



CHIEF CORONER

**GUIDANCE No.6**

**THE APPOINTMENT OF CORONERS  
GUIDE TO THE CORONER APPOINTMENT PROCESS**

**Introduction**

1. This guidance sets out the recommended procedure to ensure a smooth process when running an appointment campaign for senior, area and assistant coroners. It enables consistency of good practice across the country as part of the Chief Coroner's statutory functions under the Coroners and Justice Act 2009. It also sets out the way in which the Chief Coroner exercises his consent under the 2009 Act. All references in this guidance are to the Coroners and Justice Act 2009.
2. The Chief Coroner wishes to emphasise that the appointments process is essentially a matter for the local authority. Each appointment will be their appointment.
3. When recruiting a senior coroner, the local authority is looking for a judge to lead the coroner service in the area. However, this leadership role is one that extends into added regional and national responsibilities so as to support the Chief Coroner and the Coroner service generally. The structure and organisation of the coroners' service in England and Wales relies upon each senior coroner and, to a slightly lesser extent, each area coroner, undertaking regional and national duties. These roles include training and development of those who work in the coroner service, being members of specialist cadres, and attending meetings, seminars and events where explanation as to the role of the coroner is needed to support bereaved people and others who interface with the coroner service. These are matters, which must be considered when identifying the local authority's preferred candidate.
4. It should be noted that local authorities 'appoint' coroners but they do not 'employ' them in any conventional sense. This is an important distinction. The appointment of a coroner by a local authority is very different to the other appointments a local authority will make. Once appointed a coroner becomes a judge<sup>1</sup> and is required to make independent judicial decisions. Local authorities pay the coroner's salary or fees and agree other terms and conditions. But there is no contract of employment between the local authority and coroner. Coroners should not be equated in financial or other terms with chief officers.
5. All local authorities will wish to appoint on the basis of merit from the best candidates seeking appointment through a fair and open competition. The Chief Coroner wishes to emphasise that the aim of the guidance is to ensure for each

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<sup>1</sup> Forrest v Lord Chancellor [2011] EWHC 142 (Admin) at para 27.

appointment the widest pool of potential candidates is considered, and a fair and open appointment campaign is undertaken.

6. Where the coroner area consists of more than one local authority, the relevant authority (formerly known as the lead authority) must consult the other authority or authorities before making a senior coroner appointment: paragraph 1(2) of Schedule 3 to the 2009 Act. For the meaning of 'relevant authority' see paragraph 3, Schedule 2. "Although the 2009 Act is silent as to the approach with other coroner appointments, it is likely that all relevant authorities will wish to take the same approach with all coronial appointments in their areas. The Chief Coroner, and no doubt the Lord Chancellor, will seek reassurance on this point when asked to give their consents to appointments.
7. To be eligible for any coroner appointment a person must satisfy the judicial-appointment eligibility condition which includes a requirement for the candidate to hold a relevant qualification, to have also gained experience in the law for a total period of at least 5 years *whilst holding that qualification* and be under the age of 70: paragraph 3 to the 2009 Act.

### **The Chief Coroner's role**

8. In order to be able to decide whether to give his consent or withhold it the Chief Coroner will involve himself at multiple steps in every appointment process.
9. The Chief Coroner will be involved directly in the appointment process for senior coroners and usually area coroners either personally or through a nominee.
10. The Chief Coroner's nominee will be an experienced senior coroner or nominated person chosen by the Chief Coroner to fulfil this role. There will be a small number of nominees who will act as the Chief Coroner would himself act in the process and who will report back to the Chief Coroner.
11. The Chief Coroner, his nominee (where there is one) and the Chief Coroner's office will be available to assist local authorities throughout the appointment process. Local authorities should not use other coroners to assist them with the process as this is likely to complicate matters and may confuse the process.
12. If one of the Chief Coroner's nominees is to be used, the relevant authority will pay the nominee's reasonable expenses. These expenses will include overnight accommodation and a 'backfill' payment to the nominee's local authority to cover the time spent on the appointment process. In most cases the nominee will not receive a fee because he or she will always be a full-time salaried coroner. If a recently retired senior coroner is the nominee, then the relevant local authority will pay a fee based on the normal sitting fee paid to an assistant coroner in that area.
13. The Chief Coroner acknowledges that this may impose a modest financial burden on local authorities but the attendance and representation of the Chief Coroner at these interviews is integral in preserving public confidence in the appointment process.
14. For area coroner and assistant coroner interviews, the senior coroner for that jurisdiction would normally be expected to sit on the panel. Where a nominee is required for the area coroner interviews the senior coroner for that jurisdiction

would still be expected to sit on the panel but cannot sit in the capacity of being a nominee.

