



London Coroners preventing deaths: A five year review (2008-13)

Mar 2014

Key points

- Coroners have a duty to prevent death. The government has attempted to strengthen this public health role in the last five years.
- Very few London coroners took action and made reports to reduce the risk of road deaths. Only 4% of road death inquests led to a report.
- Over one third of the reports made involved collisions with lorries.
- No London road death prevention report (or Rule 43 report) was considered by the Ministry of Justice or the Chief Coroner to have “wider significance”.
- The Chief Coroner’s recent guidance on Preventing Future Deaths (PFD) should lead to more efforts made by coroners to prevent future deaths.
- The potential influence of prevention reports can be seen in the [PFD report](#) issued in October 2013 after the inquest into Brian Dorling’s death which called for review of TfL’s approach to cycle superhighways.

1 Introduction

Coroners have a public health duty to prevent further deaths. They are to issue reports to the responsible authorities calling for action to be undertaken. These reports were previously known as Rule 43 reports.

In 2008, the Ministry of Justice (MOJ) encouraged coroners to make more Rule 43 reports. Between October 2008 and March 2013, the MOJ collated the Rule 43 reports made and produced nine six monthly summaries.

After March 2013, the Chief Coroner became responsible for collation and publication of these reports. He issued new guidance and more structured [Preventing Future Death reports \(PFD\)](#) have now replaced Rule 43 reports. PFD reports are published on-line and the Chief Coroner is maintaining the routine of collating the reports and producing six month summaries.

In July 2013, a road traffic collision verdict was finally introduced. This should have reinforced the thinking that road deaths were preventable rather than accidental.

2 How many road collision inquests led to action?

London road deaths (2008-12)

| year | road deaths |
|-------|-------------|
| 2012 | 134 |
| 2011 | 159 |
| 2010 | 126 |
| 2009 | 184 |
| 2008 | 204 |
| total | 807 |

RoadPeace has estimated that at least 50% of these 807 deaths in the five year time period would have had an inquest¹. Being conservative and assuming 400 road death inquests, only 4% (16) resulted in a Rule 43 or PFD report.

On average, coroners only take action to prevent future deaths in one of every 25 road death inquests.

3 What reason?

The government (MOJ and Chief Coroner) organizes road death related reports into the following three categories:

- Highway safety
- Vehicle safety and
- Driver and vehicle licensing.

Fourteen of the 16 reports were described as relating to Highway Safety, although two involved vehicle safety. No London reports related to driver and vehicle licensing.

Six reports related to lorry collisions and inquired about sideguards, mirrors, junction design/layout, and safety technology (proximity sensors). Of the lorry related reports, most (4) were sent to Transport for London (4) and Department for Transport (3), although Tower Hamlets and Southwark Council were both also sent reports.

One lorry collision report involved a 10 year old girl hit and killed by a lorry at roadworks as she walked to school. The jury expressed concern about the lack of barriers stopping pedestrians from crossing where the fatal crash occurred. The coroner's report also mentioned the possible distraction by headphones worn by the school girl.

4 Wider significance?

In their summary reports, the MOJ and the Chief Coroner identify reports which are believed to have wider significance. No road death report, in London or outside, was ever deemed to have wider significance. Not any of those that referred to the lorry's blind spot nor even the one considering an addition to the Highway Code stating "*when a pedestrian is in the road all vehicles should slow down or stop until the pedestrian has moved out of danger*".

¹ Over half of road deaths are estimated to involve a criminal prosecution for causing the death, but with less than 40% successful.

Table 1: London road death related Rule 43 and Preventing Future Death reports (Oct 08- Sep 13)

