

Report To: County Council

Date of Meeting: 27th March 2012

Lead Member / Officer: Councillor Hugh Evans/Gary Williams, Monitoring Officer

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Title: Review of Coroner Service

1. What is the report about?

The report is about the outcome of a review of the provision of the coroner service for the North East Wales and North Central Wales jurisdictions.

2. What is the reason for making this report?

- 2.1 To outline options relating to the provision of a Coroner service and supporting administration for the North East Wales and North Central Wales jurisdictions, following the death of the previous coroner

3. What are the Recommendations?

- 3.1 That the current North East Wales and North Wales Central jurisdictions be combined to cover the four local authority areas of Conwy, Denbighshire, Flintshire and Wrexham.
- 3.2 That a full-time Coroner be appointed covering the combined jurisdictions.
- 3.3 That Denbighshire County Council be designated as the Lead Authority to accommodate the Coroner and provide the administrative support functions to the service.
- 3.4 That costs be apportioned on a population ratio basis.

4. Report details

- 4.1 Coroners are independent judicial officers appointed and paid for by the relevant local authorities. They are responsible for investigating violent, unnatural deaths or sudden deaths of unknown cause and deaths in custody that are reported to them.
- 4.2 The Ministry of Justice is responsible for the law and policy governing coroners and deals with the operation of the current coroner system. These responsibilities include:
- cross-government liaison on coroner matters
 - queries and advice to ministers, coroners, local authorities and the public
 - liaison with coroners and bereavement groups

- training for coroners and their staff
 - supervision of the amalgamation of coroner districts
 - other statutory casework.
- 4.3 Upon Local Government re-organisation in 1996 three coroner jurisdictions were created in North Wales, of which two are relevant to this report, namely:
- North East Wales covering Wrexham and Flintshire, which is administered by Wrexham County Borough Council.
 - North Wales Central covering Denbighshire and Conwy, which is administered by Denbighshire County Council.
- 4.4 Since 1996 Denbighshire and Wrexham have administered the services separately in line with the responsibilities of their respective councils and their own administrative set ups. It is therefore timely that a review is undertaken for the jurisdictions of both North East Wales and North Wales Central and the available options explored.

Current Position

- 4.5 A Practising Solicitor is currently the Deputy Coroner for both North East Wales and North Wales Central. He has remained the Deputy Coroner following the resignation and subsequent death of the previous part-time Coroner who covered both areas, with his current role often publicly being referred to as Acting Coroner.
- 4.6 Once a Coroner is appointed it is unlikely that any review would take place until such time as the post became vacant. In many cases this can be years as Coroners often hold posts until retirement age or beyond. For example, a Coroner taking up post at the age of 40 years could mean that a review would not be undertaken for at least 30 years, until such time as the post-holder retired.
- 4.7 There is no mandatory retirement age for Coroners. However those who elect to join the local government pension scheme are entitled to continue in the pensionable appointment until 70 years of age and thereafter, from year to year, by mutual agreement with the relevant council. This has the practical effect of most coroners choosing to retire around the time that their pension contributions cease.
- 4.8 It is therefore timely to review the Coroner's service and look at the provision of the service within the two jurisdictions. The Ministry of Justice (MoJ) is keen to explore the potential for amalgamating the two jurisdiction areas particularly as both are covered by part time provision and also advocates the post of a full-time Coroner, as set down in the Coroners and Justice Bill. This is supported by the Coroners' Society for England and Wales who generally seem to prefer this arrangement. This has been the case in one of the more recent reviews, with the appointment of a full-time Coroner for Mid Kent & Medway in December 2010.
- 4.9 The introduction of medical examinations, currently expected to be introduced in October 2013, may also impact on the number of cases investigated and number of inquests held in the future.

Caseload

- 4.10 Based on the latest figures provided by MoJ the average number of deaths reported during the period 2004/2009 was 1242 for the North East Wales jurisdiction and 1612 for the North Wales Central jurisdiction i.e. a total of 2854.
- 4.11 The recommended number of cases which warrant consideration of a full-time appointment is 2000. However there are no strict rules about this and case numbers do vary from region to region as do the options for having a part-time or full-time Coroner. Nevertheless, it has been established that a caseload of 2,800-2,900 reported deaths would be reasonable for a full-time coroner.

