

SENIOR CORONER

DRAFT

Memorandum on conditions of appointment and terms of service

This Memorandum has been prepared for the information of persons who are offered appointment as a Full time (Whole time) Senior Coroner

Part I outlines the conditions which must be satisfied before appointment;

Part II sets out the general terms and conditions of service of a whole time Senior Coroner; and

Part III sets out the current arrangements for travelling, subsistence and other allowances.

Annex A notes issued for guidance when taking up office as a Whole Time Senior Coroner

The Memorandum states the position as at July 2015.

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PART I

CONDITIONS OF APPOINTMENT

1. A person who has been offered appointment as a Senior Coroner must satisfy the following conditions before the appointment can be made.

Appointment

2. Senior Coroners are appointed by the relevant (local) authority and if the coronial area consists of areas of two or more local authorities then the relevant authority must consult with the other local authorities. Any appointment must be with the consent of the Lord Chancellor and the Chief Coroner. The statutory qualifications for appointment are contained in Part 2 of Schedule 3 to the Coroners and Justice Act 2009 which is summarised as follows:

" To be eligible for appointment as a Senior Coroner, area coroner or assistant coroner, a person must—

(a) be under the age of 70, and

(b) satisfy the judicial-appointment eligibility condition on a 5-year basis."

Pre- Appointment checks

3. The offer of appointment is conditional on the outcome of health, financial and other checks, which are undertaken by the Relevant Authority. An individual may be required to undergo a medical examination.

Announcement of appointment

4. An offer of appointment as a Senior Coroner is strictly confidential subject to disclosure in confidence to the person's family, doctor, partners, Head of Chambers or clerk and accountant, and no announcement of it will normally be made to the media until the

date on which the Senior Coroner is sworn in. If, for exceptional reasons, a person wishes an 'early' announcement to be made, this can be arranged. Under no circumstances can an announcement be made, however, until the Lord Chancellor and Chief Coroner have consented to the appointment. Until then the candidate is classed as the "preferred candidate".

(Some helpful notes and guidance are provided for consideration at Annex A when taking up office as a Whole Time Senior Coroner)

PART II

GENERAL TERMS AND CONDITIONS OF SERVICE

Prohibition on practice

5. A Senior Coroner shall not practise as a barrister or solicitor or be indirectly concerned in any such practice (s.75, Courts and Legal Services Act 1990). All Senior Coroners should avoid involvement in any case where, prior to appointment, they were involved as advisers to or advocates for a party in the case. The involvement of the judiciary in outside activities, including the termination of professional and business contacts, is dealt with at paragraph 35 onwards

Tenure and removal from office

6. A Senior Coroner appointed under the Coroners and Justice Act 2009 is required to vacate his/her office on the day on which he/she attains the age of 70. A Senior Coroner must also resign if he/she becomes a councillor within the relevant coronial area. It is open to a Senior Coroner to tender his/her resignation from office at any time by giving such notice in writing to the relevant authority for that area. The lengthiest possible notice of retirement or resignation would assist the relevant authority in planning for replacements, and enable the timely calculation of the pension award to take place.
7. A Senior Coroner may be removed from office by the Lord Chancellor, with the agreement of the Lord Chief Justice, on grounds of incapacity or misbehaviour (Courts Act 1971, s.17(4)). Such decisions are taken in accordance with the procedures contained in the Judicial Discipline (Prescribed Procedures) Regulations 2014.

Salary

8. The salary of a Senior Coroner is determined by agreement from time to time between the Senior Coroner and the Relevant Authority. At present the levels set by the last JNC circulars do not apply to the role of a Senior Coroner. The 2015 Price Waterhouse Coopers (“PWC”) Coroner job evaluation should be used as a guide in calculating remuneration [The current recommendation from the Senior Salaries Review Board should be followed as a minimum] although there may be a particular characteristic(s) of the coronial area that result, by agreement, in a payment exceeding the amount referred to in the “PWC” document [Senior Salaries Review Board recommendation]. The current level of salary is set out in the letter containing the Relevant Authority's offer of appointment. Details about the arrangements for the payment of salary will be sent to the coroner shortly before he/she takes up appointment.

Income tax (PAYE)

9. Income tax, which is payable under Schedule E, is deducted at source from the salary of a Senior Coroner, in accordance with PAYE arrangements.

National Insurance

10. A Senior Coroner is classed as an 'employed earner' within the meaning of s.2 of the Social Security Contributions and Benefits Act 1992 and is accordingly liable to pay class 1 national insurance contributions, which are deducted from salary together with income tax.
11. Liability to pay national insurance contributions depends not on whether services are rendered, but on whether earnings are paid. As a result, it continues during illness. (Sick leave is dealt with at paragraph 21).

Pension terms

12. The Senior Coroner is eligible to join the Local Government Pension Scheme (LGPS) subject to its terms and conditions from time to time in force. A salary supplement

amounting to []% is payable to the Senior Coroner as part of the remuneration package for those who become members of the scheme.