15. The Chief Coroner's role in the appointment of assistant coroners will be more flexible.
16. The Chief Coroner's office will ensure upon notification of their intention to commence an appointment campaign that each local authority has a copy of the 'appointments pack', this includes:
  - Chief Coroner's office guide to eligibility;
  - A draft advertisement including the job specification, scoring sheet, individual assessment form and declaration form;
  - Reference of where to find 'The Guide to Judicial Conduct (2019)' which can be found at: <https://www.judiciary.uk/publications/guide-to-judicial-conduct/>
  - Coroner appointments step by step assurance guide
17. These documents should be read carefully along with this Guidance prior to commencing any appointment campaign.

### **Things to be considered prior to commencing an appointment campaign**

#### **Alteration of a coroner area – Appointment of a Senior Coroner**

18. The senior coroner is the coroner in charge of the coroner service for his or her coroner area. Where a senior coroner vacancy arises, the relevant local authority must notify the Chief Coroner and the Lord Chancellor in writing as soon as practicable. Consideration must then be given to altering that coroner area by joining that area with one or more coroner areas, this is commonly known as 'merging'. For more information on mergers please see Chief Coroner Guidance 14: Mergers of Coroner Areas.

### **Timeline**

19. The relevant local authority will need to consider timescales carefully prior to commencing the appointment process. In order to reach the optimum number of suitable candidates it is recommended that there is an application period of at least three weeks. Time will also be required to carry out a sufficient application sift, and interview dates scheduled to co-ordinate with panel members and where applicable, the Chief Coroner or his nominee. There will also need to be sufficient time for the Chief Coroner to provide feedback on the application sift and also for the Chief Coroner and Lord Chancellor to provide consent.

### **The appointment process.**

#### **The advertisement**

20. The relevant local authority notifies the Chief Coroner's office of any forthcoming appointment campaign by emailing: [chiefcoronersoffice@judiciary.uk](mailto:chiefcoronersoffice@judiciary.uk) in the first instance.
21. The Chief Coroner's office will provide the appointment pack which includes the documents listed at paragraph 16 in this Guidance. The relevant local authority should complete the draft advert using this template as a basis ensuring that this incorporates any specific information or requirements of the coroner area.

22. The relevant local authority should then submit the draft advert to the Chief Coroner's office for comments and approval. A timetable should also be provided as detailed in paragraph 19 above.
23. The relevant local authority considers and responds to any comments and then submits the final draft advert and job specification to the Chief Coroner's office for approval **before** it is advertised, it is recommended that this package includes:
- Terms and conditions of the appointment;
  - Salary or fee payable (reference should be made to the 'Joint Negotiating Committee for Coroners (JNC) Circular (currently) No. 63 for salary and fee levels, and it should be noted that the Chief Coroner publishes a list of salaries paid to area and senior coroners as part of his annual report);
  - Details of how to apply with specified application deadlines and interview dates;
  - A job description;
  - The advert which should include:
    - reference to the judicial appointment eligibility conditions (Schedule 3, 3 (a) and (b)) and;
    - a requirement that applicants declare whether any formal complaint about their professional conduct has ever been upheld or remains outstanding by any professional body (including personal conduct referred to the Judicial Conduct Investigations Office (JCIO)), or whether there is anything about them or their past that might cause embarrassment to the Local Authority, the Chief Coroner or the Lord Chancellor if disclosed that they feel they should bring to the attention of those considering the application. This can be done by asking candidates to read, complete and sign a declaration form when attending for interview.
24. There is no statutory requirement for coroners in Wales to speak Welsh, but details of Welsh language skills must be sought from candidates applying for any coroner posts in Wales.
25. Once the advert is approved, the relevant local authority is responsible for advertising the position. It is recommended that this is done by:
- i) posting the advertisement on the local authority's website;
  - ii) posting the advertisement on the public facing website of the Coroners' Society of England and Wales (CSEW) via the Honorary Secretary, André Rebello. The Chief Coroner's office will notify the CSEW secretary and ask the advert to be posted on their website once it has been approved.
  - iii) Some areas may also wish to circulate to the Bar Council, local Law Society and advertise through local media outlets.
26. Although the content of the application pack is a matter for the local authority, to achieve consistency across the country it is recommended that the appointment pack is adhered to.
27. For area and senior coroner posts it is important that the applicant's coroner experience is provided in detail. For assistant coroner posts if the candidate has coroner experience, their experience should be detailed in their application although it is recognised that for assistant coroner posts the applicant may not

have experience as an assistant coroner. The form should therefore require the applicant to state:

