

Inquest into the death of Dawn Sturgess

Draft Speaking Note for Pre-Inquest Hearing 25.2.22

[LADY HALLETT]

These inquest proceedings concern the death of Dawn Sturgess in 2018. I was appointed as Coroner to conduct these proceedings in January last year, and this is the third hearing since then.

This hearing will be narrowly focused and, I hope, short. The purpose of the hearing is to explore two closely related practical issues. Those issues are, first, the delay in establishing the public inquiry into Dawn Sturgess's death that the HS announced over three months ago now in November last year, and, second, the delay in appointing my successor as Chair of that inquiry.

I will return to those issues in a moment, but first let me deal with some procedural matters.

This Pre-Inquest Hearing is taking place in Court 76 of the Royal Courts of Justice and I make an order varying the effects of section 9 of the Contempt of Court Act 1981 to allow official audio broadcast. The order will be available to Interested Persons and to the Press. It remains a contempt of court to photograph or to make an audio or video recording of any part of this hearing.

Due to the Covid-19 pandemic, I decided that it was necessary for this hearing to be held as a partially remote hearing. Given the likely brevity of this hearing, that also seemed to be a course that would be convenient to many of those involved. I am present in Court together with Counsel to the Inquest, Mr Andrew O'Connor QC, Ms Francesca Whitelaw, Ms Emilie Pottle and the Solicitor to the Inquest, Mr Martin Smith. **[state if any other persons including members of the Press are present in Court]**. There are a few Interested Persons and their legal representatives in court; others are attending virtually by CVP. Amongst those attending remotely, I understand, are Dawn Sturgess's father Mr Sturgess and also Charlie Rowley. I will ask Mr O'Connor to introduce the legal representatives in a moment.

In order to reduce feedback and to facilitate the smooth running of the hearing, all Interested Persons' microphones will be muted by the Court until they are invited to speak. Cameras should also be turned off unless and until an advocate is speaking. Advocates are asked to pause for a moment to allow the clerk time to unmute their microphone, and are then invited to identify

themselves before speaking for the benefit of the transcriber. If any advocate wishes to address the Court on any issue upon which they have not been invited to speak, they should send an email to Solicitor to the Inquest who will facilitate this. They should also take the same course if there are any technical difficulties during the course of the hearing.

Let me now say a little more about the delay in setting up the public inquiry into the circumstances of Dawn Sturgess' death.

Interested Persons will recall that it was at the hearing on 22 September last year that I made my request to the Home Secretary that a public inquiry be established to take the place of the inquest. I made this request because I had concluded that a public inquiry, and in particular the ability to hold closed evidence sessions, was essential to conducting a full, fair and effective investigation into Ms Sturgess' death. I confirmed my decision in a letter to the Home Secretary written on the same day as the hearing. I stated that I was anxious to avoid any unnecessary delay and increased anguish for the bereaved family. I asked the Home Secretary to respond to my request no later than 17 November, and her reply was indeed sent on that day. As I have already said, in that letter the Home Secretary stated her intention to set up a public inquiry and indicated that this would be done *"as soon as reasonably possible in 2022"*.

In written submissions filed in December last year, CTI indicated that there would be a hearing on 24 February 2022 (in fact for administrative reasons it is now taking place on 25 February), and expressing the hope that arrangements could be made so that hearing could be the first hearing of the public inquiry. In responsive submissions, those acting for the Home Secretary stated that the Home Office *"would do its utmost, working alongside the Coroner and her team, to enable the first hearing to take place on 24 February 2022."*

In late December last year, I accepted a request made by the Prime Minister to become the chair of the Covid Inquiry. Because of the demands of that role, it was agreed that another judge would be appointed to chair the Sturgess Inquiry. In discussions at the time I emphasised the need to avoid any delay to the Sturgess Inquiry, and my understanding then was that the appointment of a new judge would not interrupt or slow down the setting up of the new inquiry.

With that history in mind, it is, I have to say, a disappointment to me to be sitting here today with no inquiry set up and no judge appointed to lead it. I have seen a letter from Birnberg Peirce, the

solicitors who represent the Sturgess family and also Mr Rowley, expressing a degree of frustration at the delay – that is a frustration that I share.

I will hear from Mr Mansfield in a moment, as well as from Mr Watson for the Home Secretary.

First I will hear from CTI, Mr O'Connor.