Budget

- 4.12 The total annual budget for Coroners in the jurisdiction of North East Wales is £340,065 and in the jurisdiction of North Wales Central £375,461, giving a combined total budget of £715,526. It is important to note that within the North East Wales jurisdiction no specific budget has ever been set aside to provide administrative support to the Coroners' service and historically this has been undertaken on a basis of additional workload and goodwill within the Electoral Services Teams. It does not appear anywhere as an additional cost and therefore does not reflect the true budget position for this service. Within North Wales Central a budget is allocated for Local Authority administration and is highlighted within the budget code.
- 4.13 Although the two local authorities administer the budgets, the overall expenditure is entirely dependent on caseload and therefore out of their control. Annually the budget is consistently overspent in both jurisdictions.
- 4.14 In addition there is no budget provision to cover the potential of 'long inquest payments'. Where such events occur and a part-time coroner is in post, he or she is entitled to an additional payment over and above their normal remuneration. Past experience has shown that this could be a significant expense. For example the inquest which took place in June 2007 into the death of a number of cyclists in Denbighshire resulted in additional payments to the Coroner in the region of £12,500. Should such a requirement arise funds would need to be found and therefore further increase the current overspends.
- 4.15 However the issue of 'long inquest' payments would be eliminated if the option of appointing a full-time Coroner is chosen. This option could be seen as an insurance policy against such unexpected budgetary pressures, especially in the current economic climate.
- 4.16 Appendix 2 shows a cost comparison of the four options outlined in this report. Based on the most recent caseload figures only the option of an amalgamated jurisdiction with a single part-time Coroner shows any significant cost savings. However it is considered unlikely that this option is sustainable in the long term as explained in paragraph 4.21. The full-time Coroner option shows a slight increase in cost.

Future Service Options

- 4.17 Four main options have been identified in terms of future service delivery:

- (i) To maintain the current arrangement i.e. two part-time coronerships, with separate administration functions.
- (ii) To maintain the two jurisdictions, with two part-time coronerships but to amalgamate administrative arrangements.
- (iii) To create a new single jurisdiction covering the four local authority areas, with a single administrative centre and the appointment of one full-time coroner, i.e. there would be a single Lead Authority.
- (iv) To create a new single jurisdiction covering the four local authority areas, with a single administrative centre and the appointment of one part-time coroner i.e. there would be a single Lead Authority.

Option 1 – To maintain the current arrangement

4.18 Whilst the current arrangement has worked reasonably well it is felt that there are significant disadvantages in continuing with this arrangement. In particular management and control of the service is difficult, with the part-time Coroner being based in his solicitor's practice. In addition there is a duplication of administrative procedures in the two jurisdictions.

Option 2 – To retain two jurisdictions but to amalgamate administrative arrangements.

4.19 This option eliminates some of the inefficiencies highlighted in option 1 and could eventually lead to savings in terms of more efficient and streamlined processes and procedures. However it would not address the issues relating to greater management control.

Option 3 – To amalgamate the two jurisdictions and appoint a single full-time Coroner

4.20 This is the preferred option of both the Ministry of Justice and the Coroner's Society. Whilst it is the only option which indicates a potential increase in cost it is felt that the non financial benefits and the greater cost certainty more than compensate for this small increase. In particular issues relating to greater management control would be addressed, with the Coroner being located in council owned premises. The profile of the service would also be raised. It is also possible, in the longer term, that financial savings may be achievable given that there would be a single administrative unit and the efficiencies arising from this arrangement.

Option 4 – To amalgamate the two jurisdictions and appoint a single part-time Coroner

4.21 This option delivers many of the benefits of the full-time coroner option, together with a potential saving. However this is also the least practical option. Coroner pay scales limit a part-time Coroner's salary at 2000 cases per year. Current average caseloads amount to over 2800 for the two jurisdictions. It could therefore be interpreted that the successful applicant would be undertaking 800 cases or so for no payment. This is unlikely to be an attractive proposition for potential applicants.

