

Report to the Leader

Report submitted by: Head of Legal and Democratic Services

Date Monday 13 February 2017

Part I Item No.

Electoral Division affected:
All Divisions

Alteration of Coroner Areas under Schedule 2 of the Coroners and Justice Act 2009 - East Lancashire and Preston and West Lancashire Areas

Contact for further information: Janet Mather, Senior Democratic Services Officer,
janet.mather@lancashire.gov.uk Tel: 01722 531123

Executive Summary

It is proposed to submit a request to the Lord Chancellor to request a merger between the Preston & West Lancashire coroner area and East Lancashire coroner area. Both senior coroners already work closely together and are supported by Lancashire County Council. It is felt that a merger between the two coroner areas would support the Chief Coroner's aim for a coroner area to deal with a minimum of 3000 deaths per year and reduce the number of part-time senior coroners. Support for both coroners is already provided by one central office based in Preston and West Lancashire.

As part of the submission the local authority will ask the Lord Chancellor to consider appointing the Senior Coroner for Preston and West Lancashire as the Senior Coroner for the new jurisdiction and the Senior Coroner for East Lancashire as an Area Coroner.

The local authority and in particular the Cabinet Member with responsibility for the service must provide evidence that they support this proposal.

Recommendation

The Leader of the Council is recommended to:-

- 1) Support the proposed merger between Preston and West Lancashire coroner area and East Lancashire coroner area and
- 2) Recommend to the Lord Chancellor that:
 - the Senior Coroner for Preston and West Lancashire be appointed as the Senior Coroner in the newly formed area: and
 - the Senior Coroner for East Lancashire be appointed as an Area Coroner in the newly formed area.

This decision should be implemented immediately for the purposes of Standing Order 34(3) as any delay could adversely affect the execution of the County Council's responsibilities. The reason for this is that the Ministry of Justice require immediate confirmation in order to proceed with the application and to meet their deadline.

Background and Advice

Lancashire County Council is the relevant authority supporting the work of the full-time Senior Coroner for Preston and West Lancashire and the Senior Coroner for East Lancashire who is part-time. The Council also contributes 50% towards the cost of the Senior Coroner for Blackburn with Darwen as this jurisdiction includes Accrington, Hyndburn and Ribble Valley and 41% towards the cost of the Senior Coroner for Blackpool and Fylde as this jurisdiction includes Fylde.

The role of HM Coroner is a statutory role. It is the responsibility of a local authority to submit proposals for any proposed merger for consideration by the Ministry of Justice and Lord Chancellor, having first consulted with the Chief Coroner. The Chief Coroner was consulted on 13 July 2016 and an email was sent to his office on 25 July 2016 regarding the proposal.

Since this date consideration has been given to the possibility of a three way merger with Blackburn with Darwen following an approach by the Borough Council. However, they have now decided that they do not want to consider this option at this time and it is therefore proposed to request a two way merger be approved by the Lord Chancellor.

It is felt that a merger between the two coronial areas would support the Chief Coroner's aims for a single coroner area to deal with a minimum of 3000 deaths per year and to reduce the number of part-time jurisdictions. Since January 2013, when the Chief Coroner began to exert influence over the services nationally, some 25 Coroners Areas have merged into 12 new jurisdictions. At his annual conference in July 2016 the Chief Coroner stated that he "continued to support mergers of areas. Larger areas are more efficient, more cost effective, and you get a full-time coroner. I welcome local authorities who think about their area and neighbouring areas..."

The Chief Coroner also highlighted to the Lord Chancellor in his third and final annual report before his retirement in September 2016 that 'the clear advantages of bringing smaller areas together (or with a larger area) are efficiency of scale, the opportunity to bring the working team of coroners, officers and support staff together in one building, often with a dedicated court and a full-time senior coroner in charge'.

The Senior Coroner for Preston and West Lancashire is a full-time coroner and covers a large geographical area which includes Lancaster, Wyre, Preston, South Ribble, West Lancashire and Chorley. He has two teaching hospitals, two district general hospitals and four prisons within his jurisdiction. In 2015 he dealt with 2250 deaths of which 304 went on to inquest and authorised 1157 post mortems to be undertaken.

