



CHIEF CORONER

GUIDANCE No.14

MERGERS OF CORONER AREAS

INTRODUCTION

1. The purpose of this guidance is to help local authorities and coroners understand the process for merging coroner areas under the Coroners and Justice Act 2009 (the CJA 2009) and the practical implications of such mergers.
2. The Chief Coroner's Guidance No.6 *The Appointment of Coroners* is subject to this guidance.

CORONER AREAS

3. Coroner areas in England and Wales vary in size and in their correlation with local authorities. Coroner areas might currently be:
 - a) coterminous with the area of a local authority;
 - b) part only of a local authority area;
 - c) a combination of two or more local authority areas, with one local authority taking the lead as the relevant authority.
4. The Lord Chancellor may, after consultation with the local authorities involved (amongst others), make orders altering coroner areas, either combining (merging) or dividing coroner areas¹.

POLICY

5. When the CJA 2009 came into force, there were over 100 coroner areas in England and Wales. The small size of some of these areas prevented their effective management and cost-efficiency.
6. The Chief Coroner and Lord Chancellor were of the view that the number of coroner areas should be reduced, and that the size of future areas should take into account the numbers of reported deaths, geographical area, and types of work in each locality. Mergers have therefore taken place that have substantially

¹ Schedule 2 para. 2 CJA 2009

reduced the number of coroner areas, and new mergers will continued to be considered in appropriate circumstances.

7. The Chief Coroner publishes guidance² on the nature, scope and organisation of a model coroner area, to assist senior coroners, local authorities and police authorities when agreeing the structure of coroner services. That guidance suggests that each coroner area should cover approximately 2,000 to 6,000 reported deaths each year (although there are caveats to this, including where a larger coroner area would be coterminous with a large local authority area).

PROCESS

8. Where a local authority wishes to merge one or more coroner areas into a new coroner area, it should apply to the Lord Chancellor with written reasons, providing a business case for the merger. The Ministry of Justice has standard forms and specimen examples to help draft a business case.
9. Before making a merger application, local authorities should consult the Chief Coroner.
10. A merger cannot take place unless the newly formed area will consist of:
 - a) a whole local authority area;
 - b) more than one local authority area³; or
 - c) two or more old coroner areas, each of which was wholly within the same local authority area⁴.
11. When considering the value of a merger, local authorities are encouraged to think carefully about the future of their coroner area(s), including succession planning, and the development of the coroner service in the interests of the public.
12. If a coroner area consists of two or more local authority areas, the relevant authority⁵ must consult the other authorities on any matters relating to mergers.
13. If a merger takes place, the order that merges the coroner areas, will specify the new name of the merged area.

APPOINTMENT OF NEW SENIOR CORONER

14. The relevant authority has responsibility for the appointment of a senior coroner when a new coroner area is created.
15. As there can only be one senior coroner in any area, unless a merger is timed to coincide with a retirement, it will involve one or more senior coroners losing office.
16. The relevant authority must look carefully at the options for the appointment of the new senior coroner and consider how best to achieve fairness for those in the old areas. Where possible, the relevant authority should inform the senior

² Link: [annual report 2019 2020](#)

³ Schedule 2 para . 1(2) CJA 2009

⁴ Schedule 22 para. 1A CJA 2009

⁵ as determined in accordance with Schedule 2 para. 3 CJA 2009

coroners of its intentions at an early stage, to enable appropriate discussions to take place.

17. A senior coroner must be appointed within three months of the merger (or within whatever further period the Lord Chancellor allows)⁶.

18. The appointment may be made in one of two ways:

Option 1 - one of the senior coroners from the old areas is appointed without open competition.

Option 2 - a senior coroner is appointed following an open competition.

19. In either case, the appointment cannot be made without the consent of the Lord Chancellor and the Chief Coroner.

20. It will be a matter for the relevant authority to decide whether to choose option (1) or (2), bearing in mind the matters set out below. The relevant authority may seek the views of the Chief Coroner or the Ministry of Justice, but ultimately it will be the relevant authority's decision.

Option 1: Appointment of one of the senior coroners of the old areas

21. Relevant authorities are advised that option (1) should usually be the preferred option because it:

- a) prevents existing senior coroners from being at risk of losing office, and by protecting their security of tenure, safeguards judicial independence;
- b) provides continuity of leadership; and
- c) avoids the possible payment of compensation for early retirement (see below).