A Senior Coroner eligible to join will automatically be enrolled in the LGPS and appropriate deductions will be made from your salary. If you do not wish to be a member of the LGPS you should complete an opt-out form available from the Human Resources section.

The LGPS is contracted out of the State Earnings Related Pension Scheme. It follows that, if you choose to participate in LGPS, a contracting-out certificate under the Social Security Pensions Act 1975 will be in force in respect of your employment. Should you choose to opt out of the LGPS you must participate in the State Pension Scheme or take out a personal pension.

For those joining the LGPS, employee contribution rates vary between 5.5 and 12.5 per cent of pensionable pay. Your contribution banding is assessed on the full-time equivalent pay for your job as per the following table. Contributions are only made on the pay you actually earn. Contribution bandings are expected to be reviewed annually in line with the Scheme regulations.

If your Whole Time Equivalent	Your contribution
pay rate is:	rate will be:
Up to £13,500	5.5%
More than £13,501 and up to £21,000	5.8%
More than £21,001 and up to £34,000	6.5%
More than £34,001 and up to £43,000	6.8%
More than £43,001 and up to £60,000	8.5%
More than £60,001 and up to £85,000	9.9%

More than	£85,001	and up to £100,000	10.5%
More than	£100,001	and up to £150,000	11.4%
More than	£150,000		12.5%

(The above table is effective from 1 April 2014.)

13. The basic arrangements can be summarised as follows:

The member of LGPS is entitled to an immediate pension on retirement:

at or after the age of 65, although the scheme allows the member to retire and draw a pension from the age of 55 subject to conditions.

at any time for reasons of ill-health (at an enhanced rate if, at retirement, the office-holder has not attained the age of 65).

14. The pension is calculated on the basis of a one-forty-ninth 1/49th accrual rate and the basis of calculation is now Career Average Revalued Earnings (CARE).
15. There is a spouse's pension at the rate of 1/160th of your pensionable pay multiplied by the total membership you would have built up to your normal pensionable age. There is also provision for a death benefit equal to three times the amount of pensionable pay in the event of death in office and for surviving civil partner and children's pensions.
16. The LGPS also allows the member to make additional voluntary contributions (AVCs).
17. A detailed guidance note and information on individual questions will be provided with your appointment pack.

Salary Sacrifice

18. Salary sacrifice entails a judicial office holder giving up the right to receive part of his or her salary in return for childcare vouchers to the same value. The vouchers are then used to meet some (or all) of the individual's private childcare costs. As the salary/fee sacrifice takes place before tax and National Insurance contributions are deducted, there will be a saving on tax and N.I. liabilities. The extent of that saving is dependent on the amount of the salary sacrifice. As a rule of thumb, an individual taking a salary/fee sacrifice of £55 per week will achieve an annual saving on tax and N.I. of approximately £1195 (for a higher rate tax payer). A detailed guidance note and information on individual questions can be obtained from the HR department of the Relevant Authority.

Reasonable adjustments

19. A range of reasonable adjustments to working practices and equipment may be available for Senior Coroners who have or acquire an impairment or long-term medical condition amounting to a disability. The nature of the adjustments and whether they are reasonable will be specific to an individual office holder. No Senior Coroner will be asked to fund reasonable adjustments from his or her personal resources.

Leave

20. Annual leave entitlement is [] (a minimum of 30 days) per annum days plus the usual Bank and Public Holidays. The holiday year runs from 1st [] to []. Aside from bank and public holidays the Senior Coroner will make alternative arrangements for an area and/or assistant coroner to provide cover to deal with any judicial/administrative business. Such cover to be funded by the Relevant Authority. During public/bank holidays alternative cover may be provided as above or the Senior Coroner himself/herself may make themselves available to deal with urgent matters eg: tissue donation requests. Significant involvement in work related matters may result in time being taken off in lieu unless an additional salary payment had been agreed for out of hours work.

In addition:

- a) You should arrange to take any outstanding leave entitlement before you leave this appointment. If there are operational reasons why you have not taken your accrued leave entitlement you will be entitled to receive payment in lieu of any outstanding annual leave entitlement.
- b) If you leave this appointment and have taken more than the proportionate annual leave entitlement for that year a deduction equivalent to the excess holiday pay will be made from your final salary payment.

Out of Hours

21. The Senior Coroner maybe required to provide an out of hours service. Such cover to be funded by the Relevant Authority on terms to be agreed.

Sickness

22. No adjustment in a Senior Coroner's salary is made during any absence by reason of sickness. Although nothing is laid down in statute, no limit is placed on the length of any absence, provided there is a reasonable prospect of an eventual return to duty. When a Senior Coroner has been on extended absence, the Relevant Authority may seek a medical opinion of his/her overall health to enable it to establish whether the Senior Coroner's health will be damaged by the return to duty, and whether he/she will be able to provide full and effective service. In the interests of the efficient disposal of court and administrative business, a Senior Coroner should notify his/her Office Manager promptly if he/she is absent by reason of sickness. The relevant Authority owes a duty of care to the Senior Coroner and will offer where necessary/requested such welfare support similar to the position if the Senior Coroner was an employee of the Relevant Authority

Maternity, Paternity and Adoption Leave

23. Arrangements for *maternity leave, maternity pay, adoption leave and adoption pay* are made by analogy with those applicable to staff in the Relevant Authority. Full details can be obtained from the HR department of the Relevant Authority.

