

Part I

Electoral Divisions affected:
All

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

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Executive Summary

The County of Lancashire currently has four separate coronial jurisdictions – Preston and West Lancashire, East Lancashire, Blackburn with Darwen and Blackpool - each with its own Senior Coroner, responsible for the administration of the coroner service within their geographical area. The County Council is the relevant authority for both Preston and West Lancashire and East Lancashire.

The Senior Coroner for the Blackburn with Darwen coronial area has expressed a wish to retire with effect from 30 June 2017. Coroners are subject to the overriding jurisdiction of the Chief Coroner who has indicated a clear wish that nationally he expects to see a reduction in the number of coronial areas, reflecting the need for local authorities to achieve cost savings.

A potential merger of existing coronial areas has therefore been considered by the County Council and Blackburn with Darwen as a result of which it is proposed to submit an application to the Chief Coroner and Lord Chancellor to request a merger between the Preston & West Lancashire, East Lancashire and Blackburn with Darwen coroner areas.

Both the Preston and West Lancashire and East Lancashire Senior Coroners already work closely together and are supported by Lancashire County Council. The Blackburn with Darwen coroner area is jointly funded between Lancashire County Council and Blackburn with Darwen Borough Council. Support for the Preston and West Lancashire and East Lancashire Coroners is already provided by one central office based in Preston and it is anticipated that the support for the Blackburn with Darwen area could also be provided at Preston.

A merger between the three coroner areas would support the Chief Coroner's aim for a coroner area to deal with a minimum of 3000 deaths per year, reduce the number of part-time senior coroners and achieve significant cost savings.

As part of the submission the County Council will ask the Lord Chancellor to consider appointing the Senior Coroner for Preston and West Lancashire as the Senior Coroner for the new jurisdiction; the Senior Coroner for East Lancashire as an Area Coroner; and the retiring Senior Coroner for Blackburn with Darwen as an Assistant Coroner for the new jurisdiction.

Recommendation

The Leader of the County Council is recommended to:

- (i) Support the proposed merger between Preston and West Lancashire, East Lancashire and Blackburn with Darwen coroner areas
- (ii) 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;
 - the Senior Coroner for East Lancashire be appointed as an Area Coroner in the newly formed area; and
 - The retiring Senior Coroner for Blackburn with Darwen be appointed as an Assistant 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 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.

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 initially consulted on 13 July 2016 in relation to a proposed merger of the Preston and West Lancashire and East Lancashire areas, a proposal supported by the respective Senior Coroners for the two areas.

Since this date a request has been received from the Blackburn with Darwen Senior Coroner to support his application to retire with effect from 30 June 2017. If this proposal is agreed by Blackburn with Darwen Council the Lord Chancellor and Chief Coroner will be asked to give their approval to this request ahead of a formal application to merge all three areas. An informal conversation was held with both the Chief Coroner's Office and the Ministry of Justice in October and November 2016 to ascertain whether such a merger would be feasible and the likely timescale. Both the Lord Chancellor's office and the Chief Coroner's office have confirmed that they can

see no reason why the application for the Blackburn with Darwen Senior Coroner to retire in June 2017 would not be approved and felt that a merger could be achieved with a potential date for the new jurisdiction to be formed being 1 July 2017 provided that the application to merge jurisdictions was submitted as soon as possible in the New Year. Lancashire County Council would act as the relevant authority for the new jurisdiction.

The merger proposals do not include the Blackpool jurisdiction as Blackpool Council have indicated that they do not wish to change their existing arrangements.

A merger between the three coronial areas would support the Chief Coroner's aims for a single coroner area to deal with between 3,000 and 5,000 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, the number of areas has reduced from 110 to 92. 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 he 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 he dealt with 685 deaths in 2015 of which 111 went on to inquest. He authorised 367 post mortems to be undertaken.

The Senior Coroner for Blackburn with Darwen is a full time coroner, the jurisdiction including one major hospital. He dealt with 2162 deaths in 2015 of which 285 went to inquest and he authorised 760 post mortems.

In October 2016 the four Senior Coroners covering the Lancashire area (including Blackpool) 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 and will in particular impact on the number of deaths referred to the Blackburn with Darwen Coroner who should ultimately see a reduction of approximately 35% compared to the number of deaths reported in 2015.

