



– Surrey Coroner –

Procedure for dealing with Compliments, Comments and Complaints

1. Context

a) The role of the Coroner

The role of the Coroner is to conduct an investigation or an inquest into a death where there is reason to suspect that the person has died a violent or unnatural death, where the cause of their death is unknown or where they have died in custody or otherwise in state detention. Deaths at work may also be subject to such enquiry.

The purpose of an inquest is to determine the answers to the following four questions:

1. **Who** was the person who has died?
2. **When** did they die?
3. **Where** did they die?
4. **How** did their death come about?

If the State may have played a role in the death, then the Coroner will also explore the circumstances in which the death occurred.

An inquest is an inquisitorial investigation designed to establish facts, not to apportion blame.

Like any other judge, a Coroner is an independent judicial office holder. They are not employed by the Local Authority that funds their service and they are independent of both the Local Authority and Central Government. They act in line with legislation, the primary sources being The Coroners and Justice Act 2009, The Coroners (Investigation) Regulations 2013 and The Coroners (Inquest) Rules 2013.

In Surrey, the Coroner's Service is led by the Senior Coroner, Richard Travers, who is supported by his Area Coroner, Simon Wickens, and a number of Assistant Coroners. The Coroner's Court is based in Woking.

HM Coroner's Court,
Woking,
Surrey
GU22 7AP
Tel: 01483 404530
Email: complaints@surreycoroner.gov.uk
Web: www.surreycoroner.gov.uk

b) The role of the Local Authority – Surrey County Council

Surrey County Council funds the total cost of the Coroner's Service in Surrey on behalf of the residents of Surrey. This is because the provision of a Coroner's Service is a statutory function of the Local Authority. It must provide the appropriate resources, funding and support to enable the Coroners to carry out their statutory role and responsibilities. Because the Coroners are independent judicial office holders, Surrey County Council cannot review their performance, invoke disciplinary procedures or enforce policy or practice in respect of them.

However, Coroner's Officers and other members of the Court staff who support the Coroners are employed by Surrey County Council and are subject to the Council's policies and procedures, although they work to the Coroners.

2. Feedback – comments and compliments

In Surrey, all the Coroners are committed to providing a service which meets the needs of bereaved families and other interested persons. They welcome any feedback, which helps them to identify where the Service is working well, or where improvements could be made. If a person would like to comment on, or compliment, the service they have received, they should make direct contact with the Service at HM Coroner's Court in Woking. Their feedback will then be recorded and used to inform service delivery.

3. Complaints

Complaints about the Coroner's Service fall into three broad categories, each of which has a slightly different process:

a) The Quality of Service Received

- b) Complaints About a Coroner's Decision or Conclusion
- c) A Coroner's Personal Conduct

a) Complaints about the Quality of Service Received

The Surrey Coroner's Service is committed to dealing with complaints fairly and objectively, to reach evidenced based conclusions and to learn from individual experiences in order to improve the service it provides to bereaved families. To achieve this, there is a two stage complaints procedure.

Stage 1: Internal Investigation

Any complaint about the Coroner's Service should be made directly to the Service in the first instance. This is because, wherever possible, it is best if the complaint can be resolved quickly and locally. As such, any complaints made to Surrey County Council about the Coroner's Service will first be referred back to the Service for investigation.

Save for exceptional circumstances, the Service would expect any complaints to be made **within 12 months** of the person becoming aware of the issue about which they wish to complain.

When a complaint is received by the Service it will be acknowledged as soon as possible and within **five working days**.

If a complaint can be resolved quickly, then the Service will aim to do so and to record the outcome.

If an immediate resolution is not possible, then an officer will be nominated to investigate the complaint. Where possible, this will be someone who has not previously been involved with the investigation or inquest in question.

Investigation of the complaint will be prioritised, and a response issued **within 10 working days**. If it takes longer than this, the complainant will be kept updated, advised of the reason for the delay and given a revised timescale.