By contrast the Senior Coroner for East Lancashire is a part-time coroner covering Burnley, Pendle and Rossendale. He has one hospital within his jurisdiction which includes a large neo natal unit and dealt with 685 deaths in 2015 of which 111 went on to inquest. He authorised 367 post mortems to be undertaken.

In October 2016 the four Senior Coroners covering the Lancashire area agreed a revised reporting criteria for deaths to be referred to them, following advice and guidance received from the Chief Coroner. The effect of this change will be to reduce the number of deaths referred to them.

As the relevant local authority responsible under the 2009 Act for both areas, it is the County Council's responsibility to appoint a senior coroner for the new area. However, a local authority does not have the power to remove or dismiss a senior coroner by way of a merger of coroner areas, or in any other way and cannot offer a post to one Coroner which would result in a loss of salary.

It is proposed to recommend to the Chief Coroner and Lord Chancellor that the Senior Coroner for Preston and West Lancashire become the Senior Coroner for the newly formed coroner area with the Senior Coroner for East Lancashire becoming an Area Coroner, working alongside the existing Area Coroner, currently based in Preston and West Lancashire. This proposal would therefore not displace either coroner and would negate the potential risk of any claim for compensation for loss of office. There are currently 6 Assistant Coroners working across the jurisdictions and it is not anticipated that there will be a need to amend this number although this will be kept under review once the merger has taken place and the revised reporting criteria can be assessed. Both Senior Coroners support this proposal and already work closely together.

The Senior Coroner in the newly formed jurisdiction will have an increased area of responsibility and workload as he will be responsible for a much larger geographical area. Given this increase it is likely that the salary for the Senior Coroner will increase. The JNC for Coroners periodically agrees to adjust coroners' salaries in recognition of the drift between coroner and chief officer pay. The last time this was instigated was in 2011 when a 1.25% increase was applied to the salary points, backdated to 1 April 2010. A pay award of 1% was applied in April 2016 but there has not been any other significant adjustment.

The Local Government Association is currently in negotiation with the Coroners Society for England and Wales to agree a way forward. A report will be presented to the Employment Committee for them to consider any increase in the Senior Coroner's salary in due course. There is also the potential for a future merger with Blackburn with Darwen which, if approved, would give significant savings to the County Council as the Council is currently responsible for funding 50% of the costs associated with this jurisdiction.

Should the merger be approved by the Lord Chancellor it would produce savings for the County Council. The current Area Coroner for Preston and West Lancashire is moving to a new jurisdiction in March 2017. It is proposed to offer the part-time Senior Coroner the opportunity to become a full-time Area Coroner and to run the new jurisdiction with one full-time Senior Coroner and one full-time Area coroner which will result in savings within the staffing budget in relation to the salary costs for the part-time Senior Coroner. The impact of the revised reporting criteria together with this proposal will contribute towards the overall savings although an exact figure is not yet available.

It is not anticipated that the proposed merger would have any impact on service delivery. Contact with next of kin is generally via telephone, email or letter except where an inquest takes place. There is limited face to face contact with the bereaved families although this can be accommodated should it be necessary. Coroners Officers are based in hospitals, contact the office via email and telephone and meet the Coroner as and when necessary. They will remain in their current locations and it is felt that there will not be any impact on the bereaved families.

Generally when areas merge it is the back office function that provides the greater degree of complexity from both a procedure and operational point of view. However, support for both Coroners is already provided by one central office based in the Preston and West Lancashire area and is working well, providing greater flexibility and support for both individual areas. It has allowed the introduction of standardised working practices and levels of service across both jurisdictions. Cover was provided for each area as and when required but the centralisation of the support has allowed for this to be done more efficiently and effectively. It is not anticipated that there will be a need to increase the support provided for the new area from that already agreed within the structure for the service.