Special Paid Leave

24. It is recognised that there is a need and desirability for members of the judiciary to be able to use a reasonable amount of their 'annual leave' for normal holiday purposes and that it is thus undesirable for Senior Coroners to have to use leave for unavoidable absences. Short periods of additional special leave with pay may therefore be granted, primarily to enable Senior Coroners to cope with a short-term domestic crisis and to allow sufficient time, where necessary, for longer-term arrangements to be made. Up to 7 days special leave may be allowed on the death of a near relative or, in the case of some other relative, in special circumstances where, for example, the Senior Coroner is responsible for making the funeral arrangements. In the case of illness of a near relative, up to 3 days (exceptionally 5 days) may be allowed where it is necessary for the Senior Coroner to be in attendance or, at short notice, to assume responsibility for the care of a seriously ill or infirm relative who cannot be left alone, or for the care of a young family when a parent is suddenly taken ill.
25. Authorisation for special leave with pay, under this paragraph, may only be given by the Senior Coroner's Relevant Authority Liaison officer. The Senior Coroner should put into effect suitable arrangements for the disposal of judicial business during their absence. Absences for the observance of religious holidays should be taken as part of the ordinary 'annual leave' entitlement.

Training, Judicial Studies Conferences, etc

26. Senior Coroners are expected to attend conferences and courses organised by or on behalf of the Judicial Studies Board/The Coroners Society for England & Wales on subjects relevant to the work they do. The Chief Coroner considers that these conferences and courses are of considerable value for all coroners.

JUDICIAL CONDUCT

27. The requirements for Judicial Conduct set out in paragraphs 27 to 48 below are supplemented by the Judges' Council's '*Guide to Judicial Conduct*', which offers

assistance to the judiciary when considering issues of conduct. A copy can be obtained from www.judiciary.gov.uk/about_judiciary/conduct_and_appeals.

Relations with the press, radio and television

28. Guidance on relations with the media may be provided the Communications Team at the Relevant Authority when necessary.

Conviction for criminal offences and other matters relating to conduct

29. Where a Senior Coroner is cautioned for or charged with any criminal offence, other than a parking or speeding offence without aggravating circumstances, he/she must report the matter at once to the Lord Chief Justice and keep him/her informed of the progress and outcome of the case. Failure to do so could itself in some cases amount prima facie to misbehaviour. Convictions for some offences, including some motoring matters, need not necessarily be regarded as being incompatible with continuing to sit. However, if a Senior Coroner were convicted of a grave offence, for instance one involving violence to persons, dishonesty or moral turpitude, the Lord Chancellor and Lord Chief Justice would regard themselves as having cause to consider the exercise of their powers to remove the judge from office on the grounds of misbehaviour. The Lord Chancellor and Lord Chief Justice regard a conviction for an offence of driving while under the influence of alcohol or drugs as so grave as to amount, prima facie, to misbehaviour.

Personal Conduct

30. The Lord Chancellor and Lord Chief Justice believe that the public must be entitled to expect all coroners to maintain at all times proper standards of courtesy and consideration. Behaviour which could cause offence, particularly on racial or religious grounds, or amounting to sexual harassment, is not consistent with the standards expected of those who hold judicial office. A substantiated complaint of conduct of this kind, whether or not previous complaints have also been made, is in the Lord

Chancellor's and Lord Chief Justice's view, capable of being regarded as misbehaviour. A coroner must also notify the Lord Chief Justice if he/she gets into serious financial difficulties, particularly if legal proceedings appear likely to be, or have actually been, initiated.

31. The Lord Chancellor and Lord Chief Justice also consider it appropriate that if any coroner is aware of matters relating to conduct which may affect his/her position, or which reflect on the reputation and standing of the judiciary at large, he/she will advise them at the earliest opportunity. The Lord Chancellor and Lord Chief Justice will, in that event, have full regard to any observations which the judge may wish to make on the matter. Indeed, while the Lord Chancellor and Lord Chief Justice believe that the public both deserves and expects the highest standards of conduct from those in judicial office, they will not consider the exercise of the powers vested in them in respect of judicial conduct without serious cause and the most careful deliberation.