If there is an alternative legal remedy, such as a Judicial Review, or if another organisation is better placed to resolve the issue then the complainant will be signposted accordingly.

The Service will share with Surrey County Council any findings which reveal the need to address:

- the conduct and behaviour of individual employees of the Council
- individual or service-wide training needs
- changes to administrative processes

Complainants will be contacted by email unless they inform the Service of an alternative preferred option. Where that alternative is by telephone, the outcome of the complaint will also be confirmed in writing.

The Service will take reasonable steps to cover the points of concern raised by the complainant, identify whether any fault was found and, where relevant, explain what actions are being taken to prevent a similar situation happening again.

Stage 2: Review

If a person is unhappy with the response they receive from the Coroner's Service about a service complaint, they can contact Surrey County Council. As the funding local authority, the Council will engage with the Coroner's Service first to determine whether there are any outstanding issues that the Service could address, or whether the Coroner considers that the complaint, or parts of the complaint, are linked to the judicial process or judicial conduct; neither of which the Council has jurisdiction over. In such cases, the Council will ensure the complainant has been appropriately signposted to the appropriate alternative remedial option.

If it is considered that the complaint relates to matters that the local authority is responsible for, then the Council will work with the Coroner's Service to undertake a review of the complaint and a response should be issued within **20 working days**. If it will take longer than this, then the complainant will be kept updated, advised of the reason for the delay and given a revised timescale.

More information on Surrey County Council's complaints process can be found on its website:

www.surreycc.gov.uk/complaints

Local Government and Social Care Ombudsman (LGSCO)

If a person remains unhappy following the Council's response to their complaint, they can contact the Local Government & Social Care Ombudsman (LGSCO). The LGSCO cannot consider complaints about judicial decisions, which include the

However, if a person's complaint is about maladministration or service issues, then they can ask the LGSCO to review their complaint.

The LGSCO would normally expect a person to have completed the Council's complaint's procedure first. Complaints to the LGSCO should normally be made within **12 months** of a person becoming aware of the matter being complained about and the person would be expected to have been directly affected i.e. have experienced personal injustice. The LGSCO is the final stage for complaints about councils.

Further information can be found on the LGSCO's website:

www.lgo.org.uk

b) Complaints About a Coroner's Decision or Conclusion

The complaints process set out above cannot be used to challenge a Coroner's decision or to challenge the conclusion given at the end of an inquest.

Any challenge to a Coroner's decision or to the conclusion of an inquest must be made to the Divisional Court by way of a Judicial Review of the decision or conclusion complained of. This should be done as soon as possible and, in any event, within three months of the end of the inquest.

It is also possible for a person to make an application to the Attorney General for permission to apply to the High Court, either for an inquest to be undertaken, if at that stage there has been no inquest, or for there to be a fresh inquest if, for example, new evidence has come to light since the hearing of the first inquest. Unlike a Judicial Review, there is no time limit for this type of application.

It is recommended that, prior to doing so, individuals wishing to make either of these applications seek independent legal advice from a lawyer with expertise in this area of the law.

c) A Coroner's Personal Conduct

If a person wishes to complain about a Coroner's personal conduct, then they should raise this in the first instance with the Coroner concerned or with the Senior Coroner.

If a person is not satisfied with the response they receive from the Coroner concerned or from the Senior Coroner, they may make a complaint to the **Judicial Conduct Investigations Office (JCIO)**.

The JCIO is an independent office, which supports the Lord Chancellor and Lord Chief Justice in considering complaints about the personal conduct of judicial office holders. **It cannot deal with complaints about judicial decisions made by a Coroner, which include the Coroner's findings and conclusion at the end of an inquest or with complaints about individual administrative errors or delays on the part of the Service.**

A complaint to the JCIO must be made within **three months** of the matter complained of. This timescale can only be extended in exceptional circumstances.

More information can be found on the JCIO website:

www.complaints.judicialconduct.gov.uk