



Lord Mackay of Clashfern  
House of Lords  
London  
SW1A 0PW

MoJ ref: SUB92504

30 November 2021

Dear Lord Mackay,

### FUNDING FOR REPRESENTATION AT AN INQUEST

During the debate on the provision of legal aid to bereaved families during the Committee stage of the Police Crime Sentencing and Courts Bill, you outlined your proposal on how an inequality of arms at an inquest, between the state and bereaved families, may be addressed. This proposal, as you noted, was first brought to the government's attention following the publication of Bishop James Jones' report into the Hillsborough families' experience.

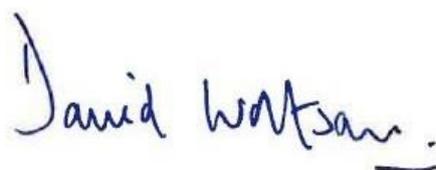
I would like to first reiterate the government's commitment to putting bereaved families at the heart of the inquest process. We continue to support these families to make sure that they are able to participate in a meaningful way. The subject of legal representation at an inquest is long standing, and we have taken substantial steps to provide families with the support they need in this area. Inquests are an inquisitorial process and it is essential that this remains the case. It is the inquisitorial nature of the inquest that helps ensure that bereaved families are at its heart.

Turning to your proposal, that a public authority with resources to put forward a legal defence should be responsible for providing the necessary funding for the deceased's relatives to be represented by a person of their choice, you mentioned that you had previously raised this with the Home Office. The Home Office's position then was that it would await Bishop James Jones's report on the experiences of the Hillsborough families and respond to recommendations made in that report. Following the conclusion of the Hillsborough criminal trials earlier this year, the Home Office is coordinating a response to that report and will be responding to the points of learning in the Bishop's report in due course.

The Ministry of Justice is not currently pursuing options to create a separate fund for inquests. We are, however, actively progressing ways in which bereaved families can be better supported through this process, including the removal of the means test for successful applications under the Exceptional Case Funding scheme. We believe that the work we continue to do both with legal aid and the coroner's service will further support bereaved families through the inquest process.

I hope that this answers your question and I am happy to meet on this subject. I am copying this letter to Lord Rosser and will also be placing a copy in the House of Lords library.

Yours sincerely,

A handwritten signature in blue ink that reads "David Wolfson". The signature is written in a cursive style with a small underline at the end.

**LORD (DAVID) WOLFSON  
OF TREDEGAR, QC**