

PROPOSALS FOR THE FUTURE CORONERS SERVICE

To: Highways and Community Infrastructure Committee

Meeting Date: 18 November 2014

From: Executive Director Economy, Transport and Environment

Electoral division(s): All

Forward Plan ref: N/a **Key decision:** No

Purpose: To inform the Committee about the progress made following a member- led review of Coroner Services, and to ask members to make decisions regarding the future service model.

Recommendation: The Committee is recommended to agree to:

a) the Council's preferred position of forming a merged Coronial jurisdiction for Cambridgeshire and Peterborough by the end of April 2015.

b) the Council forming a merged Coronial jurisdiction for Cambridgeshire alone (i.e. without Peterborough), should the proposal in (a) above not be achievable.

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1. BACKGROUND

- 1.1 In September 2013 the Resources and Performance Overview and Scrutiny Committee commissioned a review into the Coroner Service, specifically to look at 'the feasibility of a contingency for a single jurisdiction in terms of coroner areas, and also looking at transparency and accountability, Service Level Agreements and further changes that could be made'. It was agreed that the Chairman and Vice-Chairman would lead in this area of work.
- 1.2 A final report of the findings of this review was presented at the Resources and Performance Overview and Scrutiny Committee meeting on 20th March 2014. The Committee made a number of recommendations which are now in the process of being implemented.

2. PREVIOUS RECOMMENDATIONS

The recommendations from the Overview and Scrutiny Committee are set down below (shown in bold), together with an update on progress.

- 2.1.1 **a) Officers should continue to monitor developments regarding the introduction of the Medical Examiner role and inform and advise Members accordingly.**

National consultation on the introduction of reforms to death certification and the Medical Examiner role is long overdue and still awaited. The latest advice is that the consultation is unlikely to happen before October 2015 at the earliest. Officers will continue to keep members informed through reports to the new Highways and Community Infrastructure Committee, as appropriate.

- 2.1.2 **b) Senior officers, including Finance officers, should be made aware that there may be additional pressures on the Business Plan arising from the introduction of Medical Examiners.**

Any potential additional financial pressures will be considered during the business planning process.

- 2.2 **The Council should make the necessary preparations to:**

- 2.2.1 **a) merge the two Cambridgeshire jurisdictions, subject to the advice of the Chief Coroner on how to effect this;**

The two current part-time Senior Coroners (covering North East Cambridgeshire and South West Cambridgeshire respectively) have both given formal notice of their intention to retire by the end of April 2015. Moving to a single Cambridgeshire jurisdiction is in line with new guidance from the Chief Coroner issued 1st May 2014. Officers have corresponded with the Ministry of Justice (MOJ), which is keen for a single Cambridgeshire jurisdiction to be created, and for the option of a merger with Peterborough to be explored.

- 2.2.2 **b) appoint a full time Senior Coroner in relation to the new jurisdiction from 1st April 2015 or in time for the retirement of the current part-time Coroners, if that date is earlier or later.**

The appointment of a single full time Senior Coroner is now both possible and urgent, since both Cambridgeshire Coroners are retiring. However, it is proposed to seek to appoint to a full time Senior Coroner for a merged jurisdiction with Peterborough first (see below). The option for a standalone Cambridgeshire jurisdiction would therefore only be taken forward if a merger with Peterborough does not prove viable or beneficial.

2.3 Following the implementation of Recommendation 2, the Council and Peterborough City Council should consider (subject to the advice of the Chief Coroner) whether it is feasible to merge the Cambridgeshire and Peterborough jurisdictions. If not, consideration could be given to the feasibility of merging with another neighbouring jurisdiction.

2.3.1 The new guidance from the Chief Coroner makes it clear that such a merger is both feasible and desirable, and also makes this easier to achieve, if the relevant authorities are in agreement. The Chief Coroner's guidance states that *'the number of coroner areas should be reduced in order to create sensibly sized coroner areas, taking into account the numbers of reported deaths, geographical size and types of coroner work in the area. In many cases 3,000-5,000 reported deaths would be an appropriate number...'* The combined total of deaths reported to Coroners across the Cambridgeshire and Peterborough jurisdictions currently averages 3,500 per annum, making this an appropriate workload for a single full time Coroner.

2.3.2 Officers have entered into discussions with Peterborough City Council, which is keen in principle to form a merged jurisdiction if the business case proves beneficial. There are two options for the appointment of a Senior Coroner in this situation:

- 1) The authority may appoint one of the senior coroners from the old areas.
 - 2) There may be an open competition to all suitably qualified coroners.
- In either case the appointment must be made with the consent of the Lord Chancellor and the Chief Coroner.

2.3.3 The guidance states that option 1 should usually be the preferred option, so long as the authority is satisfied that their choice of senior coroner is a rational, fair and proportionate decision, as it prevents putting an existing coroner at risk of loss of office. Incumbent Coroners cannot be removed or dismissed by Local Authorities as part of a merger or in any other way.

2.3.4. The MOJ requires a business case to be completed for the merger; this has been drafted. Following submission of the business case, MOJ will formally consult with all parties to the proposed arrangement and, once agreed, will lay a Statutory Instrument before Parliament to effect the change.