- (a) how many days worked as coroner;
- (b) the nature of the work;
- (c) the division of time between office and court;
- (d) the extent of experience in completing Forms 100A and 100B;
- (e) the number and type of inquests conducted;
- (f) the number of longer or complex inquests and their subject matter;
- (g) the number of jury Inquests conducted; and
- (h) training record to confirm what courses have been completed

### **The sift**

28. The local authority conducts the sift, the best practice is for the sift to be anonymised. The sift is conducted based on the criteria specified in the advert and decides who they wish to interview, providing the Chief Coroner's office with the sift results. For area and assistant coroner posts, the sift should include the senior coroner who would be a member of the sifting panel, a consensus on who to interview should be reached. The sift results should include:
- The names of those of who applied;
  - Sift criteria details and the sift scores for all candidates;
  - The names of those who they intend to call for interview;
  - Comments on why candidates were successful or unsuccessful so feedback can be provided.
29. This information should be sent for each candidate (whether they have been chosen for interview or not) **before** any candidates are notified of the outcome. It is advisable to also send the individual application forms for all candidates.
30. The Chief Coroner considers the sift results for two purposes:
- i) First, to see if a good candidate, from their CV, application form and personal statement, has not been included for interview, in which case the Chief Coroner will recommend that that candidate should also be interviewed; and
  - ii) Secondly, to indicate whether a candidate selected for interview is not appointable, for example for lack of coroner experience for the particular post. If so, the Chief Coroner will advise the local authority accordingly.
  - iii) Finally, and most importantly to generally ensure that the Chief Coroner and the Lord Chancellor have knowledge of the entire process and are satisfied with it, in order to inform their consent.
31. Once feedback has been provided and the sift approved, the local authority then invites the chosen candidates to interview. This should not be done until the Chief Coroner has provided feedback. These are high level appointments and confidentiality should be maintained throughout the entire appointment process.

### **The interviews**

32. If required, the local authority can request example technical questions and topics for presentations from the Chief Coroner's office. However, for assistant

coroner interviews it is expected that the senior coroner for that area will draft technical questions and indicators to be used at the interviews as well as topics for any presentations to be made at the interview.

33. It is recommended that the local authority sends a copy of the technical interview questions and indicator markers as well as any topics for presentations to the Chief Coroner's office. This is to ensure that the Chief Coroner is happy with the questions being put and to avoid duplication of questions across jurisdictions. The nominee will also need to see these prior to interview and also copies of the applications and supporting statements from those selected for interview. Requests for assistance with any technical questions and the submission of any interview questions should be made as early on in the campaign as possible so as not to delay the process.
34. The local authority also formulates relevant non-technical questions in relation to how they may deal with matters relating to budgets, collaboration and team working. These will be drafted and thought about carefully so that they are relevant to the post that the local authority are appointing to.
35. Normally, the local authority will appoint officers to conduct the interviews, although sometimes a councillor may also sit on the interview panel. Some local authorities delegate the appointment power to senior officers. Others look to the officers to make a recommendation after interview to council leaders. Some others have a two-stage process with officers interviewing first in order to select one or two candidates to put forward for a second round of interviews with elected council members. Many interviews do involve a stakeholder panel of different agencies but any stakeholder panel should not have a definitive role in deciding who is appointed as this should be left to the main panel. Any stakeholder panel should be carefully thought about to reflect the independent judicial post that they are appointing to. These are matters for the local authority in question. However, the Chief Coroner will advise on the process to be adopted if asked to do so.
36. The candidates selected at the sift will be interviewed by the local authority. All interviews for senior and area coroner posts will require candidates to make a presentation to the interview panel. It is expected that the questions, scenarios and presentations to be used at senior coroner interviews are to be more rigorous than those used in area coroner interviews. In interviews for assistant coroner positions candidates may be asked to give a short presentation. It is likely that in each case, some notice of the subject of the presentation will be provided. All interviews will also include a range of questions asked of all candidates for that same post or posts.
37. For all senior coroner and usually area coroner positions, the Chief Coroner's office, in liaison with the local authority, make arrangements for the Chief Coroner or his nominee to attend the interviews. Exceptionally, the Chief Coroner may ask a nominee to be present at assistant coroner interviews. The Chief Coroner or the nominee will not ask questions or intervene during the interviews. The chair of the interviewing panel will explain this to each candidate.
38. All candidates at interview will be asked the same questions.
39. It is important that all candidates are asked to make a declaration in writing, **before** being interviewed. This may be done when the candidate attends for the interview prior to the interview commencing. This confirms whether they are

subject to or have had findings made in respect to disciplinary proceedings or criminal proceedings.

