

Case for Proposed Merge to Devon Coroner Service

Report of the Director legal and Democratic Services

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect.

1) Recommendation

That the Cabinet be recommended to :

(a) Agree that a business case for the merge of the coronial jurisdictions of Exeter and Greater Devon and Plymouth, Torbay and South Devon, is given to the Ministry of Justice for consultation more widely.

2) Background / Introduction

The coroner service is an anomalous service within local authorities. Local authorities are responsible for the appointment and payment of the coroner and meeting all costs of the service. This includes the cost of the provision of mortuaries, pathology services, forensic testing, and inquests.

Coroners are independent judicial post holders and are not employees of the local authority. All appointments of coroners have to be agreed with both the Chief Coroner and the Ministry of Justice, and they effectively have a veto on any arrangements that do not meet their approval. Local authorities cannot remove or dismiss coroners.

Currently within Devon there are two coronial jurisdictions, that of Exeter and Greater Devon, with Devon County Council as lead authority and the other Plymouth, Torbay and South Devon with Plymouth City Council as lead authority.

The Chief Coroner has published guidance to local authorities on how to organise the coroner service (see Annex 1 – Chief Coroner's Guidance Note 14 - Merger of Coroners Areas). The guidance states that: a. It is the Chief Coroner's view that the number of coroner areas should be reduced in order to create sensibly sized coroner areas, taking into account the numbers of reported deaths, geographical size and types of coroner work in the area

Schedule 2 of the Coroners and Justice Act 2009 gives the Lord Chancellor the power to make orders altering coroner areas. To date all mergers have been made by agreement.

The Chief Coroner has a very clear view that larger coronial areas are more effective, allowing a senior coroner to manage work effectively, giving support staff the opportunity to work as part of a wider team providing enhanced support, resilience and a consistent service for relatives.

The Policy of the Chief Coroner and Ministry of Justice is to reduce the number of Coronial Jurisdictions in England and Wales, this being carried out on the retirement of Senior Coroners where appropriate. On the retirement of the Senior Coroner for Plymouth on the 31 March 2023 Devon were asked by the Ministry of Justice to consider the merging of these two jurisdictions to become one Devon Coroners Service. This provides an opportunity to consider the services and any opportunities to strengthen delivery and resilience of the service.

Inquests would continue to be held in current locations and would not be centralised. In the event that approval is given for the submission of a merger request to the Chief Coroner and the Ministry of Justice, it is envisaged that the assessment and consultation process could be concluded within a 4-6 month time period.

To merge coroner areas the local authority has to apply to the Lord Chancellor with a business case for the merger. Before doing so it should consult with the Chief Coroner. The Chief Coroner and the Ministry of Justice have seen the draft business case and are happy for us to proceed to formal application.

The Senior Coroner for Devon has been acting as the Senior Coroner for the whole region since 1 April 2023.

The key driver for this is to improve standards of service.

3) Proposal

Devon County Council, Plymouth City Council and Torbay Council have put together a joint business case proposal to look at the options for merge of the two coronial jurisdictions to become one coronial area.



Having one Senior Coroner for Devon and the centralisation of the support function would provide robust and appropriate support for the work of the coroner's office and offer economies of scale of operations and a chance to introduce standard working practices and levels of service and resilience throughout Devon. Coroners Officers who carry out the investigations for the coroners are employed by Devon and Cornwall Police and work in a similar way across the force area. For them to have one Senior Coroner in Devon would help to keep consistent processes. Devon and Cornwall Police has been party to discussions up to now and are happy to move forward with the consultation to merge the two areas. They will be one of the consultees in the next step of the process.

All jurisdictions within the peninsula work together closely already and to merge into one jurisdiction will ensure that all families in the County get the same level of service.

The next step in the proposal to merge the areas is to pass a case to the Ministry of Justice who will carry out a consultation with all those interested parties such as mortuaries, pathologists, police, ambulance, funeral directors, registration.

Additional administrative resources might be required initially at this office to support the increased caseload, especially to manage any transition period and the ongoing increased telephone traffic that would occur. However, in the longer term it is seen that there could be some efficiencies achieved with a restructuring of the work between standard and complex casework and looking at the geography of the services provided, with no boundaries in the County.