| Report series | Coroner District | Report sent to | Details |
|-----------------------|---------------------|--|--|
| Highway safety | | | |
| No.3 | London: Southern | Transport for London | To consider taking action to improve the junction for vehicles turning right onto the A217 from Northdown Road |
| No.6 | London: Inner North | Mayor Of London; Transport for London; Tower Hamlets Council | To consider a review of the design of the junction of Whitechapel Road with Valance Road, London E1 to improve cyclists' safety. |
| No.7 | London: North | Transport for London | To consider installing an additional pedestrian bridge on the North Circular Road, London. |
| No.7 | London: North | Aquasoothe Healthcare Ltd ¹ | To consider reviewing the safety labelling on mobility scooters. |
| No.7 | London: South | Transport for London | To consider altering the phasing of traffic lights at the junction of Park Lane and George Street, London and putting louvers on the green signal. |
| No.7 | London: West | Hammersmith and Fulham Borough | To consider improving the safety of a pedestrian crossing at Fulham Broadway. |
| No.7 | London: West | Transport for London | To consider fitting side guards to refuse lorries to improve safety for cyclists. (Note: MOJ listed this under Highway Safety, rather than Vehicle safety). |
| No.8 | London: Inner South | Foreign and Commonwealth Office | To consider whether public concerns about road safety in Thailand require further discussions with Thai authorities or more detailed notification of the risk to travellers. |
| No.8 | London: Inner North | Transport for London | To consider the need for extended use of road side safety mirrors and advanced stop lines for cyclists. |
| No.9 | London: North | Myddelton House, Bulls Cross | To consider an additional sign showing the route pedestrians should take from the side of the canal to reach Ponders End Railway Station. |
| No.9 | London: North | Department for Transport | To consider an addition to the Highway Code that states 'when a pedestrian is in the road all vehicles should slow down or stop until the pedestrian has moved out of danger'. |
| PFD/ No.1 | London North | Traffic & Highway Network Mgt Dept | To consider a review of the traffic management system and pedestrian crossing. |
| PFD/ No.1 | London Inner South | Secretary of State for Transport and ¹ | To consider: whether an accident such as this was preventable by the erection of temporary phased lights, whether children are aware of the risks of wearing headphones when crossing and the trajectory of turning lorries. |
| PFD/ No.1 | London Inner South | Secretary of State for the DfT | To consider whether more awareness should be given to cyclists of the danger of wearing headphones whilst riding on public roads. |
| Vehicle safety | | | |
| No.1 | London: Western | Department for Transport | To consider that all large goods vehicles and not just those registered since January 2007 should be fitted with a wide-angle front mirror to improve visibility. |
| No.5 | London: Inner South | Department for Transport | To consider a review of the risks to cyclists from heavy goods vehicles which are not fitted with proximity sensors and what action can be taken to encourage fitting of such sensors. |

¹ Director of Trading Standards; Department for Transport

² Secretary of State for Education; Southern Gas Networks; Transport for London; LBS Highway Authority; Mouchel; Children Services (Education) LBS

5 RoadPeace concerns

RoadPeace has campaigned for inquests to be more effective—both in terms of answering family’s questions about their loved one’s death and for contributing to reduced risk for others. But as seen by road death PFDs being the exception rather than the norm, and the lack of appreciation of any wider significance, road deaths are still seen as unavoidable rather than preventable. This is confirmed by the continued use of “accident” verdicts by coroners, despite the introduction of a road traffic collision verdict in July 2013.

Whilst more PFD reports need to be made, they also need to be made for the right reason. At present, coroners receive no training in road traffic injury prevention or how to avoid victim blaming. Nor are the collision investigators or barristers trained in injury prevention yet it is they who coroners ask for information on preventive measures.

6 Conclusion

Despite recent efforts by the MOJ and the Chief Coroner, it is still rare for coroners to take action to prevent future deaths. Much more effort and more ambition is seen with Transport for London and the new Safer Streets for London plan with its vision of streets free from death and serious injury. As seen by the PFD into the death of Brian Dorling on a cycle superhighway, coroners do have a role to contribute to freeing London’s streets from death.

Coroners should be expected to make a PFD after every unnatural death inquest and be required to clarify to the Chief Coroner when this was not justified. This would show that road deaths were seen as preventable and not just tragic unavoidable “accidents”.

Note: On 5 February 2009, Eilidh Cairns, an experienced cyclist, was run over from behind by a lorry, as she cycled to work. At her inquest in January 2011, the coroner said that it was *“a terrible tragedy that is not uncommon in London...how do we prevent it from happening? This is a huge problem that the government and cycle safety groups will have to grapple with”*. But not apparently coroners as she did not make a Rule 43 report, despite the family’s request for her to take action to help make these deaths less common. The lorry driver involved in Eilidh’s death went on to hit and kill a pedestrian on a crossing less than two years later.

The complacency shown towards Eilidh’s violent and preventable death by the coroner and the justice system led Eilidh’s family to establish the *See Me Save Me* campaign and work with RoadPeace on eliminating HGV blind spots. Reducing lorry danger was already a priority for RoadPeace and particularly Cynthia Barlow, RoadPeace Chair, who had been campaigning on lorry danger since her daughter was killed by a lorry in 2000.