40. It is also recommended that all candidates are asked to declare in the interview if there is anything they believe should be brought to the attention of the local authority, particularly bearing in mind the basic set of guiding principles in the Guide to Judicial Conduct (2019), namely judicial independence, impartiality and integrity:

<https://www.judiciary.uk/publications/guide-to-judicial-conduct/>

The declaration to be used is as set out in the final bullet point of paragraph 23 above.

41. The local authority will then carry out the interviews.

### **Decision after interviews**

42. After all the interviews are completed the interview panel(s) will discuss the relative merits of the candidates and come to a decision. For area and assistant coroner posts the discussion should include the senior coroner who would be a member of the interview panel, a consensus on who to appoint should be reached. If an agreement on who to appoint cannot be reached, the local authority should notify the Chief Coroner's office who will arrange to discuss this with the local authority and senior coroner. The candidate(s) selected for appointment must be on the basis of merit and the highest scoring candidate(s) should ordinarily be offered the post. In exceptional circumstances there may be a determinative interview by another panel where there is little to choose between exceptional applicants.
43. The Chief Coroner or his nominee will be present during any discussion but will not have a vote in the decision (because a vote and a consent or withholding of consent might be taken to be double counting in the process). Usually, when the Chief Coroner is present, he will indicate at the time whether he will or will not give his consent (with reasons). This will be repeated in writing, with more explanation if required, as soon as reasonably practicable.
44. In the event that the panel declines to appoint any candidate the post will have to be re-advertised.
45. Following the interview, and subject to a discussion with the local authority panel, the Chief Coroner or his nominee will offer to provide feedback to any unsuccessful candidate who seeks it. Any request for feedback needs to be made within three months of notification to the candidate that they have been unsuccessful.

### **The appointment**

46. Once the interviews are concluded, the local authority decides who they wish to appoint. The local authority provides a written report to the Chief Coroner of the interviews and the reasons for proposing the successful candidate(s). Where the Chief Coroner or a nominee has been present this may not be required as the nominee will write a full report for the Chief Coroner detailing what occurred at the interviews and the reasons why candidate(s) have been selected for appointment.

47. Any report submitted from the local authority should include the information listed below:
- 1) the interview questions;
  - 2) the scoring criteria;
  - 3) the reasons why they were successful and unsuccessful and any scoring matrix or summary of their interview performance;
  - 4) the name(s) of those that they wish to appoint and a request for consent for the appointment from the Chief Coroner and Lord Chancellor;
  - 5) declarations from each candidate selected for appointment confirming that they do not have any previous convictions, spent or unspent and that they do not have any disciplinary proceedings or complaints recorded against them and confirmation they were asked in interview about declaring any matters that the local authority may need to know about and the answer provided;
  - 6) Any confirmation of a reference check that has been carried out (this may be carried out in line with current local authority practices).
48. The Chief Coroner and the Lord Chancellor give their consent separately in writing (or give reasons in writing for not giving their consent). Once the Chief Coroner has given his consent, the Chief Coroner's office will automatically send a copy of his consent to the Ministry of Justice to seek the consent of the Lord Chancellor. Once consent from both the Chief Coroner and Lord Chancellor has been obtained an email will be sent to the relevant local authority contact containing both letters of consent.
49. Only once consent from both the Chief Coroner and the Lord Chancellor is received, the relevant local authority notifies those candidates who attended interview of the outcome.

#### **The announcement and swearing in**

50. The local authority announces the appointment(s) where appropriate. Once the appointment date has been confirmed, the local authority notifies the Chief Coroner's office of this date.
51. For senior coroner appointments only, the local authority liaises with the Chief Coroner's office about the timing of the announcement to ensure that the Chief Coroner can inform all coroners in England and Wales immediately thereafter and an announcement will be made on the judicial internet.
52. The appointment of all new senior coroners and area coroners will be mentioned in the subsequent Chief Coroner's newsletter.
53. Senior coroners are formally sworn in at a ceremony held by the Chief Coroner.

#### **The appointment of an area coroner**

54. Some busy coroner areas will choose to appoint one or more area coroners to assist the senior coroner and act as a nominated deputy in the event of the senior coroner being absent or incapacitated. Area coroners are appointed by the local authority: section 23, and paragraph 2 of Schedule 3. Area coroners, who are full-time or part-time salaried coroners, are appointed in the same way as senior coroners, and on a permanent basis. The process set out at paragraphs 19 to 49 will apply equally to the role of the Chief Coroner or



nominee, advertisement, applications, sift, interviews, decisions after interviews, appointment and announcement for an area coroner.