A single Coronial area in Devon would mean one Senior Coroner, one Police force, co-terminus with the boundaries of the County.

4) Options / Alternatives

Option 1 – preferred option - To apply to Chief Coroner's Office and Ministry of Justice to merge the Devon coroner areas. The proposal would be to merge the two jurisdictions but keep a Coroner's court venue in Plymouth; This would support Plymouth Council's equality impact duty in keeping the court easily accessible for the population of Plymouth

Option 2 - To apply to Chief Coroner's Office and Ministry of Justice to merge the Devon coroner areas with the proposal to move all resource centrally to Exeter including having a single Coroner's Court venue. This is not preferred by Plymouth City Council as this would require significant travel for the attendance of inquests, reducing accessibility to this service, particularly considering deprivation of the city.

Option 3 – to apply to Chief Coroner's Office and Ministry of Justice to merge the Devon coroner areas but to retain both the Coroner's Courts and the back-office functions across the two sites. This provides very little benefit to the current position.

Option 4 – as is - Not to merge the two jurisdictions and remain as is with the appointment of a Senior Coroner for Plymouth Torbay and South Devon. Whilst this option is easy to implement, it would run counter to the wishes of the Chief Coroner and policy to reduce the number of coroner areas in England and Wales. Retaining the existing structure also gives no opportunity to review and modernise service delivery, create uniformity or seek any efficiencies. There are also potential issues of resilience which are overcome with a larger team.

Consultations / Representations / Technical Data

A merger of the areas will require detailed assessment and joint proposal by Torbay, Plymouth and Devon County Council and consultation with the Chief Coroner and the Ministry of Justice, and a detailed draft business case has been developed by the Local Authorities.

The Chief Coroner and the Ministry of Justice is supportive of these merger discussions.

The Senior Coroner and Devon and Cornwall Police are in favour of the proposed merger.

Consultation will be carried out by the Ministry of Justice before any further steps are taken to lay the statutory instrument before parliament. This consultation will include any interested parties to the death management process and those partners to the service such as police, ambulance, mortuaries and funeral directors.

5) Strategic Plan

This proposal to merge will ensure that the service to families will be more robust and consistent across the county. There will be no boundaries of jurisdictions where families from one area cannot access the services of a hospital mortuary in another. We will work with families to put them at the centre of the process and to ensure fairness and an effective service.

6) Financial Considerations

Currently Devon County Council fund the Exeter and Greater Devon coronial area and are recharged by Plymouth City Council for coronial work undertaken in the rest of the DCC area. Torbay are also recharged from Plymouth City Council for coronial work undertaken in Torbay. In a merged Devon coronial service, DCC would be the lead authority and would recharge Plymouth and Torbay for coronial work undertaken for those areas.

Resource implications of the merger

Table A: Details of current Senior Coroners and Area Coroner/s in each existing coroner area

Position (eg Senior Coroner, Area Coroner)	First name	Surname	Current salary (including National Insurance and pension contributions)	Long Inquest Payments (if applicable) or other additional payments	Proposed salary in amalgamated area (if applicable) (including National Insurance and pension contributions)
Senior Coroner	Philip	Spinney	2023/24: £194,000 p/a	none	£194,000p/a
Senior Coroner	Ian	Arrow	2022/23 (retired 31/3/23): £212,046 p/a	none	£0 (post no longer required)
Area Coroner	Alison	Longhorn	2023/24: Forecast £119,000 p/a	none	£119,000p/a
Area Coroner	N/A	N/A	N/A	N/A	£119,000p/a (new post)

Table B: Office costs

Category	Exeter and Greater Devon	Plymouth, Torbay and South Devon	Proposed Combined Devon
Fees for Assistant Coroner(s)	£445 per day	£445 per day	8 Assistants @ 15 days x £445 £53,400 minimum
Salary costs of administrative staff (including National Insurance and pension contributions)	23/24 Forecast £172,000 p/a 5.1FTE		5.1FTE - £172,000 p/a
Management costs			0.55FTE £42,817p/a

