

Brighton & Hove City Council

Policy and Resources Committee

Agenda Item 140

Subject: Changes to the Coroner's service

Date of meeting: 12 May 2012

Report of: Executive Director Governance, People & Resources

Contact Officer: Name: Paul Holloway

Tel: 01273 292005 / 07941 816372

Email: [Report author email]

Ward(s) affected: All

For general release

1. Purpose of the report and policy context

- 1.1 To inform members of some proposed changes to HM Coroner's service for the city of Brighton & Hove and seek agreement in principle subject to consultation.

2. Recommendations

- 2.1 That the Committee:

(i) notes the interim arrangements whereby the current Senior Coroner for West Sussex is also Acting as Senior Coroner for the city of Brighton & Hove;

(ii) notes the proposal, as part of the interim arrangements, for the recruitment of an Area Coroner for the city of Brighton & Hove;

(iii) agrees in principle the overall aims of the draft business case being developed by both Local Authorities (latest version attached in Appendix 1) with a view to it being submitted to the Chief Coroner's Office for approval subject to any necessary modifications and consultation with staff and unions;

(iv) notes that, as part of the statutory process, there will be consultation with key stakeholders which the Chief Coroner will consider before approving the proposals.

- 2.2 That the Committee authorises the Chief Executive and the Executive Director for Governance, People and Resources, to take all steps necessary to finalise the draft proposals and enter into any agreements necessary for the merger of the Coroner's Service.

3. CONTEXT/ BACKGROUND INFORMATION

- 3.1 Under section 24 of the Coroner's and Justice Act 2009, it is the responsibility of County Councils and Unitary Authorities to provide all reasonable support and resources to HM Coroner services. The Office of the Coroner's is a judicial office exercising functions independent of the Council. The Council's role is effectively a resourcing function rather than having a say in the way that the judicial role is exercised. Brighton & Hove has had a separate Coroner's service since the creation of the Council in 1997.
- 3.2 The previous Senior Coroner for Brighton & Hove retired in July last year. The Ministry of Justice and the Chief Coroner's Office, who have overall responsibility for Coroner's Services indicated that Brighton & Hove is too small in terms of the number of deaths and inquests to justify retaining a separate coroner's function. HM Coroner's services for the city of Brighton & Hove and for West Sussex County Council have been directed by the Chief Coroner's office to actively consider a merger of the two jurisdictions.
- 3.3 Given the length of time it takes to finalise proposed arrangements and with the agreement of the Chief Coroner and the Ministry of Justice, the Senior Coroner for West Sussex has been appointed as a Senior Coroner for Brighton & Hove pending the outcome of the review. This has enabled continuity and consistency of service as the two jurisdictions share Assistant Coroners and have an established practice of helping each other.
- 3.4 The cost of the Coroner's service is apportioned on a pro rata basis between Brighton & Hove and West Sussex based on the number of deaths in each geographical area during the operational period of the interim arrangements.
- 3.5 During the interim arrangements, it has been identified there is a need for additional resources to support the extra workload of the West Sussex and (Acting) Brighton & Hove Senior Coroner. A full-time Area Coroner has been appointed to in West Sussex. A part-time Area Coroner position is required in Brighton & Hove for 3 days a week. This is based on numbers of deaths in each area. An Area Coroner is a judicial office holder who will share in the discharging of coronial duties, including being on-call for matters that often require immediate action, the direction of investigations and the conduct of inquest hearings. It is anticipated that this additional resilience is required in support of the existing Senior Coroner and full time Area Coroner. This will not add to the overall cost of the service and will be managed within budget.
- 3.6 The proposed merger of the two Coroner's jurisdictions is expected to generate efficiencies due to economies of scale and also provide greater resilience. One of the two authorities will be designated as a lead authority under a lead authority agreement between the two authorities. As West Sussex is the larger one, it is likely that they will be designated as the lead authority. Officers will seek to ensure that any merger is consistent with maintaining the following principles:
- that there is no loss of local service and that Brighton & Hove inquests will be held in the Brighton & Hove area and that there will be local offices available for people to visit if required;

- maintaining the security of current Local Authority administration staff and their terms and conditions as far as possible;
- there is no additional cost resulting from the merger and, where possible efficiency savings are realised.

4. Analysis and consideration of alternative options

- 4.1 The Coroners and Justice Act 2009 clearly states the relevant Local Authority for a Coroner must secure provision of whatever officers are needed for the appropriate function of the service.
- 4.2 The Chief Coroner has asked all neighbouring Coroner's jurisdictions to look at the possibility of merging as and when a Senior Coroner position is vacated, as was the case with the Senior Coroner for the city of Brighton & Hove. The Council could oppose the proposal for a merger and push for the appointment of a permanent Senior Coroner just for Brighton & Hove. This would require the consent of the Chief Coroner and the Lord Chancellor. The indications we have had so far are clear that this will not be supported. The best option for the Council is therefore to focus on ensuring that the proposals protect the interest of residents and staff in Brighton & Hove and provide a better service with greater resilience.

5. Community engagement and consultation

- 5.1 There will be a statutory consultation with interested parties before the proposals are implemented by way of a statutory instrument. Officers will also consult with staff and unions and any decision taken under delegated powers will take that into account.

6. Conclusion

6.1 The current interim arrangements, along with essential recruitment to assist the Senior Coroner for West Sussex, will undoubtedly allow an opportunity to address resilience and make the service more sustainable to meet the demands of a modern Coroner service moving forward.

6.1 The proposals regarding the longer term arrangements will it is anticipated, deliver savings to both Councils although it is difficult to do precise quantification at this stage..

7. Financial implications

7.1 Both the interim arrangements and the proposed merger are expected to be delivered within the existing Coroner's service budget of £0.548m in 22/23. The sharing of resources, avoidance of duplication and economies of scale might also help to deliver a saving to the authority, though the amount is unknown at this stage.

Name of finance officer consulted: Peter Francis Date: 26/04/2022

8. Legal implications

8.1 The proposals in this paper are consistent with the Council's obligations under the Coroners and Justice Act 2009.

Name of lawyer consulted: Abraham Ghebre-Ghiorghis Date consulted
(21/04/20222)

9. Equalities implications

9.1 There are no adverse equalities implications identified at this stage, but a more detailed assessment will be made as the project progresses to make sure that all equalities implications are addressed and, where necessary, reasonable adjustments made.

9.2 It is essential that the Coroner's service in the city of Brighton & Hove remains a local service and bereaved families and loved ones can receive all aspects of the service, locally wherever possible, within the city. Access to all services is always a consideration, throughout a Coroner's involvement in a community death. These will be factored in planning the service.

10. Sustainability implications

10.1 There are no adverse sustainability implications arising from the proposals in the report. Securing that Brighton & Hove related inquests are done locally and the availability of access to local officers will reduce the need to travel long distances.

Supporting Documentation

1. Appendices

Appendix 1: draft proposals for a merger of coroners' services

2. Background documents

None