22. If there is only one senior coroner affected by a merger because the other areas carry a vacancy, that senior coroner should usually be chosen as senior coroner for the new area (subject to the necessary consents). However, this is not a right; it is for the relevant authority to decide whether to make the appointment.

23. If the only existing senior coroner has limited experience, the merged area will be considerably larger than their old area (in terms of numbers of reported deaths), or there are other objectively valid concerns about their potential appointment to the new area, the relevant authority may wish to consider the following points in deciding whether to make the appointment via option (1) or run an open competition:

- a) Whether the senior coroner's experience is likely to have prepared them for:
 - i. managing a much larger coroner area; and
 - ii. managing an area with the new area's profile (this could be significantly different from the senior coroner's old area, e.g. the new area may include prisons, when the old area did not).

⁶ Schedule 3 para. 5(2)(b) CJA 2009

- b) Whether the public will have sufficient confidence in the remaining senior coroner in the light of their experience and/or any objectively valid concerns about their appointment; and
- c) The likelihood that a good field of candidates will apply if a competition is held.

24. Local authorities are reminded that senior coroners may only be removed from office by the Lord Chancellor (with the agreement of the Lord Chief Justice) for incapacity or misbehaviour. Local authorities appoint senior coroners, but they do not employ them. **Mergers cannot be used for the purpose of dismissing senior coroners.**

25. A coroner appointed as senior coroner of a newly merged area may be over the age of 75 and/or not comply with the 5-year judicial appointment eligibility condition, provided they were in post as senior coroner for one of the old areas when the CJA 2009 came into force⁷.

26. Where two (or more) senior coroners from the old coroner areas wish to be considered for appointment to the new merged area, the relevant authority should usually appoint one as the new senior coroner and consider the following possibilities for the others:

- a) Allowing their retirement;
- b) Appointing them as an area coroner for the new area at no loss of salary;
- c) Compensating them for early retirement.

27. The Chief Coroner expects that the relevant authority will take all reasonable steps to accommodate a former senior coroner who is displaced by a merger.

28. The relevant authority must ultimately be satisfied that their choice of senior coroner is a rational, fair and proportionate decision.

Option 2: Appointment following an open competition

29. Where the relevant authority decides to hold an open competition to appoint the senior coroner for a newly merged area, the senior coroners from the old areas may apply for the new post, as well as other candidates from within or outside the old coroner areas. The relevant authority should appoint the best candidate after a full and open competition (subject to the necessary consents)⁸.

30. The local authority should consider the following possibilities for any senior coroners who lose office as a result of this process (whether or not those senior coroners applied in the open competition):

- a) Allowing their retirement;
- b) Appointing them as an area coroner for the new area at no loss of salary;
- c) Compensating them for early retirement.

⁷ Schedule 22 para. 3 CJA 2009

⁸ See the Chief Coroner's Guidance No. 6 The Appointment of Coroners.

Compensation

31. Where a senior coroner loses office as a result of a merger, one option (as outlined above) is to offer them compensation for early retirement.
32. The amount of such compensation will be a matter for the relevant authority. Local authorities will have their own established procedures for assessing compensation for loss of contracts of employment which can no doubt be used in appropriate cases as a starting point for assessing loss of office. They will of course have to take into account the existing agreed terms and conditions between coroner and relevant authority and be mindful that senior coroners in post at the coming into force of CJA 2009 are not obliged to retire at the age of 75.

AREA CORONERS AND ASSISTANT CORONERS

33. Where coroner areas are merged, the relevant authority of the new area and the new senior coroner, will re-assess the coroner team. Existing area coroners and assistant coroners will remain in office, but the relevant authority is entitled to consider the needs of the newly merged area.
34. The Chief Coroner's Guidance No.6 The Appointment of Coroners advises that assistant coroners who have not worked for three years should be invited to stand down, so it would be appropriate for this action to be taken where any assistants have not worked in their old area in the three years before the merger.
35. Relevant authorities should bear in mind that all coroners hold office on 'whatever terms are from time to time agreed'⁹.

ADVICE

36. Local authorities and coroners who would like advice on any issues relating to mergers, can contact the Ministry of Justice, or the Chief Coroner's office.

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CHIEF CORONER**

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⁹ Schedule 3 para. 19 CJA 2009