Involvement in legal proceedings

32. There may, for obvious reasons, be difficulty with a judicial office holder becoming involved in legal proceedings, either in his/her private capacity or in the event of such proceedings (outside the normal processes of appeal or judicial review) arising in some way from the performance of his/her judicial functions. As regards proceedings in a purely private capacity, the Lord Chancellor and the Lord Chief Justice are concerned that the normal legal rights of the judicial office holder as a private citizen should not be unduly prejudiced. However, a judicial office holder may think it appropriate to seek advice from the Chief Coroner before himself/herself initiating any such proceedings. He/she may also wish to consider whether to seek advice from this same source before initiating any proceedings arising as a consequence of his/her judicial functions.
33. Proceedings arising out of non-judicial activity. If a judicial office holder is involved in legal proceedings arising from his/her professional activity prior to appointment, or from any other cause, the Relevant Authority and the Chief Coroner should be informed but there will be no provision available for legal representation or to meet legal costs.

34. Proceedings arising out of judicial activity. Where a judicial office holder is the defendant, or otherwise the subject of actual or prospective proceedings arising from his/her judicial functions, different procedures apply according to the nature of the proceedings.

Judicial Review. When a judicial office holder is made a respondent to a Judicial Review application he/she must inform his/her Relevant Authority Liaison Officer in any event.

Other proceedings. When a judicial office holder is made a defendant or respondent to other proceedings the Relevant Authority Liaison Officer must be informed if there is a risk of an adverse costs order being made.

Regulation 17 of the Coroners Allowances, Fees and Expenses Regulations 2013 provides any coroner with a full indemnity from the Relevant Authority in respect of any costs reasonably incurred in or in connection with proceedings involving the coroner's functions; costs reasonably incurred in taking steps to dispute any claim which might have been made in any proceedings involving the coroner's duties; damages ordered to be paid by the coroner following the aforesaid proceedings; and any sums payable by the coroner in connection with any reasonable settlement of the aforesaid proceedings. If proceedings are brought by the coroner then advanced indemnity agreement from the Relevant Authority must be sought.

35. Witness summons. The question sometimes arises whether a judicial office holder should appear as a witness in legal proceedings, arising in some way from his/her judicial duties or e.g. from activity in which he/she was engaged prior to his/her appointment to the Bench. It is hoped that such involvement can be avoided so far as possible. Legal authority (*Warren-v-Warren*) [1996] 4 AER 664 confirms however that no judicial office holder is compellable as a witness in relation to his/her judicial functions, but that all are competent; and that where a judge's evidence is vital for the purpose of the proceedings, he/she should be able to be relied upon not to allow his/her lack of compellability to stop him/her from giving evidence.

Outside Activities and Interests

36. General Principles. Coroners must ensure that while holding judicial office they conduct themselves in a manner consistent with the authority and standing of a judge. They must not, in any capacity, engage in any activity which might undermine, or be reasonably thought to undermine, their judicial independence or impartiality. If in any case any question of bias arises, Coroners should follow the guidance in the decided cases, including the Court of Appeal judgment in *Locabail (UK) Ltd v Bayfield Properties Ltd and Another (2000) Q.B. 451*. They may not undertake any task or engage in any activity which in any way limits their ability to discharge their judicial duties to the full. They should so conduct their private affairs as to minimise the possibility of conflict or embarrassment. If any doubt arises on the application of these principles, a Senior Coroner should seek initial guidance from the Chief Coroner's Office.
37. The following paragraphs provide further guidance on types of interest or activity which are most likely to occur. The guidance is not designed to be exhaustive. If a coroner has any doubt about his/her particular interests or the propriety of a particular undertaking, the Chief Coroner's Office will be ready to advise him/her.
38. Financial interests. There is normally no objection to a judicial office holder holding shares in commercial companies. However, there is a long-standing rule that no full time judicial office holder should hold a commercial directorship. This applies to a directorship in any organisation whose primary purpose is profit-related. It applies whether the directorship is in a public or a private company, and whether or not it is remunerated. Any person holding such a directorship is therefore expected to resign from it on appointment to Senior Coroner.

The only exception to this rule is that a judicial office holder may take part in the management of family assets, including land or family businesses, and may hold a directorship in a private company for this purpose or in a company formed for the management of flats of which he/she is a tenant. However, caution should be exercised even where companies are solely owned by the judicial office holder and his/her family.

39. Non-commercial directorships. A Senior Coroner holder may continue to hold directorships which relate to organisations whose primary purpose is not profit-related, and whose activities are of an uncontroversial character.
40. Charitable activities. If a Senior Coroner is involved in charitable activities, including holding the directorship of a charity, he/she should be on his/her guard against circumstances arising which might be seen to cast doubt on his/her judicial impartiality or conflict with his/her judicial office.
41. Political or other activities. A Senior Coroner must expect to forgo any kind of political activity and also any other activity which could make undue demands on his/her time. He/she should be on his/her guard against circumstances arising in which his/her involvement in any outside activity might be seen to cast doubt on his/her judicial impartiality or conflict with his/her judicial office. A Senior Coroner is also expected to submit his/her resignation to the Relevant Authority in the event of nomination or adoption as a prospective candidate for election to Parliament, or to the Scottish Parliament, the Welsh Assembly, the Northern Ireland Assembly or the European Parliament.
42. Termination of professional and business contacts. A full time Senior Coroner is expected to terminate all professional and business contacts with his/her former partners and clients and to sever professional connections with his/her former chambers or firm on taking up judicial office save to the extent that such contact is necessary for practical purposes such as the receipt of outstanding fees etc. A full time Senior Coroner should also retire from the office of Trustee, where such an appointment arose from a professional or business relationship, if this is likely to be seen to cast doubt on his/her judicial impartiality or conflict with his/her judicial office. In addition, no full time Senior Coroner while holding full time judicial office may maintain an office or make use of office facilities in the premises of the partnership, firm or chambers with which he/she was formerly connected and he/she should also bear in mind the need for discretion in the number and frequency of visits he/she makes there even where these are of a social or personal nature.

