

Autistic woman's parents force 'biased' coroner to stand down

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The parents of an autistic woman who died after being struck by a lorry have won a rare legal battle to have the coroner overseeing her inquest replaced, after alleging that he was biased.

Colette McCulloch was 35 when she was killed on the A1 in the early hours of July 28, 2016 while under the care of Pathway House, a private residential care home near Bedford.

The family accused Ian Pears, the senior coroner overseeing the inquest, of delays and a "dismissive" and "biased" handling of the case.

Andrew and Amanda McCulloch instructed lawyers to bring a judicial review proceeding and sent a letter this month threatening legal action if the coroner did not agree to stand down.

Merry Varney, of the law firm Leigh Day, the couple's solicitor, said: "Their allegation was based on the coroner



Colette McCulloch was struck by a lorry on the A1

being generally dismissive of the family's concerns; their correspondence being perceived as a nuisance and the tone of his correspondence being inappropriately combative, adversarial and at times even sardonic."

Mr Pears has now agreed to stand aside. A replacement coroner has yet to be appointed.

The couple's legal team said that the case was "a stark reminder" why improvements were "badly needed" for bereaved families in the coronial system.

Mr McCulloch said: "We feel we have had a lot of difficulty with Coroner Pears and we are pleased that we will now have a new coroner working on this inquest. From our initial hearing, we have found him to be dismissive. He did not answer letters often for weeks and his responses we felt were confrontational.

"He made decisions which impeded our ability to access legal aid and only

changed his position after we instructed lawyers to threaten legal proceedings.

"It has been exhausting, stressful and involved considerable expense which we are very grateful to our CrowdJustice supporters for assisting us with.

"Colette's death was completely devastating for us. But then having to fight a coroner like this to get justice has nearly destroyed us. Only the support of our dedicated legal team, and our older daughter, has kept us going."

Ms Varney added: "Had their concerns been listened to by the coroner in December 2016, their daughter's death may by now have been fully investigated. Instead, with memories of those involved fading and opportunity for prompt change lost, they only now can look forward to a public, full and fearless investigation into Colette's death.

"This case is a stark reminder why improvements to the coronial system and the treatment of bereaved families is so badly needed."

It was rare, she added, that coroners were held to account, let alone made to stand down, because the legal threshold for judicial review was high. Ms Varney said: "Colette's parents have always believed that there were failings in Colette's care and that her death was avoidable.

"They understood the inquest process would provide for a full and fearless investigation; instead, Andrew and Amanda have had to fight for almost 18 months with Acting Senior Coroner Pears to ensure their daughter's death is properly and publicly investigated."

It was the second time the family had threatened judicial review. The coroner had declined their request in February last year for the scope of the inquest to be widened to look at the right to life and the failings that the family believed had led to their daughter's death while in the care of a clinic.

The coroner had said that the inquest would look only at her death as a result of a road-traffic accident. In the face of the threat of legal action, he changed his position. Mr and Mrs McCulloch said: "Our daughter Colette was high-functioning autistic. Her death in care was completely unnecessary and devastating."