- 4.22 A summary of the advantages and disadvantages of each option is attached as Appendix 1
- 4.23 The Officer recommendation from both current Lead Authorities is option 3 i.e. the amalgamation of the two existing jurisdictions and the appointment of a single full-time coroner
- 4.24 Should option 3 be adopted there would only be a need for a single Lead Authority. Accessibility is a key factor in determining this and it is felt that Denbighshire's central location makes it the ideal location for a full-time coroner to be based. The decision as to where individual inquests are held rests with the coroner, who will make the decision based on factors such as accessibility. Inquests could therefore be held in any of the four county areas.
- 4.25 Another factor in deciding who should be the Lead Authority is one of managerial capacity. Only Denbighshire appears to have this capacity at the present time.
- 4.26 It is further recommended that costs associated with the service be apportioned between the four county authorities on a population ratio basis.

Legal Implications

- 4.27 Coroners working in jurisdictions within Wales are deemed All Wales Coroners. However, should a decision be taken to amalgamate the two jurisdictions of North East Wales and North Wales Central, this would require an Order from the Ministry of Justice to bring this into effect.

5. How does the decision contribute to the Corporate Priorities?

Confirming appropriate governance and administrative arrangements for the Coroner Service is consistent with the Council's aims to modernise its services in collaboration with other organisations.

6. What will it cost and how will it affect other services?

- 6.1 The costings are set out in Appendix 2 to this report. The review of the coroner service should not have any impact on other Council services.

7. What consultations have been carried out?

- 7.1 North Wales Police, the North Wales Police Authority and the Betsi Cadwaladr University Health Board have been informed that a review of the Coroner service is being undertaken and have been asked for their views. At the present time only North Wales Police have replied, indicating that "North Wales Police Force has for many years enjoyed a good and effective relationship with the coroners and seeks to maintain this positive relationship". Flintshire and Conwy Councils have also been asked for their views.
- 7.2 The Deputy Coroner has also been consulted and kept up to date with progress relating to the review.

7.3 The Coroners' Society of England and Wales have indicated that its preferred option is that of a full-time Coroner. The Ministry of Justice also supports the option to amalgamate the jurisdictions and appoint a full-time coroner.

8. Chief Finance Officer Statement

The proposals show a very minor increase in cost of around £1,600 which will be spread across four Councils and should be contained within existing budgets. It should however improve service provision.

9. What risks are there and is there anything we can do to reduce them?

The review has identified a slight increase in cost in connection with option 3, however, the appointment of a full time coroner will avoid the need to pay long inquest payments which will provide greater budget certainty. The cost will be recharged to the constituent authorities on a population basis

10. Power to make the Decision

S 1 Coroners Act 1988

Evaluation of Options

Option 1

Two separate Part-time Coroners & 1 Deputy, no amalgamation of LA Administration (as existing)

Advantages	Disadvantages
Retains the status quo	Lack of budgetary control of service
Currently works reasonably well	Complex to manage
	Increased bureaucracy
	Duplication of admin processes
	Risk of duplication of payments
	Risk of long inquests and therefore potential uncontrolled additional cost

Option 2

Two separate Part-time Coroners & Amalgamation of LA Administration

Advantages	Disadvantages
Amalgamation of LA administration would reduce bureaucracy and duplication and could eventually lead to cost savings	Lack of budgetary control of the service
Reduces possibility of duplicate payments	Complex to manage
No issues about the current system from the public or coroner staff	Risk of long inquests and therefore additional cost