43. Appointments to judicial office are intended to be for the remainder of a person's professional life. Full time Senior Coroners who accept appointment do so on the understanding that following the termination of their appointment they will not return to private practice as a barrister or a solicitor, and will not:
- a) provide services, on whatever basis, as an advocate (whether by way of oral submissions or written submissions) in any court or tribunal in England and Wales;
 - b) in return for remuneration of any kind, offer or provide legal advice to any person.

For the avoidance of doubt, former judicial office holders may provide services as an independent arbitrator/mediator and may receive remuneration for lectures, talks or articles. In cases of any doubt, the advice of the Chief Coroner should be sought before undertaking any services.

44. Membership of local Law Societies. Where members of the judiciary are members of local Law Societies, the possibility can arise of embarrassment, or risk of criticism. These possibilities are the greater where they are active members or office-holders of the Society and plainly greater still in smaller towns and cities. Without therefore necessarily precluding a Coroner's membership of such a Society (particularly where it may be of long standing and have given rise to no difficulty), attention should be drawn to the risks. It is suggested that a full time Senior Coroner should accept an invitation to join or continue only if on consideration he/she is quite satisfied that it would not lead to difficulties. In future when a full time Senior Coroner joins a local Law Society, it should be on the understanding that he/she cannot take an active part in its functions. However, if a Senior Coroner has taken and still does take an active part in a local Law Society, and no difficulties have arisen, he/she is not obliged to stand down and the matter is left to his/her discretion.
45. Where a Senior Coroner gives a lecture for a commercial undertaking there is no objection, if he/she considers that it would be appropriate, to his/her requesting that any fee otherwise payable be paid to a charity of his/her choice or to his/her Relevant Authority. To avoid any liability for tax, a Senior Coroner should try to ensure that

payment is made direct to the charity/Relevant Authority. Where this is not possible, e.g. accounting reasons, and the charity/Relevant Authority would otherwise lose out, a Senior Coroner may accept the payment himself/herself, provided that he/she is prepared to pay the tax on that sum and make the payment directly to the charity himself/herself. There is no objection to a Senior Coroner accepting reimbursement of the cost of any necessary travel and accommodation necessitated by attending a suitable lecture, conference or seminar.

46. Writing books and articles. It is a long-established tradition that the writing of books and articles, academic and technical works, and the editing of legal textbooks are not incompatible with holding judicial office and there is no objection to the acceptance of royalties or fees for doing so. Legal and technical books and articles do not normally give rise to difficulties but it may sometimes be advisable for a Senior Coroner to avoid writing on a subject of wider or more general public interest.
47. However, the editorship of a commercial legal or technical journal is generally considered incompatible with judicial office, since this involves a regular commitment. Furthermore, journals provide platforms for opinions and, as such, they represent a potential source of avoidable conflict. Editorship of such journals should therefore normally be resigned on appointment; if an exception is sought, reference should be made to the Chief Coroner's Office.
48. Misuse of office, etc. A Senior Coroner should avoid any action which involves, or may be seen as involving, the exploitation or misuse of his/her judicial position or title for private purposes, e.g. in connection with local planning issues. Members of the judiciary are reminded that the facilities provided at public expense including those for dispatch of correspondence and stationery are provided for use in carrying out official duties and are not intended for personal use/correspondence.
49. Parliamentary Committees. Guidance for members of the judiciary who are invited to appear before, or give written evidence to, Parliamentary Committees is provided by the Judicial Communications Office.

Complaints

50. Complaints are received from time to time, from members of the public or others, about members of the judiciary. These complaints may relate either to a judicial decision or to the personal conduct of a judicial office holder and sometimes both. Any complaint which relates wholly or partly to the personal conduct of a judicial office holder will be dealt with by the Judicial Conduct Investigations Office in accordance with the Judicial Discipline (Prescribed Procedures) Regulations 2014. A further category of complaint, basically relating to an aspect of court administration but incidentally referring to a judicial office holder, will normally be dealt with by the Senior Coroner at first instance as an administrative matter.
51. The constitutional principle of judicial independence precludes the Lord Chancellor, the Lord Chief Justice, The Chief Coroner or any official from commenting on or attempting to interfere with judicial decisions. An individual complaining about a judicial decision will be advised to seek legal advice about whether they have the right of appeal. Further information is available from the Office for Judicial Complaints.