55. Area coroners and assistant coroners are normally sworn in by their senior coroner in a ceremony held by the local authority.

### **The appointment of assistant coroners**

56. Assistant coroners, who are fee paid, are also appointed by the local authority: section 23, and paragraph 2 of Schedule 3.
57. There is no requirement under the 2009 Act for the chairman of the local authority to approve such appointments and it will be for each relevant authority to determine who should sign off coroner appointments for their area. Elected members may well choose to delegate this function to officers.
58. The Chief Coroner and the Lord Chancellor must consent to the appointments of all assistant coroners: paragraph 2(5) of Schedule 3.
59. The Lord Chancellor may by order require the appointment for any coroner area of a minimum number of assistant coroners: paragraph 2(1)(b) of Schedule 3. At present each coroner area must have at least one assistant coroner: Coroners and Justice Act 2009 (Coroner Areas and Assistant Coroners) Transitional Order 2013.
60. In most areas senior coroners and local authorities may like to consider a maximum of around four to six actively working assistant coroners, perhaps with different areas of expertise, and where possible living locally, should be an appropriate number. In smaller coroner areas this may be too many, and local authorities might like to consider, after discussion with senior coroners, sharing arrangements with neighbouring areas.
61. Senior coroners and local authorities should not retain assistant coroners who have not worked in the jurisdiction for three years. If they are not needed, they should be invited to stand down and training space can be filled by active coroners. A yearly appraisal scheme for assistant coroners has been introduced as from April 2019. It is hoped that as part of an appraisal system it will be easier to monitor and oversee the adequate provision of assistant coroners to an area.
62. The local authority should hold an open competition for assistant coroners, making sure that the advertisement for the post is widely publicised (see paragraph 25 above). It may be necessary in appointing assistants to advertise more widely than just amongst coroners in order to attract good applicants, for example in legal periodicals. The Chief Coroner runs a workshop for those seeking appointment as an assistant coroner. These workshops are advertised through the CSEW website and at various events the Chief Coroner attends.
63. The process for appointing assistant coroners should be similar to the process for appointing senior and area coroners. The main differences are as follows:
  - a. Although it is a local authority decision, the local authority should always involve the senior coroner in the process, seeking the senior coroner's advice and assistance on (a) the need for and type of assistant coroner appointments, (b) the sift in selecting candidates for interview, (c) drafting the technical interview questions and

presentation scenario for interview and (d) as a member of the interview and decision panel.

- b. Secondly, because of the likely number of appointments, the Chief Coroner will not be able to be directly involved, either himself or through a nominee, in all cases. He may only be able to exercise his consent on the basis of written materials, personal knowledge of candidates and in discussion with the senior coroner and the local authority. Where the Chief Coroner or his nominee has not been able to be present during the interviews, the local authority should make a written report for the Chief Coroner about the application and interview process and the reasons for proposing the successful candidate(s) (as mentioned in paragraph 47 above). But in all cases the Chief Coroner's consent will not be a foregone conclusion. Each proposed appointment will be carefully scrutinised.

## **Training**

64. Contact details for all new appointees and confirmation of their training needs should be emailed to the Chief Coroner's office. This should include their name(s), date of birth, contact details including a work and personal email address and contact telephone number as well as a start date.
65. Once contact details have been provided by the local authority, the newly appointed coroner will receive joining instructions to access their ejudiciary account. The Chief Coroner's office will email the new appointees regarding their responsibilities in relation to their ejudiciary accounts. They will require their ejudiciary account details to book any coroner training through the Learning Management System (LMS).
66. New assistant coroners are not required to attend coroner induction training before they sit but should attend this training at the earliest opportunity. Those who do sit prior to any training must be supervised until this is complete (see Chief Coroner's Guidance No 20 key skills for assistant coroners). All coroners must attend the compulsory annual coroner continuation training. Requests for permission not to attend by assistant coroners must be submitted to the senior assistant coroner for the area and to the Chief Coroner for approval. Save for compelling personal reasons such requests are likely to be refused as training is an integral part of all appointments.
67. All new coroner appointments are required to attend a 'Faculty Induction Seminar' which is run by the judicial college and is a mandatory requirement for all new judicial appointments. The Seminar can be accessed and booked through LMS but should not be booked until a number of court sittings have been conducted as the seminar is designed to complement and build upon court sitting skills and achieving a fair hearing.
68. In the unusual circumstance of a senior coroner or an area coroner being appointed who does not hold a coroner office elsewhere, the relevant local authority should liaise with the Chief Coroner as to the training required, including whether the appointee should attend induction training before sitting.

HH JUDGE MARK LUCRAFT QC  
CHIEF CORONER  
6 March 2020