Blackburn with Darwen Council is currently the relevant authority for the Blackburn with Darwen Senior Coroner. The Leader of the Council will also be considering a report to support the request to ask the Chief Coroner and Lord Chancellor to consider merging the area with Preston and West Lancashire and East Lancashire shortly and that Lancashire County Council should become the relevant authority.

As the proposed relevant local authority responsible under the 2009 Act, it will be the County Council's responsibility to appoint a senior coroner for the new merged 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 therefore 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 a full time 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. Both Senior Coroners support this proposal and already work closely together. The retiring Senior Coroner for Blackburn with Darwen has asked to become an Assistant Coroner for the new area. This would also provide further knowledge and experience during the transition period and it is hoped that the Lord Chancellor will approve this request.

There are currently 10 Assistant Coroners working across all the jurisdictions, all being part-time and used on a "casual" basis, as and when needed, often when an inquest requires specialist knowledge in a particular area such as mental health. It is anticipated that as a consequence of potential retirements and the sharing of existing Assistant Coroners the new jurisdiction will require eight Assistant Coroners. This will be kept under review once the impact of the merger and the revised reporting criteria can be assessed.

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 and a report will be presented to the Employment Committee for them to consider any increase in the Senior Coroner's salary in due course.

Should the merger be approved by the Lord Chancellor it would result in significant savings to the County Council as well as Blackburn with Darwen Council. The impact of the revised reporting criteria together with the proposal to remove the Senior Coroner post in Blackburn with Darwen and replace with a full-time Area Coroner to support the Senior Coroner will contribute towards these savings. Although an exact figure is not yet available, once the merger is fully implemented it is estimated that the saving will be in the region of £300,000 pa.

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 an operational point of view. However, support for the Preston and West Lancashire and East Lancashire 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. The offices are sufficiently large enough to accommodate the Blackburn with Darwen support staff as well.

Standardised working practices and levels of service across the Preston and West Lancashire and East Lancashire jurisdictions have already been introduced and these working practices will be extended to the Blackburn with Darwen area. 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 proposed interim structure for the service and given the move to a more electronic way of working together with the revised reporting criteria it may be possible to reduce the level of support required.

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. There is no reason to think that it would present a difficulty to the Blackburn with Darwen stakeholders.

Lancashire Constabulary currently support all the jurisdictions and are supportive of the merger of the coronial areas on the grounds that it will lead to increased efficiency and yet ensure a first class service continues to be delivered to the bereaved families across the whole of Lancashire. 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.

Inquests in East Lancashire and Blackburn with Darwen will continue to be held locally although there may be occasions when it is appropriate to use the Preston Coroner's Court.

Consultations

Formal consultation will be undertaken by the Lord Chancellor but the proposal has been discussed with Blackburn with Darwen Council, all the Senior Coroners and the Lancashire Constabulary, all of whom 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 three areas, the Lord Chancellor could still take a decision that she wished to merge the areas and the County Council might find that it has 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 both local authorities 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 to remove the Senior Coroner post in Blackburn with Darwen and the part-time Senior Coroner post in East Lancashire and replace with one full-time Area Coroner to support the existing Senior Coroner will also provide a saving. However, 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. This increase would be offset by the fact that the County Council would no longer have to contribute 50% towards the cost of the salary for the Blackburn with Darwen Senior Coroner. The County Council would also be able to re-charge a percentage of both the Senior Coroner and Area Coroner's salary to Blackburn with Darwen as they would be dealing with deaths based this area.

It is anticipated that the proposal will produce savings for both the County Council and Blackburn with Darwen Council. It is not possible at the present time to identify what the precise level of savings will be and further work in this respect is ongoing. Details of the potential savings will be included with the business case to be submitted to the Lord Chancellor but are expected to be in the region of £300,000 pa.

It is proposed that the funding for the new jurisdiction will be met by Lancashire County Council with Blackburn with Darwen Council contributing an agreed percentage in relation to the operating costs for the existing Blackburn with Darwen area and also contributing a percentage towards the cost of the Senior Coroner and one Area Coroner who will be responsible for dealing with the workload in the Blackburn with Darwen area. Both Councils will enter into a legally binding agreement that clearly sets out the provision of the service, accountability, responsibilities, monitoring arrangements and financial arrangements once approval has been given to the proposed merger.

Legal

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