barrister, Browne Jacobson LLP

"An excellent canter through current and future Inquest Law with some thought provoking views"

Janice Smith, Consultant, Capsticks

"A good range of topics and speakers and very informative on both current position and forthcoming legislation"

Naz Saleh, Assistant Director, Metropolitan Police Service

"Excellent, very interesting speakers – well worth attending"

Clodagh Walsh, UCL Hospitals NHS Foundation Trust

PROGRAMME – Wednesday 22 September 2010

09.00 Registration & coffee

09.25 Chair's opening remarks

MARTIN SMITH, *Partner*,
Field Fisher Waterhouse LLP

09.30 The view from the Ministry of Justice - The Coroners & Justice Act

- Key procedural changes
- Timetable for implementation

SENIOR OFFICIAL from *The Ministry of Justice*

10.15 The Coroner's perspective

- What are the duties and powers of the coroner?
- How will the Coroners & Justice Act impact the role of the coroner?
- When will an inquiry be ordered?
- How is an inquiry different to an inquest?
- How are coroners applying Rule 43?

DEREK WINTER, *Her Majesty's Coroner for the City of Sunderland*

11.00 Coffee

11.15 Case law review and developments

An analysis of the key case law developments and the impact of these cases in practice, including:

- Can non-causative failings be reflected in verdicts? (*Lewis and Farah*)
- Scope of the inquest - recent changes (*Butler, Mycare*)
- Pre-Inquest disclosure after *Smith and Butler*

BRIDGET DOLAN, *3 Serjeants' Inn*

12.00 The State's duties under Article 2 ECHR: The Human Rights Act and inquests

- In what circumstances are Article 2 hearings applicable?
- Article 2 and 'near death' cases
- Practical implications of Article 2 hearings
- Mental health considerations – detained v voluntary patients
- Should the Prison Ombudsman be called to give evidence on the outcome of his investigation?
- Can all information concerning the prisoner's original offence be shielded from the jury?

HUGH SOUTHEY QC, *Tooks Chambers*

12.45 Lunch

13.45 Reforming the inquest system

This panel session will examine changes to the inquest system being introduced by the Coroners & Justice Act

Panellists will include:

JONATHAN HOUGH, *Four New Square*

PETER MERCHANT, *Partner*, *Beachcroft LLP*

ALISON MACDONALD, *Matrix Chambers*

14.45 Healthcare deaths

- Disclosure of documents, including privilege
- Gathering and submitting witness evidence
- Expert evidence
- Planning and preparation for the hearing

DAVID LEWIS, *Partner*, *Weightmans LLP*

15.30 Coffee

15.45 Deaths in the workplace

- Will Corporate Manslaughter have an impact in this arena?
- Pre-inquest reviews
- The scope of the inquiry
- HSE & police evidence: disclosure issues
- Narrative verdicts
- Driving in the course of employment

KEVIN MCLOUGHLIN, *Temple Garden Chambers*

16.30 Post-inquest remedies

- The new system for appeals
- Criminal proceedings
- Misconduct proceedings
- Civil claims

HENRIETTA HILL, *Doughty Street Chambers*

17.15 Chair's closing remarks

17.20 Conference ends

Keynote
address

Panel session

Chaired by:

MARTIN SMITH is a noted practitioner in administrative and public law with specialist expertise in assisting Inquests, public inquiries and independent tribunals of inquiry. The legal directories commend him as being 'held in extremely high regard by fellow practitioners', and say that he 'deals effectively with counsel, the judge and administrative support in a manner that is clear and helpful to everyone.' (Chambers). Martin was Solicitor to the Inquests into the deaths of Diana, Princess of Wales and Mr Dodi Al Fayed. He has also worked on The Hutton Inquiry, The Morris Inquiry and he is currently assisting the Baha Mousa Public Inquiry.