Casual Jury Officers	23/24 Forecast £42,817 p/a 0.55FTE (£14.98 per hour with on-costs zero hours contract)		As existing
Staff and inquest accommodation costs	£47,590 p/a 244.85m2 @ £194.37per m2	£34,065	Exeter premises (2 courts + offices) £47,590p/a Plymouth premises (1 court only)
IT costs (civica) Other IT Costs	23/24 Forecast £14,000 p/a (Coroners MIS) 23/24 Forecast based on 9 devices and user accounts £8,512 p/a	£10,400	Management information system £14,000 Other IT licences / hardware / infrastructure £8,512
Post mortem/Pathologist costs etc	23/24 Forecast £406,000 p/a £250 per pm £277 for high risk pm	£508,302 £250 per pm £277 for high risk pm	No change to existing costs
Mortuary Costs	RD&E Exeter and North Devon 23/24 Forecast £457,000p/a	Total Derriford and Torbay Hospitals £294,220	No change to existing costs but opportunities to make future efficiencies by aligning contract terms & conditions
Body Removal Contract costs (annual)	23/24 Forecast £209,000 p/a	£362,974	No change to existing costs but opportunities to make future efficiencies when retendering.

7) Legal Considerations

A service level agreement will be drafted to cover the merger of the services and will be signed by all authorities before the proposed merger takes effect.

8) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)

Summary of all environment and environmental related issues (including climate change impact), including direct impact on the environment and mitigating activity/work, the socio-economic impact and sustainability of any proposals and likely impact on carbon emissions (or offsetting), referring to any formal Environmental Impact Assessment or options appraisal undertaken

There would be little impact to the merging of coronial jurisdictions in Devon. Transport to the nearest court would enable less travel as would the ability to attend inquests remotely

via MS Teams. Most of the services to the deceased would be carried out locally as now, but the administration function would be centralised in Exeter.

9) Equality Considerations

At present contact between the coroner's office and the next of kin/families is invariably via telephone, post or email, and in general face-to face contact only takes place at inquest hearings. Therefore, the physical location of any central support or administrative function is viewed as not critical to the service that the public receive.

The Coroner's Court in Plymouth will remain and will be used whenever a family have signalled that they wish to attend an inquest in person and where Plymouth is the preferred location. It is noted that some of the Torbay and South Devon population may prefer Exeter, and also some of the residents of Greater Devon (e.g. Tavistock/West Devon) may prefer to attend Plymouth and so the merger will provide greater choice for the wider population.

Therefore, providing robust working arrangements and processes are in place, the impact on the public will be negligible, other than the stakeholders in the Plymouth Torbay and South Devon area having different contact information. The central administration function is proposed to be located at the existing offices of the Exeter and Greater Devon Senior Coroner in Exeter. This service area of the building has recently been refurbished and has additional capacity to accommodate any additional resources that would be needed to manage the combined caseload of the existing areas. It has 2 dedicated Inquest courts equipped with hybrid hearing facilities and family space. We would hope to make another day-to-day court in the same corridor.

10) Risk Management Considerations

In the process of merging the two jurisdictions there will be a risk to timeliness of hearings given that the Plymouth Coroner's Office works in a very different way to Exeter and Greater Devon and therefore in bringing all cases into the same workflow may cause some delays. This will be mitigated by ensuring that communication with families is constant and that an Area Coroner is employed as soon as possible to start dealing with the backlog of Plymouth cases. Assistant Coroners will also be cross appointed and will therefore be able to hear cases in both areas before the start date of the new Devon service.

Working with the case management system providers Civica to ensure that all data held in Plymouth can be transferred to the Devon system as soon as possible and without error. Data will be checked before and after transfer to ensure that all cases are captured and that they sit in the workflow in the appropriate place for progress.

The Risk Register is being updated to cover risks.

11) Summary / Reasons for Recommendations

In summary it is felt by the Senior Coroner, and the three local authority leads involved that the merge of the service to a Devon Coroners Service will bring benefits of resilience, efficiency and opportunities to modernise, in order to provide a better, more consistent service to the bereaved families of Devon

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Local Government Act 1972: List of background papers

Background Paper

Date

File Reference

NIL

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