Judicial and other Grievances

52. A protocol has been established, setting out a process which may be followed if a judicial office holder has a complaint about another judicial office holder, which it has not been possible to resolve by normal methods. Details of the procedure can be obtained from the Judicial Office.
53. If the Senior Coroner has a grievance involving his/her Relevant Authority then the Senior Coroner must at first instance try to resolve the grievance with the Coronial Liaison Officer or if that is not possible with the Director of Legal Services for that Relevant Authority. Should that fail then either party will consider resolving it by mediation in accordance with the Relevant Authority's facilitative Mediation policy. If none exists then in accordance with the CEDR model mediation procedure where as long as the grievance relates to the Senior Coroner's ability to discharge his/her judicial functions or his/her terms and conditions then the costs will be met by the Relevant Authority. Parties in a disagreement or dispute should consider, resolving their

differences through mediation, before contemplating any other more adversarial or even legal action although any statutory recourse is not affected by this clause.

54. If the Relevant Authority has a grievance involving his/her Senior Coroner excluding matters relating to judicial decisions and judicial function then that Relevant Authority must at first instance try to resolve the grievance with the Senior Coroner. Should that fail then either party will consider resolving it by mediation in accordance with the Relevant Authority's facilitative Mediation policy. If none exists then in accordance with the CEDR model mediation procedure where as long as the grievance relates to the Senior Coroner's ability to discharge his/her judicial functions or his/her terms and conditions then the costs will be met by the Relevant Authority. Parties in a disagreement or dispute should consider, resolving their differences through mediation, before contemplating any other more adversarial or even legal action although any statutory recourse is not affected by this clause.

Security

55. For security reasons, judicial office holders are advised to obtain ex-directory telephone numbers and never to disclose their private addresses and telephone numbers for publication in any form of circulated publication, for example in 'Who's Who'. Judicial office holders should note that information in the Electoral Register is accessible electronically and they may wish to elect to appear on the full register (access to which is controlled) rather than the edited register (which is accessible to all who wish to purchase a copy). Office holders should also note that a requirement of the Companies Act 1985 is that company directors declare a range of personal details, including their home address and occupation. While it is not possible to avoid declaring one's home address, it is sufficient to declare one's occupation as Company Director or Company Secretary, since it is not a requirement that the primary occupation (i.e. Coroner) is declared.

PART III

ALLOWANCES AND OTHER PROVISIONS

Court/Ceremonial Dress

56. In accordance with the Chief Coroner's Guidance note No.03 dated 16 July 2013; coroners should no longer wear robes in open court. From time to time however it is expected that a Senior Coroner will attend civil ceremonies such as Rule of Law services and Remembrance Day services. On those occasions it is expected that a Senior Coroner wear appropriate robes and wigs. The cost of supplying such items should be agreed between the Senior Coroner and the Relevant Authority but it is expected that the Relevant Authority reimburse the Senior Coroner in respect of such items which will remain the property of the relevant Authority unless otherwise agreed.

Legal Books and Publications

57. In addition to reimbursing a Senior Coroner for the cost of necessary legal books and publications (to be agreed in advance of purchase with the relevant Authority) the Relevant authority should if on line library services are available to its own legal teams consider as to whether such a service should be extended and afforded to the Senior Coroner and his/her team.

Official telephone calls from private residences

58. A coroner who has to use his/her private telephone for Crown business may be reimbursed the cost of such calls. Claims, which must be supported by the itemised telephone bill, should be sent each quarter to the Relevant Authority Coronial Liaison Officer. Reimbursement will include the actual cost of calls made plus, for each call, an additional sum reflecting VAT and rental charges.

59. Where a coroner has occasion to make numerous calls on judicial business from his/her home and his/her usage of the telephone for this purpose is consistent, the Relevant Authority should consider agreeing with him/her a fixed allowance of units to cover the cost of all those calls. Under the rules applicable to the use of private telephones for Crown business, it will be necessary at the beginning for the coroner to be asked to keep, over a reasonable period, a detailed record of the calls he/she makes, so that the fixed allowance can be agreed with him/her. Similarly, the Relevant Authority is required to review such allowances, from time to time, in the same way. This allowance may be subject to tax.

Eye Tests

60. Health and Safety legislation entitles anyone regularly using visual display units, such as computers, to regular eye examinations. The Relevant Authority is expected to treat the coroner on a par with their own employees in this respect. Full details of relevant schemes can be secured from the Relevant Authority HR department or the Relevant Authority Intranet.

TRAVELLING AND SUBSISTENCE ALLOWANCES

61. The following paragraphs set out the basis on which travelling and subsistence allowances are paid for travel on judicial business.
62. Travelling allowances are not paid for journeys between a coroner's home and his/her principal place of work. It is not regarded as an appropriate use of public funds to meet the travelling expenses incurred by coroners in attending public dinners and other social functions, however desirable it may be that they should attend. The rules governing the following allowances reflect, with appropriate modifications, those adopted for persons in Crown service generally. These rules may change from time to time and any such changes will be notified accordingly. The Inland Revenue tax rules governing the tax treatment, and rates, of these allowances may also change and any such changes will be notified to office holders.

