



GUIDANCE No.48

THE PAYMENT OF FORENSIC PATHOLOGY FEES

Introduction

1. This guidance is being issued to increase understanding of the payment of forensic pathology fees, to avoid misunderstandings about the division of responsibility between the coroner, the police force and the local authority, and to ensure openness and accountability in respect of the use of public money.

Requesting a post-mortem examination

2. A coroner has the power to request a suitable practitioner to make a post-mortem examination where the coroner is investigating a person's death, or to help the coroner to decide whether there is duty to investigate¹.
3. In cases of suspected homicide, the coroner must consult the chief officer of police about who should make the post-mortem examination² and will usually request a Home Office registered forensic pathologist.
4. Detailed information on how this works in practice is set out in Chief Coroner Guidance No. 32 (link:<https://www.judiciary.uk/guidance-and-resources/chief-coroners-guidance-no-32-post-mortem-examinations-including-second-post-mortem-examinations1/>).

Payment for forensic pathology fees

5. Regulation 8 of the Coroners Allowances, Fees and Expenses Regulations 2013 sets out the allowances, fees and expenses that are payable by or on behalf of a coroner. The schedule includes the following provisions:

For making a post-mortem examination and reporting the result to the coroner	£96.80
For making a post-mortem examination involving additional skills and reporting the result to the coroner	£276.90

6. There is no information in the Regulations as to when a post-mortem examination will involve 'additional skills'. However, to be able to become a Home Office registered pathologist, a practitioner must have specific training on meeting the requirements of a criminal investigation. It is therefore the Chief Coroner's view

¹ s14 Coroners and Justice Act 2009

² Regulation 12 of the Coroners (Investigations) Regulations 2013

that an invasive forensic post-mortem examination will fall within the higher rate band.

7. Where a police investigation requires the use of a Home Office registered pathologist, it is accepted practice that the police force will pay a contribution towards the cost of the post-mortem examination. The National Police Chief's Council and the British Association in Forensic Medicine negotiate annually the amount of the police contribution per case. That contribution is then paid directly by the relevant police force to the forensic pathologist each time a forensic post-mortem examination is conducted.
8. The fee charged for a forensic post-mortem examination therefore consists of two elements: the £276.90 paid on behalf of the coroner, and the contribution from the police. Together those two sums represent the total cost of the post-mortem examination. This arrangement recognises that the coroner and the police are conducting separate investigations, but each require the evidence from the post-mortem examination. As is explained in Chief Coroner Guidance No. 32, it does not create a conflict of interest as the primary duty of the forensic pathologist remains to the court.

The coroner's element of the fee

9. It is the coroner's judicial decision whether to request a forensic post-mortem examination. Where one takes place, the coroner's element of the fee must be paid by the local authority on the coroner's behalf, in accordance with s24 Coroners and Justice Act 2009.

Expenses

10. In addition to paying a post-mortem examination fee, the Regulations provide that a coroner may pay the reasonable expenses of the suitable practitioner³. This enables the coroner to pay expenses such as for histopathology or toxicology, where such testing is necessary for the purposes of the criminal and/or coronial investigation. Whether such testing is necessary will depend on the requirements of the criminal investigation and the scope of the coronial investigation. The coroner should consider advice from the pathologist, but it is ultimately for the coroner to decide what testing is required.

HHJ Alexia Durran
The Chief Coroner

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³ Regulation 11 of the Coroners Allowances, Fees and Expenses Regulations 2013