Stakeholders in East Lancashire already contact the support staff at the Preston and West Lancashire office and this has not posed any issues or problems. Lancashire Constabulary also currently support both jurisdictions and would welcome the proposed merger as it would also allow them to manage their resources more effectively. The Police use telephone and email as the primary method of contacting the Coroner's Office and there is little requirement for face to face contact except in very complex cases.

There will be no change in the locations of the post mortem examinations or mortuary provision. Police identification and family viewings would also remain unaffected by the proposed change.

It is also anticipated that there will be some efficiency savings in relation to accommodation costs and the hiring of courts. Should the merger be approved the Senior Coroner in East Lancashire will move to the Preston Office as opposed to the current location based at a solicitor's private offices. Long inquests in East Lancashire are also currently held at Burnley Magistrates Court and it would be proposed to re-locate these to the Preston Coroner's Court at no additional cost to the Council. The Preston court has the facility to offer video conferencing to experts giving evidence at inquests which would reduce claims for travel costs. Shorter inquests would continue to be held locally.

Consultations

Formal consultation will be undertaken by the Lord Chancellor but the proposal has been discussed with both Senior Coroners and the Lancashire Constabulary who fully support this proposal.

Implications:

This item has the following implications, as indicated:

Risk management

Should the County Council decide not to submit an application to the Lord Chancellor to merge the two areas, the Lord Chancellor could still take a decision that she wished to merge the areas and the County Council might find that it had less control over the way in which it was arranged.

The East Lancashire jurisdiction is a part-time jurisdiction dealing with a relatively low number of deaths. Should one of the Coroners in a neighbouring Coronial area retire, the responsible Authority might request the Lord Chancellor to consider a merger between their area and East Lancashire and request that they become the 'responsible authority'. This would mean that the County Council would have less control over the budget for the newly formed area whilst still being expected to meet the relevant percentage of costs associated with running the new area.

Financial

The impact of the revised reporting criteria will be to reduce the number of deaths reported to the Coroner which will in turn mean that the workload for both the Coroner's Officers and admin staff will reduce. This will allow Lancashire Constabulary and the County Council to review the staffing levels and amend where necessary. It might also allow for a reduction in the number of Assistant Coroner posts in the new jurisdiction which would produce a further saving.

The proposal is likely to produce some efficiency savings in relation to the reduced cost of accommodation and the hiring of external courts in East Lancashire. It is anticipated that up to £11k could be saved.

It is anticipated that there will be an increase in the salary of the Senior Coroner to take account of the changes in workload within the jurisdiction and on-going pay award negotiations. However, should the Lord Chancellor approve the appointment of the part-time Senior Coroner to the Area Coroner post this would produce a saving in the region of £60,000 which would offset this increase.

Legal Implications

Under the Coroners Act 1988 and the Coroners and Justice Act 2009, Lancashire County Council has a statutory duty to support the office of the Coroner, including the implementation of any changes to the jurisdiction.

Under the Coroners and Justice Act 2009, the decision on and responsibility for making an order to create a new coroner's area rests with the Lord Chancellor. The Lord Chancellor must consult with Local Authorities before ordering a merger but can make an order without the agreement from Local Authorities.

List of Background Papers

Paper	Date	Contact/Tel
Email to Chief Coroner	25 July 2016	Janet Mather 01772 531123

Reason for inclusion in Part II, if appropriate

N/A

Decision Taken: Declarations

Leader

Alteration of Coroner Areas under Schedule 2 of the Coroners and Justice Act 2009 - East Lancashire and Preston and West Lancashire Areas

Original recommendation, as set out in the report, approved without amendment. Yes/No *

Original recommendation amended and decision as follows: Yes/No *

I have a pecuniary/non-pecuniary interest in this matter. Yes/No *

If an interest is declared please give details below:

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Leader

Date

Chief Officer

I certify that this is an appropriate and accurate record within the terms of Standing Order 35(2) and (3) of the decision taken by the Cabinet Member.
Chief Executive

Date

*Delete as appropriate