Agenda item 17

Cabinet – 9 November 2011

Proposed Merger of the Black Country Coroner Services and Wolverhampton Coroner Services

Portfolio: Councillor Harris – Leisure, Culture and Environment

Service: Leisure and Community Health

Wards: All

Key decision: Yes

Forward plan: Yes

1. Summary

1.1 Walsall, Dudley and Sandwell currently share a Coroner between the three local authorities. Wolverhampton has historically retained its own Coroner. Wolverhampton's Coroner has retired and officers have been looking at the opportunity to have a single Black Country Coroner to cover all four authorities.

1.2 The purpose of the report is to outline proposals to merge the four Black Country areas into a single Coronial jurisdiction.

2. Recommendation

That Walsall agrees to the creation of a single Black Country Coroner and jurisdiction covering the four Local Authorities, subject to the consent of Dudley, Sandwell and Wolverhampton Councils, as well as a final approval by the Ministry of Justice.

3. Report detail

3.1 <u>The National Position</u>

3.1.1 The Coroner is an officer of the Crown with responsibilities defined by statute and jurisdiction covering the district to which he/she has been appointed.

3.1.2 The chief duties, as defined by the Coroner's Act 1988, are:

i. To investigate causes of deaths by ordering post mortem examinations and, in certain cases, holding inquests.
ii. To hold inquests on treasure troves.

3.1.3 The main responsibilities of local authorities under the above Act are:

i. To appoint a Coroner to their district and pay an annual salary.
ii. To pay retired Coroners a pension, if the Coroner does not elect to join the local government pension scheme.
iii. To reimburse the Coroner for all expenses incurred in carrying out his duties.

3.1.4 A Coroner is responsible for appointing a deputy and, if required, an assistant deputy, primarily for cover during periods of absence. The local authority is responsible for reimbursing some of the actual costs to deputies and assistant deputies.

3.15 The Local Authority provides and maintains accommodation for the Coroner including the holding of inquests.

3.2 <u>The Local Position</u>

3.2.1 The Black Country Coroner jurisdiction currently covers Walsall, Dudley and Sandwell Local Authority boundaries, with a separate jurisdiction for Wolverhampton.

3.2.2 The Black Country Coroner post is full time with an annual case load of over 3,000 reported deaths per year. The Wolverhampton Coroner post is part-time with a case load of between 1,200 and 1,300 reported deaths per year.

3.2.3 The vast majority of Walsall Post Mortem examinations take place at Walsall Manor Hospital apart from a few specialist cases that go to other hospitals.

3.2.4 For deaths in Walsall, inquests are generally held at either the Manor Hospital or the Coroner's Office in Smethwick.

3.2.5 The Wolverhampton Coroner retired from duty at the end of September 2011 and the current Black Country Coroner, as deputy, has taken over the Wolverhampton caseload on an interim basis, pending any formal approval of the merger.

3.3 <u>Proposed Coroner Reform</u>

3.3.1 On 14 October 2010, the new Government announced proposals to reform the Coroner system in England & Wales which focussed on improving standards and consistency in the way the service is delivered.

3.3.2 As part of the proposals, Coroners will continue to be appointed and funded by local authorities with the Secretary of State for Justice and Lord Chancellor having power to determine new coroner area boundaries.

3.3.3 A reduced initial allocation of coroners, probably 60-65 full time coroners as opposed to the current mix of around 100 full and part-timers, will be made by the Secretary of State for Justice and Lord Chancellor in consultation with the

Secretary of State for Local Government and the Welsh Assembly Government.

3.3.4 The Ministry of Justice has confirmed that the amalgamation of coroner districts, whenever the opportunity arises to create larger, more viable districts, has long been central Government policy. It has given approval in principle to the merger from 1 January 2012 subject to agreement from the three existing composite Local Authorities and a period of consultation.

3.4 Proposed Service Delivery Arrangements

3.4.1 It is proposed that Dudley Council becomes the lead authority in terms of the administration associated with the running of the extended coroner service, with Sandwell Council providing office facilities for the Black Country Coroner and his staff. These arrangements are consistent with the current position.

3.4.2 Administrative governance will be achieved through the provision of a Service Level Agreement between the four authorities and the Coroner and via quarterly meetings with the Coroner.

3.4.3 Each authority will retain control of all operational expenditure budgets associated with the running of the Coroner service. This will not impinge on the Coroner's discretion or independence in all judicial matters within the Coroner's duty.

3.4.4 Provision of additional deputy and administrative support will be required bearing in mind the population, the increased caseload and the demands on the service. Within the proposals there will now be scope for the Coroner to appoint additional deputies to ensure there is no loss of availability in dealing with these demands. Members should also be aware that West Midlands Police, who provide Coroners Officers to support HM Coroner in his investigations, are currently reviewing many of its budgets including the Coroners Service. This process would be happening irrespective of any merger of the four Black Country areas into one jurisdiction.

3.5 Proposal Benefits – General

3.5.1 Identified benefits of the merger are listed below:

i. A consistent approach to the need for post mortem examination and inquests being applied across the four authorities.
ii. Economies of scale presented by the sharing of back-office functions and support service costs.
iii. The advantage of closer working on area wide issues such as future flu outbreaks of pandemic status.
iv. Increased availability of suitable facilities for inquests across the whole Black Country region.

3.6 Proposed Benefits – Service Users

3.6.1 The merger proposal will allow for the deputies to run a case load. This will not only serve to gain the deputy greater experience, but will also allow the Coroner to spend more time on preparing for inquests and more complex cases.

3.6.2 The provision of additional administrative support to the coroner will reduce the administrative burden currently placed on coroner's officers and allow them to place a greater emphasis on family liaison and investigative duties.

3.6.3 Accessibility to the Coroner and/or deputies will not be affected by this merger. All four authorities have a requirement for particular expedience for the deceased for cultural or religious reasons and this will not be compromised under this arrangement.

4. Council priorities

The proposed merger will provide the Council with access to a shared Coronial service across all four Black Country authorities.

5. Risk management

There are no risks considered to exist for Walsall Council in the expansion of the Coroner's role to include Wolverhampton.

6. Financial implications

The proposed merger of the Black Country and Wolverhampton Coroner Services is anticipated to achieve a saving of approximately £5,000 to Walsall Council. However, this is entirely dependent upon the number of caseload referrals to the Coroner which result in post mortem examination and the availability of suitable inquest facilities.

7. Legal implications

This proposal satisfies the requirements of the Coroners Act 1988 and has been sanctioned by the Ministry of Justice.

8. Property implications

None directly for Walsall as current facilities at Walsall Manor Hospital and the existing Coroner's Office at Smethwick will be unaffected by these proposals.

9. Staffing implications

Provision of additional deputy and administrative support will be required bearing in mind the population, the increased caseload and the demands on the service.

10. Equality implications

All Coroners are obligated to treat the bereaved courteously and sympathetically at all times, and have regard, within the constraints of their statutory duties, to the deceased's religious faith and cultural traditions.

11. Consultation

As part of this proposal, the Ministry of Justice will be consulting with stakeholders such as local Members of Parliament, hospitals, faith groups and funeral directors.

Background papers

None

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