2.4 Following the retirement of the current part-time Coroners:

a) County Loading payments for Coroners should be removed;

b) The Office Allowance Scheme should be revised, to bring into line with the equivalent Local Authority Officer scheme and the nationally agreed Coroner scheme;

c) Coroner pay and expenses should be published online in the same way as Senior Officer pay and expenses.

All of the above recommendations will be actioned on the appointment of a full time Coroner to the single jurisdiction. Full time Coroners are not entitled to County Loading payments, so this will naturally fall away.

2.5 Prior to the retirement of the current part-time Coroners:

2.5.1 a) discussions should take place to attempt to voluntarily negotiate a change to the Coroners' Terms and Condition of employment in relation to Allowances and Expenses, specifically in relation to the transparency of these arrangements.

These discussion have taken place, however in light of the impending retirement of the current Coroners, no changes have been agreed.

2.5.2 b) the Council's LGA representatives should take up with the LGA nationally the issue of Allowances and Expenses, which is being investigated by a LGA Group working with the Chief Coroner.

A national LGA working party has been set up to examine the issue of Coroner wages, allowances and expenses, and officers are keeping a watching brief on this work. It is understood that the Senior Salaries Review Board anticipates reaching agreement soon and that any changes will be in place for 2016.

3. ALIGNMENT WITH PRIORITIES AND WAYS OF WORKING

3.1 Developing the local economy for the benefit of all

There are no significant implications for this priority.

3.2 Helping people live healthy and independent lives

There are no significant implications for this priority.

3.3 Supporting and protecting vulnerable people

There are no significant implications for this priority.

3.4 Ways of working

By working in partnership with Peterborough, the Council will be seeking to make economies of scale and maximising efficiency.

4. SIGNIFICANT IMPLICATIONS

4.1 Resource and Performance Implications

There is a saving of £100k identified in the draft Business Plan arising from efficiencies within the Coroners Service in 2015/16. Significant savings from the merger of jurisdictions will contribute to this target, as well as general operational efficiencies within the service. In the medium term the authorities expect to look at combining their administrative support resources for the Coronal function, as a second phase of streamlining the service.

4.2 Statutory, Risk and Legal Implications

The recommendations above support compliance with the Coroners Act 2009 and minimise the risk of challenge in relation to transparency and the use of financial resources. It is expected that a Memorandum of Agreement will be drawn up between the two authorities in respect of the joint service.

4.3 Equality and Diversity Implications

There are no significant implications for any of the prompt questions within this category.

4.4 Engagement and Consultation Implications

There are no significant implications for any of the prompt questions within this category.

4.5 Public Health Implications

Compliance with the Coroners Act, and the introduction of the Medical Examiner service in due course, will support the prevention of cases like those highlighted by the Shipman Inquiry.

Source Documents
<p>Resources and Performance Overview and Scrutiny Committee minutes: 20th March 2014 http://www2.cambridgeshire.gov.uk/CommitteeMinutes/Committees/Meeting.aspx?meetingID=696</p> <p>Chief Coroner's Guidance no.14: Mergers of Coroner Areas. http://www.judiciary.gov.uk/wp-content/uploads/2014/05/guidance-14-mergers-of-coroner-areas.pdf</p>

Appendix A: Options and Costs

1. Current model

Coronial posts	Cost
Senior Coroner (part time): Cambridgeshire South and West	£ 113,326.00
Senior Coroner (part time): Cambridgeshire North and East	£ 35,872.00
Total cost of Cambridgeshire Senior Coroners	£ 149,198.00
Senior Coroner (part time): Peterborough	£ 68,500.00
Total current costs across Cambridgeshire and Peterborough	£ 217,698.00

2. Option 1: Single Cambridgeshire jurisdiction

Coronial posts	Cost
Senior Coroner (full time): Cambridgeshire	£ 91, 420.00
Total cost of Cambridgeshire Senior Coroner	£ 91, 420.00
Senior Coroner (part time): Peterborough	£ 68,500.00
Total cost across Cambridgeshire and Peterborough	£159,920.00

3. Option 2: Single Cambridgeshire and Peterborough jurisdiction

Coronial posts	Cost
Senior Coroner (full time): Cambridgeshire and Peterborough	£ 95,346.00
Total cost across Cambridgeshire and Peterborough	£ 95,346.00

4. Notes

All of the Senior Coroners in the current model employ Assistant Coroners to assist and cover for their work during long inquests and periods of leave. For the purposes of this evaluation the cost of Assistant Coroners has not been included. However, in the process of agreeing new terms and conditions for the new Senior Coroner, national guidance on the use of Assistant Coroners and their pay will be used, which could result in some efficiencies.

The current Senior Coroners have advised that it may prove necessary or more cost-effective to employ a full time Area Coroner to assist the Senior Coroner. Area Coroners are paid an annual wage, whereas Assistant Coroners are paid at a day rate. This post would be expected to provide most of the cover for the Senior Coroner and result in significantly less use of the Assistant Coroners. However, all Assistant Coroners are expected to provide a minimum number of days' cover in order to gain and retain experience, and cannot be dismissed unless they have not been used for 3 years or more. At this stage, therefore, it is recommended that the current model of Assistant Coroners is sufficient for the needs of the joint service in either of the new models, and this can be kept under review with the new Coroner once appointed.