

Research Summary

Coroner's Court Competences and Toolkit Evaluation



Background

In September 2021, the Bar Standards Board (BSB), in conjunction with the Solicitors Regulation Authority (SRA) and CILEx Regulation Limited (CRL), published a set of Competences for practitioners (barristers, solicitors and CILEx practitioners) which outlined the skills, attributes and knowledge that lawyers need to be effective in the Coroners' Courts. A toolkit was also developed, containing resources to raise awareness about how to report concerns about standards in the Coroners' Courts, and help practitioners understand the challenges of practising in inquests and identify the learning and development needs they need to address to meet those challenges. These resources were produced by a working group consisting of the BSB, SRA, and CRL, assisted by the Deputy Chief Coroner, in response to concerns raised about standards of practice in the Coroners' Courts. The BSB committed to evaluating the Competences and toolkit approach two years after implementation to understand if they were having the desired impact. The objectives of the Competences and toolkit were:

- to improve awareness among practitioners of the coronial system as a jurisdiction which is different from other courts;
- to assist practitioners in understanding what to expect when working in the Coroners' Courts;
- to assist practitioners in understanding and meeting the key competences required in the Coroners' Courts; and
- to improve understanding of when and how to report poor performance (and what action the BSB will take).

Evaluation Approach

This evaluation uses a mixed methods approach - a survey of barristers practising in the Coroners' Courts, a survey of coroners, a Round Table of key stakeholders, and an analysis of web traffic data held by the BSB. This evaluation was designed to determine the extent to which the Coroners' Courts Competences and Toolkit have met the overarching objectives of the project. The evaluation focussed on answering the following key evaluation questions:

- Are the Bar and other stakeholders aware of the Coroners' Courts resources?
- Are the Bar and other stakeholders using the Coroners' Courts resources?
- Do the Bar and other stakeholders find the Coroners' Courts resources useful in supporting good practice?
- Do the Bar and other stakeholders feel that standards in the Coroners' Courts have improved/are improving as a result of the publication of the resources?
- Has the publication of the resources encouraged the reporting of poor practice to the relevant regulators?
- Are there other actions the BSB could take to improve standards in the Coroners' Courts?

Key Findings

Awareness - Awareness of the resources among barristers and coroners is relatively high, although appears to be lower among barristers than coroners. Survey results show that among barristers practising in the Coroners' Courts, three quarters of respondents stated that they were aware of the resources. Among coroners, the survey results suggest that awareness of the resources was higher than among the Bar, with over 95% of respondents aware of them. However, some felt that awareness of the competences is 'patchy' despite the extensive work to publicise and raise awareness.

Use - Most barristers and coroners who are aware of the resources are using them. Two thirds of barristers stated that they would probably or definitely use them. A large majority of coroners stated that they were already using or would use them in their work.

Use - Most barristers who are aware of the resources view them as helpful and are using them to inform their work in the Coroners' Courts. Most barristers also stated that they would recommend them to colleagues. A large majority of coroners felt that they had helped their practice, in particular by clarifying the expected standards in coronial proceedings. Overall, the evaluation suggests that the resources are helpful in supporting good practice.

Impact - In terms of the impact of the resources in improving standards in the Coroners' Courts, the picture is more mixed than the generally positive findings around awareness, use, and value of the resources. Among barristers, some stated they felt the resources were having an impact on standards in the Coroners' Courts whereas others felt the impact had been limited or non-existent. Most coroner survey respondents felt that standards in the Coroners' Courts needed improvement when the resources were published. Although some felt that standards had improved following the publication of the resources, the majority felt that they had remained the same.

Reporting - Although we have not seen a rise in the number of reports made to the BSB, most coroner survey respondents stated that they were more likely to report poor practice following the publication of the resources. The evaluation also suggests that the Competences and resources are being used in proceedings to address poor practice as and when it arises. Several coroner respondents highlighted that the existence of guidelines on the required standards would make it simpler to report poor practice and highlight to practitioners when they were not meeting the required standards.

Further Improvement - Among coroners, many felt that more needs to be done to improve standards of practice in the Coroners' Courts – in particular by further raising awareness of the resources themselves. Some coroners highlighted that a number of practitioners still seemed unaware of the resources, or that adversarial approaches, which were harmful to participants, were still an issue. Several participants suggested making improvements to the resources in the future, either in terms of making further clarifications or adding additional information. Others suggested that actions needed to be taken by stakeholders other than the BSB, such as Parliament or coroners themselves.

How will the BSB use these findings?

This evidence will be used by the BSB to inform the next phases of its work around competence in the Coroner's Courts.

- We will work with the SRA and CRL to consider the findings of our evaluation and their own evaluations.
- In doing so, we will consider suggested changes to the resources and explore whether parts of the toolkit need to be expanded or amended, noting the importance of uniformity between the regulators to help ensure consistent, high standards of practice in the Coroners' Courts.
- Additionally, we will work with the Deputy Chief Coroner and other stakeholders, including the SRA and CRL, to identify and agree on ways to continue raising awareness of the resources among practitioners and coroners.

What do the findings mean for key stakeholders?

- Practitioners should ensure they are aware of the resources, understand them, and use them as part of their practice, where appropriate. For example, to identify learning objectives they need to address as part of their approach to continuing professional development.
- Coroners should also ensure they understand the resources and use them as part of their work, where appropriate. For example, to raise practitioners' awareness and understanding of the resources, deal with issues of poor practice as they arise, and report poor standards to regulators where appropriate.
- We would encourage the Chief Coroner's Office and the Deputy Chief Coroner to continue to raise awareness, understanding, and appropriate use of the resources among coroners.

The main report can be found at <https://www.barstandardsboard.org.uk/media-centre/research-and-statistics/research-reports/>