

News story: Changes to the Lord Chancellor's exceptional funding guidance for inquests

Funding for representation at inquests is currently provided under the exceptional case funding scheme. The Lord Chancellor's guidance, which lists the factors caseworkers must consider when granting funding, will be updated to better support families going through the application process.

The guidance now makes it clear that legal aid is likely to be awarded for representation of the bereaved at an inquest following the non-natural death or suicide of a person detained by police, in prison or in a mental health unit.

It adds that particular consideration should be given to the circumstances of the bereaved, for example the distress and anxiety suffered as a result of the death, when caseworkers are deciding whether to apply the financial means test.

Additionally, changes will be made to ensure that only the individual applicant's financial means will be tested and not the means of family members, helping to ease the burden of the application process.

A Ministry of Justice spokesperson said:

We understand the inquest process can be difficult and have every sympathy for the family of the deceased.

These changes will reduce the stress and anxiety as far as possible for cases involving deaths in custody.

We have committed to reviewing the availability of legal aid for inquests more widely and intend to publish our findings later this year.

Today's changes come in advance of a wide-ranging review of the availability of legal aid for inquests.

The government will shortly open a call to evidence for those affected to share their experiences of the inquest process, to help inform the role of legal representation.

This review will sit alongside the Post Implementation Review of the reforms made under LASPO and will report back later this year.

Notes

- [Lord Chancellor's Exceptional Case Funding Guidance \(Inquests\)](#) can be found on GOV.UK
- for cases where the state has a procedural obligation to hold an inquest under Article 2 of the European Convention on Human Rights (right to life), caseworkers have the ability to waive the financial means test
- waiving the means test means that an applicant who would not ordinarily satisfy the means test criteria might still be eligible for legal aid in these cases