



Her Majesty's Coroner
Southern District of Greater London

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The Most Reverend and Rt Hon the Archbishop of Canterbury
Lambeth Palace
LONDON SE1 7JU

Helen
This is a Church
House more of
Church.
Christ

Dear Dr Welby

**The Coroners' (Amendment) Rules 2008 (SI 2008 No 1652) - Rule 43 Report
Inquest touching the death of Arthur JACOBS, died 28 January 2013**

I write to make a report under Rule 43 of the amended Coroners' Rules (I append the relevant extract)*. I write to you as head of the church and in the hope that you might be able to recommend some guidance to members of the clergy who hire out church halls and similar premises to members of the public.

Yesterday I concluded the inquest into the death of Arthur Jacobs, aged 73 years. In the words of the statutory instrument, *the evidence gave rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future; and in my opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances.*

Mr Jacobs lived at an address in Broadwater Green, Thamesmead, but was found dead at the Church Hall of Christ Church, Broadway, Bexleyheath. The history from his general practitioner was that he was an elderly gentleman with severe heart disease but no known dementia. On the morning of Friday 25 January 2013, he was reported missing from home, having last been seen at about 09:15 that morning. The police initially assessed him as low risk but escalated him to high risk the following day, 26 January.

He was found in the locked disabled toilet of the church hall at about 08:00 on Monday 28 January. The cause of his death was hypothermia. It was of course a late January morning and I understand that the church hall was cold.

The church hall is hired out by the local vicar to community groups. It is not known when Arthur Jacobs entered the church hall. However, a community group was allowed to use the hall on Sunday afternoon, 27 January. The police informed me that the people who hired the hall used it for a private function and did not work at the venue. No member of staff was present to check the venue

and locking up was left to the people who had hired the hall. It transpires that those who locked up found that the disabled toilet was locked but they made no further enquiries before they locked up and left. The police told me that the construction of the toilet was such that there was no gap above or below the door through which someone could have checked to see if anyone was within. However, despite the fact that it was the disabled toilet (rather than a general toilet) and despite the fact that it was locked, those who made use of the hall left it, locked up, and departed without making any effort to establish if anyone was inside.

The purpose of this report made under the amended Coroners' Rules, is to endeavour to ensure that others cannot die in similar circumstances. It is not for me to make recommendations but rather to invite you to consider, with those who advise you on matters of church property and the hiring of Church property, whether some policy guidance would be appropriate for vicars and others who are responsible for the hiring of church premises. Perhaps consideration could be given to ensuring that buildings are not locked up before ascertaining that there is no-one within.

The incumbent of Christ Church, Bexleyheath, in an email to us has explained:
"our churches policy when hiring out halls to community groups is that they leave the halls as they find them ... Paying a caretaker to let people in, and check them out, would render the rent way beyond what most community groups could afford. We pay a cleaner to come in first thing every week day morning and it was she who found Arthur first thing on Monday morning.. Certainly my guess is that those groups using the hall on the Saturday and Sunday didn't feel it was right to chase someone out of the disabled toilet, which is why he wasn't discovered until Monday morning. This was certainly unfortunate in this instance, but could hardly have been predicted".

It is the last few words of the last sentence that troubled me. Surely it is eminently predictable that if there is no check made, there is the distinct possibility that someone might be left inside a disabled toilet, undiscovered, on a cold winter night. Accordingly I invite you to give consideration as to whether some guidance should be issued in connection with the hiring of church premises.

I look forward to hearing from you. As you will see from the enclosed Rules, you must respond within 56 days or ask for more time. I will send a copy of this letter to the other "properly interested persons" and to the Secretary of State and Lord Chancellor.

Yours sincerely

A handwritten signature in black ink that reads "Roy Palmer". The signature is written in a cursive style and is positioned above a horizontal line.

Dr R N Palmer
H M Coroner

*Appendix

(The Coroners' (Amendment) Rules 2008 (SI 2008 No 1652) - Rule 43)

"Prevention of future deaths

43.—(1) Where—

- (a) a coroner is holding an inquest into a person's death;
- (b) the evidence gives rise to a concern that circumstances creating a risk of other deaths will occur, or will continue to exist, in the future; and
- (c) in the coroner's opinion, action should be taken to prevent the occurrence or continuation of such circumstances, or to eliminate or reduce the risk of death created by such circumstances, the coroner may report the circumstances to a person who the coroner believes may have power to take such action.

(2) A report under paragraph (1) may not be made until all the evidence has been heard except where a coroner, having adjourned an inquest under section 16 or 17A of the 1988 Act, does not resume it.

(3) A coroner who intends to make a report under paragraph (1) must announce this intention before the end of the inquest, but failure to do so will not prevent a report being made.

(4) The coroner making the report under paragraph (1)—

(a) must send a copy of the report to—

(i) the Lord Chancellor; and

(ii) any person who has been served with a notice under rule 19; and

(b) may send a copy of the report to any person who the coroner believes may find it useful or of interest.

(5) On receipt of a report under paragraph (4)(a)(i), the Lord Chancellor may—

(a) publish a copy of the report, or a summary of it, in such manner as the Lord Chancellor thinks fit; and

(b) send a copy of the report to any person who the Lord Chancellor believes may find it useful or of interest (other than a person who has been sent a copy of the report under paragraph (4)(b)).

Response to report under rule 43

43A.—(1) A person to whom a coroner sends a report under rule 43(1) must give the coroner a written response to the report containing—

(a) details of any action that has been taken or which it is proposed will be taken whether in response to the report or otherwise; or

(b) an explanation as to why no action is proposed within the period of 56 days beginning with the day on which the report is sent.

(2) On receipt of a response under paragraph (1), the coroner—

(a) must send a copy of the response to—

(i) the Lord Chancellor; and

(ii) except where paragraph (6) applies, any person who has been served with a notice under rule 19; and

(b) except where paragraph (6) applies, may send a copy of the response to any person who the coroner believes may find it useful or of interest.

(3) Except where paragraph (6) applies, on receipt of a response under paragraph (2)(a)(i), the Lord Chancellor may—

(a) publish a copy of the response, or a summary of it, in such manner as the Lord Chancellor thinks fit; and

(b) send a copy of the response to any person who the Lord Chancellor believes may find it useful or of interest (other than a person who has been sent a copy of the report under paragraph (2)(b)).

(4) A person giving a response under paragraph (1) may make written representations to the coroner about—

(a) the release, under paragraphs (2)(a)(ii) or (b) or (3)(b), of a copy of the response; or

(b) the publication, under paragraph (3)(a), of the response.

(5) Representations under paragraph (4) must be made to the coroner no later than the time when the response is given under paragraph (1).

(6) On receipt of representations under paragraph (4), the coroner may decide that the response should not—

(a) be released in full under paragraphs (2)(a)(ii) or (b) or (3)(b); or

(b) be published in full under paragraph (3)(a).

(7) If paragraph (6) applies—

(a) the coroner must prepare a summary of the response; and

(b) paragraphs (2) and (3) apply to the summary of the response prepared by the coroner as they apply to the response received under paragraph (1).

Extension of time

43B. A coroner may extend the period of 56 days mentioned in rule 43A(1) (even if an application for extension is made after the time for compliance has expired).".