[AOC]

Representation

Inquest Legal Team:

- **Andrew O'Connor QC (Counsel)**
- Francesca Whitelaw (Counsel)
- Émilie Pottle (Counsel)
- Martin Smith (Partner, Fieldfisher)
- Amy Nicholls (Solicitor, Fieldfisher)
- Laura Singleton (Paralegal, Fieldfisher)

The family of Dawn Sturgess, and Charlie Rowley:

- **Michael Mansfield QC (Counsel) – attending remotely**
- **Adam Straw QC (Counsel) – attending remotely**
- **Marcia Willis Stewart QC (Hon) (Director, Birnberg Peirce) – attending remotely**
- **Hazel Metcalfe (Solicitor, Birnberg Peirce) – attending remotely**
- **Ben Nakama (Paralegal, Birnberg Peirce) – attending remotely**
- **Stephen Stanley Sturgess – attending remotely**
- **Charlie Rowley – attending remotely**

The Secretary of State for the Home Department (on her own behalf and in a representative capacity for other government departments and agencies):

- **Ben Watson QC (Counsel) – in person**
- Georgina Wolfe (Counsel) – in person
- A GLD Lawyer – in person
- *A number of clients attending remotely*

The Commissioner of Police of the Metropolis:

- **Lisa Giovannetti QC (Counsel) – attending remotely**
- **Julian Blake (Counsel) – attending remotely**
- **Ruby Shrimpton (Counsel) – attending remotely**
- **Daniel Futter (Lawyer, Directorate of Legal Services)**

- *Jenny Leonard (Lawyer, Directorate of Legal Services)*
- *Paul Pieri (Lawyer, Directorate of Legal Services)*
- *A/Supt Luke Williams – attending remotely*
- *A/DCI Rachael Samuel – attending remotely*
- *DI Barry O'Rourke – attending remotely*

The Chief Constable of Thames Valley Police:

- **John Goss (Counsel) – in person**
- *DCI Ian Cherrington – in person*
- *Ciaran Gould (Deputy Head of Legal / Senior Legal Advisor) – attending remotely*
- *DC Supt Oliver Wright – attending remotely*
- *DI Nick Watts – attending remotely*

The Chief Constable of Wiltshire Police:

- *James Berry (Counsel) – attending remotely*
- *Victoria Exley (Solicitor, Wiltshire Police) – attending remotely*
- *DCC Paul Mills – attending remotely*

South Western Ambulance Service NHS Foundation Trust:

- *Bridget Dolan QC (Counsel) – attending remotely*
- *George Riach (Solicitor, Bevan Brittan) – attending remotely*
- *Amelia Sussex (Senior Claims and Inquests Manager, SWASFT) – attending remotely*
- *Amy McAdam (Communications Manager, SWASFT) – attending remotely*
- *Wayne Darch (Assistant Director of Operations, SWASFT) – attending remotely*

Wiltshire Council:

- **John Bethell (Counsel) – in person**
- *Frank Cain (Head of Legal Services, Wiltshire Council) – attending remotely*

My lady, you have set out the factual context for the frustrating position in which we find ourselves this morning. At this stage at least, I don't propose to go any further into the chronology.

What I will do, if I may, before you call on Mr Mansfield and Mr Watson, is address you on a few short points relating to the current and future procedural situation.

First – I should emphasise that, although there has been something of a hiatus in the legal status of the inquest / inquiry over the past two or three months, the background work relating to the disclosure of documents and the preparation of documents has continued uninterrupted. You have heard previously about the complexity and difficulty of this work, and I do not propose to go back

into all of that now. Nor is this the moment to provide a detailed update. What I can say, though, is that all of the work that has been undertaken in the context of the inquest proceedings will be of direct application to the inquiry – precisely because you made an early request for conversion to an inquiry, no work has been wasted in that regard. And that work has continued through November and December of last year and January and February of this year. This has principally involved work behind the scenes on what we have described as ‘stage 1’ disclosure, but it is also true that during that period some further releases of ‘stage 2’ documents have been made to IPs.

Second, there are several important decisions that will need to be made relating to the conduct of the Inquiry. We listed these matters in the written submissions that we served in December. They cover not only practical matters such as designating core participants and dealing with funding applications, but also more complex decisions such as setting a disclosure timetable and planning a process for the making and determination of restriction order applications. These are all matters that must, in our submission, be dealt with by the new Chair once he or she has been appointed, and once the Inquiry has been formally set up. The Birnberg Peirce letter to which you have already referred invites you to deal with at least some of these matters today. Whilst we of course understand – and share – the desire to make progress, the essential point is that these are matters that relate to the conduct of the inquiry rather than the inquest, and they are therefore matters not for you but for the incoming Chair.

These are all matters that we had hoped would be addressed by the Chair of the Inquiry, at a hearing of the Inquiry, today. The fact that we cannot do this means that there has been a delay in the overall progress of these proceedings.

We do not doubt of course that a Chair of the Inquiry will be appointed and that the necessary arrangements will be made for the setting up of the Inquiry. Given the delay that has already taken place, we hope that these things will now happen in very short order. It may be that Mr Watson will be able to tell us more about this. But whilst it is clear that there will be a first hearing of the inquiry, at which the legal issues to which I have referred will no doubt be addressed, given the uncertainty it is not possible for us to set a date for that hearing at this stage.

Finally, once the new Chair has been appointed and the inquiry has been set up, the question of suspending these inquest proceedings pending the completion of the inquiry will arise. You have power as coroner to suspend the inquest in these circumstances under Schedule 1 to the Coroners

and Justice Act 2009. It would be premature in our submission for you to take a decision to suspend today, and I raise it simply for completeness, and also to flag the fact that in due course this is an issue that you may deal with in writing rather than at a hearing. If any IP has any objection to that procedural course, it would be helpful if they could raise it today.

DRAFT