



CHIEF CORONER

## GUIDANCE No.39

### RECOVERY FROM THE COVID-19 PANDEMIC

#### INTRODUCTION

1. The COVID-19 pandemic has had a significant impact on the coronial system. As restrictions ease in England and Wales, it is vital that we take decisive steps to deal with any outstanding cases and help the system to recover as quickly as possible. The purpose of this note is to assist all coroners to develop a robust, dynamic recovery plan that will deal with the challenges the service is currently facing. It should also be noted, however, that by necessitating changes in our ways of working, recovery planning provides us with an opportunity to make improvements that will be beneficial in the longer term.
2. The key pillars of recovery for our service are:
  - a. Arranging appropriate COVID-secure facilities for the conduct of inquests, including those inquests that are complex;
  - b. Ensuring each Coroner Area has the number of coroners it needs;
  - c. Maximising the use of Assistant Coroners to tackle any backlog of cases;
  - d. Ensuring each Coroner Area has appropriate levels of support staff; and
  - e. Increasing coroners' capacity to undertake inquests with remote participants, including through the provision of better IT equipment and training where required.
3. It is essential that every senior coroner works closely with their relevant local authority, and the police (where they employ coroners' officers) as part of the 'triangle of responsibility' to agree a creative recovery plan that is consistent with the welfare of coroners, coroners' officers and staff, and will meet the challenges currently faced in their Coroner Area. Discussions with the police should routinely involve the relevant authority. It is not appropriate for senior coroners or local

authorities to take a 'wait and see' approach to the end of the pandemic and restrictions. Action should be taken now to deal with backlogs.

4. It is the statutory responsibility of the relevant local authority to provide coroners in their Coroner Area with the staff and accommodation they need to carry out their functions.<sup>1</sup> Local authorities must therefore support (financially and otherwise) the necessary adjustments that will be needed for recovery. Where the police provide coroners' officers, they may also be asked to provide additional resource. Such conversations should involve the relevant authority.
5. Officials from the Ministry of Local Government and Housing confirmed to Ministry of Justice officials at the end of 2020 that the government had agreed an un-ringfenced £4.6 billion grant to local authorities to support the additional costs of COVID-19 pressures. Senior coroners may wish to remind local authorities that that grant could be used to finance additional resources where needed.

## **SPECIFIC CONSIDERATIONS**

### **Accommodation**

6. For hearings involving physical participation, it is important that public health requirements are complied with, both in courtrooms and elsewhere within the precincts of courts. The latest government Guidance should be consulted. The relevant authority should be actively involved in helping the senior coroner to enable all types of hearings to proceed by securing appropriate accommodation and making any adjustments that are required. Public Health England/Wales can be asked to provide a risk assessment to check the suitability of proposed arrangements.
7. It is worth considering whether there is the potential for an innovative solution to accommodation issues. For example, some senior coroners and relevant authorities have joined together to obtain access to a shared regional location where jury or other complex inquests from a number of coroner areas can be heard. Local authorities may have non-court accommodation that is suitable for the holding of inquests (e.g. town halls, council chambers etc.). There may also be some HMCTS accommodation available, for which contact should be made with HMCTS locally in the first instance.

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<sup>1</sup> Section 24 Coroners and Justice Act 2009

8. In addition to providing suitable court spaces, local authorities should continue to make any workplace adjustments required for coroner office spaces to function safely, in discussion with the senior coroner and any other relevant people or organisations (e.g. the police).

## **IT**

9. Senior coroners should discuss with their relevant authority any improvements that are required in relation to the provision of IT and audio-visual equipment. This will be particularly important for the future, as legislative changes are proposed that will enable the wider use of remote inquests, and remote capability is one tool that could be used to tackle backlogs efficiently.

## **Judicial resource**

10. Senior coroners and their relevant authorities should plan for the maximum possible use of assistant coroners, to ensure that any backlogs are cleared as quickly as possible.
11. It may be necessary to appoint additional assistant coroners. This must only be done by way of fair and open competition, but my Office holds a recruitment pack that can be easily adapted. For a copy of the recruitment pack, please email: [chiefcoronersoffice@judiciary.uk](mailto:chiefcoronersoffice@judiciary.uk).
12. It should be possible to run an expedited competition within a short timescale (6-8 weeks is a reasonable estimate). Although running a competition can be difficult to prioritise when resources are low, it is crucial to act as soon as possible. Appropriate judicial resourcing is one of the pillars of our recovery.
13. Where there has been an assistant coroner competition within the last 12 months that returned a greater number of appointable candidates than was originally sought, consideration could be given to making additional appointments from that pool of candidates.

## **CONCLUSION**

14. Senior coroners should share this document with their local authority (including the Coroner's Service Manager and Chief Executive), coroners' officers, line managers of coroners' officers, staff and where relevant, local police forces

(including the Chief Constable). Working to tackle the outstanding cases will require a team effort and support at senior levels.

15. In some Coroner Areas, levels of work may mean that some senior coroners may be able to offer assistance to neighbouring areas. If that is the case, please make contact with your colleagues directly, or let my Office know.
16. If senior coroners experience difficulties with resourcing, they should contact my Office for assistance. I am ultimately responsible for explaining the reasons for any national backlog of cases to the Lord Chancellor and to Parliament, and I will intervene where necessary.
17. I will be closely monitoring the steps taken towards recovery and I am confident we can find creative solutions that will help our system to recovery quickly and improve it for the future.

HHJ THOMAS TEAGUE QC  
CHIEF CORONER

29 June 2020

21 May 2021 Revised