Option 3

Full-time Coroner for amalgamated jurisdictions and administration

Advantages	Disadvantages
Raised profile of service	Caseload downtime
Potential to build service into a centre of best practice	Slight increase in cost, but no long inquest payments, so the local authorities would be able to budget with more certainty
Coroner manages the jurisdiction	Potential for increased travel time for families to attend inquests if only one court location used for the four authority areas. However this could be overcome by requiring the coroner to travel to hold inquests in different locations
Improved links with all stakeholders	Reduced level of LA involvement at a local level
One central streamlined system	
One Local Authority is facilitator of pay and conditions	
One annual return	
Clear accountability and transparency	
Caseload and service delivery consistent	
No risk of 'long inquests' payments	
Amalgamation of LA administration would reduce bureaucracy and duplication and could eventually lead to savings	

Option 4

One part-time Coroner for amalgamated jurisdictions

Advantages	Disadvantages
Currently being undertaken by same person (albeit for two separate jurisdictions)	
Coroner works out of one central office on part-time basis	Combined caseload levels could be too much for part-time post
Transparent	Potential for increased travel time for families to attend inquests if only one court location for the four authorities
One annual return	Could be less interest in terms of applicants for a single part-time position
One central streamlined system and set up	The current number of cases falls outside the payment scales of a part-time coroner
One Local Authority is facilitator of 'pay and rations'	Low remuneration could hinder ability to appoint appropriate calibre candidate
Budget saving	Unquantifiable Long inquest payments could reduce /eliminate any potential savings

Costing of Options

Appendix 2

NET EXPENDITURE
*** TOTAL EMPLOYEES
*** TOTAL TRANSPORT
*** TOTAL SUPPLIES & SERVICES

CURRENT POSITION - OPTION 1						
2 x Part time coroner	2 x Part time deputy coroner	Mortuary attendants based with coroner	Accommodation & expenses reimbursed by LA	Administrator employed by LA	Post mortem and other case costs	TOTAL
97,464	11,790	13,000	36,587		556,685	715,526
95,406	11,104	13,000	36,587	-		156,097
2,058	686					2,744
					556,685	556,685

OPTION 2 - Amalgamation of LA administration - Five year average caseload, 2004>2009
NET EXPENDITURE
*** TOTAL EMPLOYEES
*** TOTAL TRANSPORT
*** TOTAL SUPPLIES & SERVICES

OPTION 2							
2 x Part time coroner	2 x Part time deputy coroner	Mortuary attendants based with coroner	Accommodation & expenses reimbursed by LA	Administrator employed by LA	Post mortem and other case costs	TOTAL	SAVINGS / (ADDITIONAL COSTS)
97,410	11,974	12,500	37,000		556,685	715,569	- 43
95,410	10,974	12,500	37,000	-		155,884	
2,000	1,000	-				3,000	
					556,685	556,685	

OPTION 3 - 1 full time coroner across 4 counties - 1 part time deputy coroner - Amalgamation of LA administration - LA provide accommodation with court
NET EXPENDITURE
*** TOTAL EMPLOYEES
*** TOTAL TRANSPORT
*** TOTAL SUPPLIES & SERVICES

OPTION 3							
1 x Full time coroner	1 x Part time deputy coroner	Mortuary attendants based with coroner	Accommodation provided by LA	Administrator employed by LA	Post mortem and other case costs	TOTAL	SAVINGS / (ADDITIONAL COSTS)
112,000	13,000	12,500	-	23,000	556,685	717,185	- 1,659
110,000	12,000	12,500	-	21,000		155,500	
2,000	1,000	-				3,000	
				2,000	556,685	558,685	

OPTION 4 - 1 part-time coroner across 4 counties - 1 part time deputy coroner - Amalgamation of LA administration - LA provide accommodation without court
NET EXPENDITURE
*** TOTAL EMPLOYEES
*** TOTAL TRANSPORT
*** TOTAL SUPPLIES & SERVICES

OPTION 4							
1 x Part time coroner	1 x Part time deputy coroner	Mortuary attendants based with coroner	Accommodation provided by LA; court hired	Administrator employed by LA	Post mortem and other case costs	TOTAL	SAVINGS / (ADDITIONAL COSTS)
66,960	8,470	12,500	5,000	23,000	556,685	672,615	42,911
64,960	7,470	12,500		21,000		105,930	
2,000	1,000					3,000	
			5,000	2,000	556,685	563,685	