

Coroners do not always have to hold full inquests following a death, but the impact of a new Court of Appeal ruling may mean that workplace accidents resulting in a fatality will be subject to a full inquest – even if there is a criminal trial, says **Mike Appleby**

The impact of the Human Rights Act on deaths in the workplace

INQUESTS

In the past, if there have been criminal proceedings as a consequence of a work-related death (e.g. manslaughter charges), then a full inquest into the death would not normally take place. This is because the issues to be determined by the inquest would have already been addressed at the criminal trial. However, a recent case suggests that the Human Rights Act 1998 may have the effect that in these circumstances it will still be necessary to hold an inquest.

The purpose of an inquest is to determine who the deceased was, where and when the deceased died and how he/she died. The means by which the deceased came by his/her death is a limited question, and one that is usually covered adequately in the criminal trial.

The Human Rights Act came into force on 2 October 2000. The Act 'gives further effect to' the European Convention of Human Rights (ECHR) into domestic law. It places an obligation upon public authorities to act compatibly with Convention rights. Article 2 of the ECHR concerns the right to life which also includes a duty upon public authorities to investigate unexplained deaths.

The case of *The Commissioner of Police for the Metropolis v Christine Hurst* came before the Court of Appeal in July of this year. Christine Hurst's son was killed in a violent stabbing. The inquest into his death was opened then adjourned, as Mr Reid, the assailant, was charged with murder. He was eventually convicted of manslaughter. The coroner had to decide whether there was 'sufficient cause' to reopen the inquest after the criminal proceedings had been concluded.

Although the immediate cause of Mr Hurst's death was plain, Mrs Hurst pressed for the inquest to explore what Mrs Hurst considered

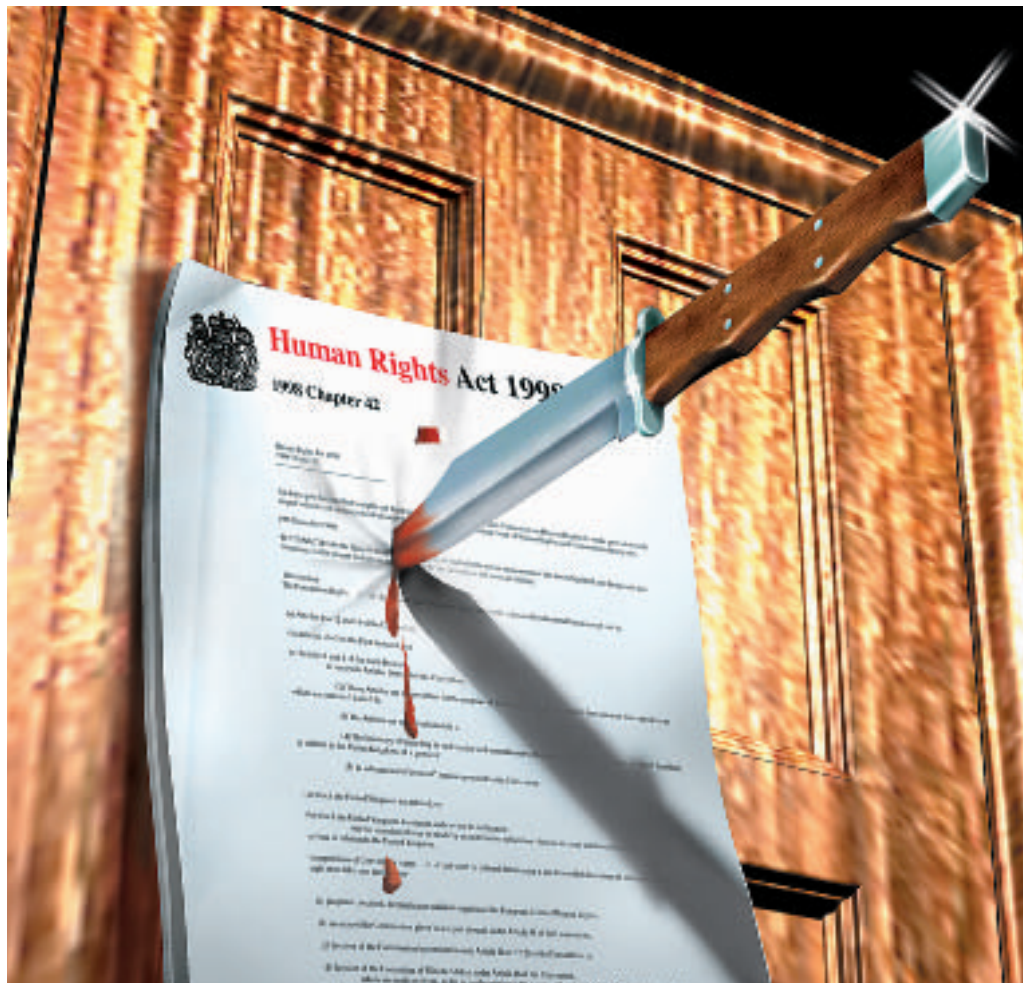


Illustration by Arthur Phillips

to be the many failings of various public authorities in giving her son sufficient protection from the known hostility and propensity to violence of Mr Reid.

The concerns asserted by Mrs Hurst included failure by Barnet Council, Mr Reid's landlords, to take sufficient steps to evict Mr Reid in the light of threatening and violent behaviour towards neighbours as well as failures by the Metropolitan Police to act upon previous incidents of violence by Mr Reid.

The coroner declined to reopen the inquest and Mrs Hurst issued judicial review proceedings in respect of this decision. A judicial review is where the court reviews a law or an official act of a government employee or agent.

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The ruling of these proceedings, subsequently confirmed by the Court of Appeal earlier this year, was that Article 2 of the ECHR applied to inquests. The Court found that there were strong reasons of public policy as well as reasons relating to the UK's obligations under the Convention for an enquiry of the kind required under Article 2.

Workplace accidents often have multiple causes, some being immediate causes and others being underlying ones. If the criminal proceedings only consider the more immediate causes, or only a certain aspect of the underlying causes, then, in the light of this case, the coroner is likely, in the future, to be caught by his/her duty under Article 2 to hold a full inquest. ■