

## The Combined Devon, Plymouth and Torbay Coroner Service

### Report of the Director Legal and Democratic Services

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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.

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#### **1) Recommendation**

That the Cabinet be asked to:

- (a) as the relevant lead authority for the Combined Coroner Area for the County of Devon, Plymouth and Torbay, to the extent necessary, adopt the duties and functions from Torbay and Plymouth under the Criminal Justice Act for the purposes of enabling Devon to deliver the Coroner's Service for the County of Devon, Plymouth and Torbay.
- (b) take assurance from the progress report presented

#### **2) Background / Introduction**

The Ministry of Justice (MoJ) requested the coronial jurisdictions of Exeter and Greater Devon and Plymouth, Torbay and South Devon for views and consideration of a merger of the coronial service on the retirement of the Senior Coroner for Plymouth Torbay and South Devon. The process required the areas to produce a business case with the relevant details included to ascertain if a merger would be efficient and an advantage for the area. On 11th October 2023 Cabinet agreed to submit a business case to the MoJ to go to consultation for the merger of the coronial jurisdictions of Exeter and Greater Devon and Plymouth, Torbay and South Devon. The consultation was launched and the MoJ reviewed the results. On 31 January 2024 the Lord Chancellor determined that the Coroner Service in Devon be served by one jurisdiction, named the County of Devon, Plymouth and Torbay Coroner Service to cover the whole County of Devon. Plymouth, Torbay and Devon agreed that Devon County Council act as the lead authority for the new jurisdiction. The statutory instrument was laid and published on Friday 8 March with an implementation date of 1 April 2024.

#### **3. Progress of Implementation Plan**

Based upon 2023 activity, the proposed new jurisdiction will deal with approximately 4,500 deaths per annum. Around 950 of those will lead to inquest which will be held either in County Hall, Exeter or in Plymouth. Many cases will be dealt with in Exeter, both in person and hybrid via MS Teams. Around 2,000 post mortems were held during 2023.

On the 1 April approx. 950 open and live cases will be transferred to the new coroner area of Devon, Plymouth and Torbay from Plymouth. There are currently 700 open and live cases in the Exeter area giving a combined number of over 1,650 live cases to deal with.

The Coroners Service will use three smaller courtrooms for day-to-day cases, two of which are currently being used, the other will be ready for use very shortly. The Council Chamber will continue to be used for larger jury inquests. The court in Plymouth will be used for families who are unable to travel to Exeter and want to attend in person. Listing for all the courts will commence from 1 April, keeping the number of hearings at a current level to ensure there is no delay for bereaved families.

Philip Spinney, currently the Coroner for Exeter and Greater Devon and Acting Senior Coroner for Plymouth, Torbay and South Devon will be appointed as the Senior Coroner for the new County of Devon, Plymouth and Torbay area. This appointment will take place by the 1 April 2024. Alison Longhorn, currently the Area Coroner for Exeter and Greater Devon will be appointed as Area Coroner for the new area, and we will appoint a further Area Coroner. This is likely to take a little longer; however we have Assistant Coroners who will be hearing cases in the meantime.

Additional administrative resource will be required initially to support the doubling of the caseload especially during the transition period and the ongoing increased telephone traffic as the public become familiar with the centralisation of the administration. Our intention is to employ two further D grade administrative staff and review that after 12 months when the service has settled into new ways of working.

With the introduction of the Statutory Medical Examiner Service in April/May 2024 we hope to see the number of referrals to the new area fall, although those cases which are referred to the Coroners Service are likely to be more complex. Work towards the implementation of the Medical Examiner Service is happening with consultations and evidence gathering by the MoJ. In Devon we are working closely with Medical Examiner colleagues in Exeter, Torbay and Plymouth to share good practice and align the process and we are in a good position for the implementation.

There is currently one Plymouth contract in place which will novate to Devon. This is for transportation of deceased and will be in place for three more years. An SLA is being drawn up for the work with the mortuaries in Plymouth and Torbay in line with the SLA currently in place for Exeter and North Devon mortuaries.

There will be a transfer of the data held within the case management system in Plymouth to the Devon system. Both systems work in a similar way and are Civica cloud icasework systems. Project management is in place to ensure that any risk is mitigated.

We will continue to look for efficiencies with a restructuring of the work between standard and complex casework, introducing new processes for written and fast track inquest hearings, encouraging more use of virtual hearings and looking at the geography of the contracted services provided, where we can, with no virtual boundaries in the county.

