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Dear Malcolm,

Thank you for your e-mail of 22 August and I apologise for the delay in responding to you.

In terms of Trusts, and other providers of health and social care there are no statutory obligations on them to send the CQC details of all coronial inquests and recommendations. I set out below further information that may be of use to you:

- From a legal perspective there is no obligation on Trusts (or other providers) to notify the CQC of upcoming healthcare related inquests.
- Providers do, of course, have an obligation to notify the Commission of a death and as part of the statutory death notification form, for instance provider is required to confirm whether the death "*is subject to a formal investigation*". However, in reality this does not specifically refer to inquests, and in any event it is unlikely to be clear at the stage of filing the notification whether an inquest will materialise, since that will depend on the coroner's investigation.
- Certain Trusts and providers may, and do notify relevant inspectors of an upcoming inquest. However, there is no mandatory or systematic process for Trusts or providers to do so in accordance with Recommendation 45.
- In order for there to be a positive legislative obligation there would need to be legislative provision.

In terms of coroners, arrangements are being progressed so that coroners systematically and consistently send the CQC details of inquests and recommendations. However, these have not yet been finalised, albeit significant progress has been made. I set out below further information that may be of use to you in relation to further detail:

- In terms of Regulation 28 ('old rule 43') reports that are not made to the CQC and **do not** require a formal response from the CQC, these reports are being considered within a project to ensure that we receive them so that they may feed effectively into our intelligence monitoring systems.

- In terms of the current legal framework, the new coronial statutory and regulatory framework does not require that the CQC must either be notified of every inquest, or be sent a copy of every Regulation 28 report. In particular:
  - In terms of notification of inquests: Coroners are not mandated to send notification of all inquests to the CQC. Rule 9(2) of the Coroners (Inquests) Rules 2013 requires that *"A coroner must notify any other interested persons [besides family of the deceased and next of kin] who have made themselves known to the coroner of the date, time and place of the inquest hearing within one week of setting the date of the inquest hearing"*.
  - In terms of Regulation 28 reports: Coroners are required to send a Regulation 28 report to every interested person who should receive it (which may be the CQC), and either the Chief Coroner or local coroner **may** send it to any person that it believes may find it useful or of interest, which may again be the CQC.

*out*

I am interested in the pilot that you have carried. I would also be keen for the findings to be shared with appropriate colleagues within the CQC so that it can inform our intelligence and policy discussions on the matter.

Thank you again for taking the time to write and I hope that this response is helpful to you.

Yours sincerely,



**David Behan**  
Chief Executive