Rates of allowance

63. Coroners will be advised separately about the current rates of motor mileage and subsistence allowances and how to use the Relevant Authority's hotel booking agency (see paragraph 72 below). Any increases in the rates of allowance will be notified as they occur. General advice and guidance on the rules and their application in individual circumstances, on the submission of claims, and about the insurance requirements for car journeys paid for at public expense, is best sought from the court manager at the judicial office holder's place of work.

Travel by private car

64. The amounts payable in respect of travel by private car on the judicial business of the Crown will follow the Relevant Authority's travel policies for its own members of staff. Please refer to Annex A in relation to checking that the relevant motor insurance policy covers the use of a private motor vehicle used by the Senior Coroner for coronial business.

The standard rates of mileage allowance

65. The standard rate of mileage allowance, payable in accordance with the above arrangements, comprises a single category for all cars, irrespective of engine size. Within that category there are two tiers which relate to the mileage travelled. A higher rate applies up to the first 10,000 miles and a lower rate for each mile thereafter. Records of coroners' cumulative mileage will be kept by the Relevant Authority.
66. Liability to tax. The rates of motor mileage payable are set at a level approved by the HM Revenue & Customs as involving no profit element and do not therefore give rise to any tax liability.
67. No limit is placed on the mileage which coroners, who prefer to use their cars rather than public transport for travel on judicial business, may claim.

Reimbursement of parking fees and certain other charges

68. The Relevant Authority aims, wherever possible, to provide a parking space for coroners at court centres. Where these are available, a coroner will be allocated one free of charge. Where no such parking facilities exist, parking expenses may be reimbursed.
69. The cost of garaging and parking fees, congestion charges, tolls and ferry charges incurred in the course of an official journey for which the standard rate of mileage allowance is payable may also be reimbursed.

Travel by public transport

70. A coroner who travels by train to a court other than his/her principal court or on judicial/coronial business including training and attending meetings for example with the Chief Coroner, the Ministry of Justice of the Coroners Society of England & Wales may claim the first class rail fare for the journey if the coroner is undertaking work during the majority of the journey which given the sensitive nature of his/her role makes it preferential to have the extra space and privacy afforded by travelling first class. He/she may also claim the cost of a taxi at either end of the journey where this is reasonably incurred.

Air travel

71. A coroner may travel by air if it would be cheaper than making the journey by first class rail and/or car, or if air travel would avoid the need for an overnight stay, and the cost of the air fare is less than the cost of an overnight stay, including travelling expenses.

Night subsistence allowances

72. A night subsistence allowance is payable in keeping with the Relevant Authority's own policies for its employees. Full details of which are found on the intranet or from the HR department of the Relevant Authority.

Hotel Booking Agency

73. Whilst it is open to coroner to make their own arrangements for booking hotel accommodation, they are encouraged to use the services of the hotel booking agency employed by the Relevant Authority. Under the terms of the contract, the agency undertakes to identify suitable hotel accommodation throughout the country to a standard specified for a judicial office holder and in accordance with the night subsistence allowance available. The agency is aware of special judicial requirements and the appropriate procedures to be adopted. Wherever possible, hotel accommodation will not be situated on the ground floor and the agency will make the booking without revealing the status of the judicial office holder, if this is preferred for security reasons. Judicial office holders should simply identify the area in which accommodation is required (being as precise as possible) and the agency will do the rest. It is possible to request a specific hotel. Use of the booking agency can realise savings of up to 50% on the cost of a room, thus allowing better quality accommodation to be booked within the specified limits.
74. Where bookings are made through the hotel booking agency the normal limit for the bed and breakfast element in the night subsistence allowance may, in exceptional circumstances, be exceeded where the agency has certified that no suitable alternative accommodation was realistically available within the relevant area at a lower cost.
75. Details of how to use the Hotel booking Agency can be found on the intranet or obtained from the Relevant Authority HR department.

Miscellaneous travelling and other expenses

76. Cathedral and church services. Attendance by a coroner at the main cathedral service held once a year in each Region may be regarded as part of his/her official functions for which appropriate travelling and subsistence expenses will be payable.
77. Meetings of the Coroners Society for England & Wales and its sub-committees. Coroners will be reimbursed the travelling and subsistence expenses, if any, incurred in attending meetings of the Committee or sub-committee of the Council of Coroners Society of England & Wales at which a substantial amount of the business transacted

is of an official nature. Expenses incurred in attending other meetings of the Council may be reimbursed by agreement with the Relevant Authority.