## **Consultations**

Consultation has been completed by the Ministry of Justice with interested parties including partners to the service such as police, ambulance, NHS, mortuaries, and funeral directors.

### 3) Strategic Plan

This merger 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.

### 4) Financial Considerations

From 1 April 2024 DCC will be the lead authority for the Devon, Plymouth and Torbay Coroner Area and will recharge Plymouth City Council and Torbay Council for coronial work undertaken in those areas by way of an SLA. Currently the work carried out in the county is split between the same three local authorities depending on the address of the deceased person, however Devon County Council will become the lead authority with one administrative centre of the Coroner Area based in Exeter. The combined costs of the service will be managed by Devon County Council, which will allow us to look at new ways of working, and overcoming geographical challenges, in order to realise savings over time.

It is anticipated that all the Local Authorities will make efficiency savings because of the merger. Immediate savings will result from the removal of the role of Senior Coroner for Plymouth, Torbay and South Devon, alongside administrative roles that will not transfer across to the combined service. These savings will cover the additional costs expected because of the merger, detailed as follows:

One off Civica case management transfer of data to merged area	£14,000
Employment of Area Coroner	£119,000 per annum
Employment of two D grade administration posts	£64,480 per annum
Providing third court room with hybrid equipment (est)	£10,000

Further efficiencies will be expected over time as the merged service delivers economies of scale; with the introduction of the medical examiner service and through smarter working practices.

### 5) Legal Considerations

Under the Coroners and Justice Act 2009 (Alteration of Coroner Areas) Order 2024 (SI 2024: [304]) (the "Order"), made by the Lord Chancellor in the exercise of powers set out in section 22 and Schedule 2 to the Coroners and Justice Act 2009, the new combined Coroner Area of The County of Devon, Plymouth and Torbay will be created on 1 April 2024.

Plymouth, Torbay and Devon wish to facilitate the provision of a combined Coronial Service for the Coroner Area of the County of Devon, Plymouth and Torbay.

It is recognised that Devon is to be the 'relevant authority' for the new combined coroner area under para. 3 of Schedule 2 to the Coroners and Justice Act 2009. As such, Devon has statutory responsibilities for the provision of coroner services in the new combined area, including provision of staff and accommodation and reimbursement of Coroner's expenses. Torbay has agreed to reimburse Devon for the cost of providing coroner services insofar as they relate to the Torbay local authority area. Plymouth has agreed to reimburse Devon for the cost of providing coroner services insofar as they relate to the Devon area.

A service level agreement has been drafted for the provision of Coronial Services to the County of Devon, Plymouth and Torbay Coroner's Area and will be signed by all authorities on 1 April 2024.

Novation of deceased transportation contract currently running with Plymouth City Council until 2027.

## **6) Environmental Impact Considerations (Including Climate Change, Sustainability and Socio-economic)**

There will be little impact to the merging of coronial jurisdictions in Devon with the ability to attend inquests remotely via MS Teams or travel to the nearest court or hospital. Most of the services to the deceased will be carried out locally as now, but the administration function will be centralised in Exeter.

## **7) 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 the 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 available for use 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.

The central administration function will be located at the existing offices in County Hall, Exeter. This area of the building has recently been refurbished with additional capacity to accommodate additional resource for a further Area Coroner, two temporary administrators and Coroner's Officers, to manage the combined caseload of the existing areas. It will soon have three dedicated Inquest courts equipped with hybrid hearing facilities and family space.

## **8) 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 both ensuring that communication with families is constant and by continuing to list hearings at the same rate as currently. Some work has already started to reduce the cases for inquest already held in Plymouth and South Devon before the new jurisdiction comes into being on the 1 April 2024.

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.

## 9) Summary / Reasons for Recommendations

The Lord Chancellor has determined that the Coroner Service in Devon be served by one jurisdiction, named the County of Devon, Plymouth and Torbay Coroner Service to cover the whole County of Devon. Devon County Council will act as the lead authority for the new jurisdiction from the 1 April 2024.

### **Name**

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**Electoral Divisions:** All

Cabinet Member for Organisational Development, Workforce & Digital Transformation:  
Councillor Saywell

### **Local Government Act 1972: List of background papers**

Background Paper

Date

File Reference

NIL

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