

## House of Lords

### Written answers

27 April 2023

### Chief Coroner

#### Asked by Lord Hunt of Kings Heath

To ask His Majesty's Government what role the Chief Coroner has in relation to the conduct of coroners in respect of non-judicial matters. [HL7211]

#### Asked by Lord Hunt of Kings Heath

To ask His Majesty's Government what role the Chief Coroner has in relation to any antemortem indication given by a coroner in accordance with paragraph 21 of the Chief Coroner's Guidance No. 26 Organ Donation, resulting in the non-retrieval for donation of a healthy organ for which there is no good medical reason. [HL7212]

#### Asked by Lord Hunt of Kings Heath

To ask His Majesty's Government whether they are concerned by any antemortem indication given by a coroner in accordance with paragraph 21 of the Chief Coroner's Guidance No. 26 Organ Donation resulting in the non-retrieval for donation of a healthy organ for which there is no good medical reason. [HL7213]

#### Asked by Lord Hunt of Kings Heath

To ask His Majesty's Government whether any requirement exists for a coroner to explain an antemortem indication given in accordance with paragraph 21 of the Chief Coroner's Guidance No. 26 Organ Donation that results in organs not being donated. [HL7282]

**Lord Bellamy:** Coroners are independent judicial officers and the way in which they conduct their investigations is entirely a matter for them.

Whilst the Chief Coroner provides leadership to all coroners and issues non-statutory guidance to promote consistency of practice, it would be inappropriate for him or the Government to comment on, or intervene in, the coroner's decisions in an individual case.

As set out in the Chief Coroner's Guidance No 26 on organ donation, the coroner's jurisdiction only arises once death has taken place, so the coroner has no power to make a decision about organ donation until the donor has died. Once death has taken place, the coroner has legal control of the body of the deceased person until such time as the body is released for burial or cremation and, during that time, all decisions made by the coroner in relation to the body are judicial decisions.

However, for the coroner to wait until death has occurred before indicating their decision on organ donation would frustrate almost all donations because of the time needed to make the

necessary preparations for organ retrieval. Therefore, where a death is likely, the coroner should be fully engaged with those treating the person and with the family, to ensure that any donation decisions can be made. As paragraph 21 of the Guidance sets out, once the coroner has been provided with the necessary information about an imminent death, they should give an indication as to whether they will object to organ donation. This can be taken as the coroner's decision as at the moment of death unless, in the meantime, new, relevant information has come to light about the circumstances of the death, in which case the coroner should be contacted again. The reasons for which a coroner may object to organ donation are dependent on the circumstances of the individual case.

If a family has concerns about a decision made by the coroner, they may want to discuss this with the coroner or make a complaint to the local authority which funds the relevant coroner service. It may, in some circumstances, be possible to challenge a decision made by a coroner by making an application to the High Court for judicial review. Complaints about the personal conduct of a coroner can be made to the Judicial Conduct Investigations Office.