78. Training. The Chief Coroner considers it highly desirable that coroners should attend training courses therefore coroners will be reimbursed in respect of travelling and subsistence expenses. Attendance at the Coroners' Continuation Training is regarded by the Chief Coroner as compulsory.
79. Annual Conference of the Coroner's Society of England & Wales. The conference involves training aspects as well as meetings involving coronial business and practice. A Relevant Authority should cover the cost of the attendance of the Senior Coroner from the coronial area which it/they is/are responsible for at the conference if attendance is so requested.
80. Invitations to address organisations. It is in the public interest for Coroners to address charities and organisations as well as hospitals and doctors for example (this list is not exhaustive and is purely illustrative) who have an integral involvement in the work coroners carry out. Coroner's who are invited to address such meeting may claim travelling and, if necessary, subsistence allowances.

Expenses claims

81. Expenses claims should be submitted regularly at intervals of no more than _____ []month; which period should commence at the date of the earliest journey in the claim. Supporting vouchers, receipts etc. for expenses should be attached to the claim, whenever possible.
82. In order to conform to Local Government accounting rules members of staff who process claims for travel on duty expenses are strictly required not to correct, amend or complete claims by, for example, entering totals and mileage rates. Coroners are therefore requested to ensure that all claim forms are properly completed. Erroneous or improperly completed claims will be returned unpaid.

Further information

83. Any further information about the travel, subsistence and other allowances to which Coroners may be entitled will be readily supplied by the Relevant Authority HR department.

ANNEX A

Notes issued for guidance when taking up office as a Whole Time Senior Coroner

Income Tax

- A. It is important that, before a member of the Bar or solicitor decides to accept an offer of appointment as Senior Coroner, he/she should carefully discuss the tax implications in confidence with his/her accountant or other tax adviser, so that he/she may be entirely clear about the effect of the appointment on his/her tax position. The General Council of the Bar produce guidance on the subject in their publication "The Taxation and Retirement Benefits Handbook". The Handbook explains the income tax consequences which apply when a barrister ceases to practise on assuming salaried judicial office, and is available via the Bar Council's web site (www.barcouncil.org.uk). The relevant arrangements are extremely complex and it is important that each individual checks his/her own personal tax position in the light of the up to date legal provisions. There is no equivalent guidance for solicitors because the position in each individual case may vary greatly, but the same point applies.

Value Added Tax

- B. HM Revenue & Customs have produced *Notice 700/44 Barristers and Advocates (June 2007)* which explains that Department's requirements and the options available to barristers to defer VAT on outstanding fees whilst de-registering for VAT purposes. The notice can be downloaded from www.customs.hmrc.gov.uk

Professional Indemnity Insurance

- C. Professional indemnity insurance through the Bar Mutual Indemnity Fund operates on a "claims made" basis, i.e. the cover relates to the date on which the claim is made, and not to the date of the alleged act of negligence; and cover comes to an end when the barrister leaves the Bar. To protect himself/herself and his/her dependants, a Senior Coroner is accordingly strongly urged on appointment to obtain cessation cover against any claims that may be made against him/her after his/her appointment in relation to his/her earlier professional practice at the Bar, by contacting the Bar Mutual Indemnity Fund.
- D. The Law Society Professional Indemnity Section have advised the Department that for solicitors who retired from practice before 1st September 2000 with no successor practice (as defined in the minimum terms and conditions appended to the Solicitors Indemnity Insurance Rules) the Solicitors' Indemnity Fund continues to provide indemnity cover and a judicial office holder should not require further insurance in respect of claims which may arise in relation to his/her previous practice as a solicitor. For solicitors who retire on or after 1st September 2000, The Law Society advises that *"solicitors who retire on or after 1st September 2000 will be provided with cover by the relevant qualifying insurer and may be liable to pay an excess. Where the solicitor retired without a successor practice the relevant qualifying insurer will be that on cover immediately prior to the retirement. Where there is a successor practice then the relevant qualifying insurer is the one on cover for the successor practice. In circumstances where practices cease with no successor practice qualifying insurers are required to provide run-off cover for a period of 6 years. Arrangements have been put in place for run-off cover for ceased practices after the expiry of the six year period which provides post six year run-off cover under the current indemnity insurance scheme for a period of ten years one month from 1 September 2007 to 30 September*

2017. *There will be no extra premium levied for this further cover.*” Solicitors should ensure that they understand how they will stand if claims are made in respect of their practice after they have been appointed to judicial office.

Insurance of motor vehicles used on Crown business

- E. Senior Coroners who claim mileage allowances must have fully comprehensive insurance cover. In addition, a person using his/her privately owned motor vehicle in connection with his/her business is legally required to have in his/her insurance policy a clause covering such use by the policy holder in person. Although business-user clauses are common in normal private motor insurance policies, not all of them provide expressly that the receipt of an allowance for such use shall not, for the purpose of the policy, constitute use for hire and reward. Without such a provision, and in the absence of any arrangement rendering it unnecessary, the receipt of a mileage allowance might result in the journey in respect of which it was paid being made without insurance cover – please therefore check with your insurer.

11 September 2015