

FULL COUNCIL REPORT

Date Written	12 th May 2015
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Service Area	Legal Division
Exempt/Non Exempt	Non-Exempt
Committee Date	15 th July 2015

To: Mayor, Ladies and Gentlemen

Review of Coroner Service

PURPOSE OF THE REPORT:

- 1.1 The purpose of this report is to advise Council of the outcome of a review of the provision of the Coroner Service for the Powys, Bridgend and Glamorgan Valleys (Rhondda Cynon Taf, Merthyr Tydfil and Bridgend) and Cardiff and Vale of Glamorgan Coroner Areas.
- 1.2 The report also outlines options relating to the provision of a Coroner Service and supporting administration for the Powys, Bridgend and Glamorgan Valleys and Cardiff and Vale of Glamorgan Coroner Areas.

1.0 INTRODUCTION AND BACKGROUND

- 1.1 Coroners are independent judicial officers appointed and paid for by the relevant authorities. They are responsible for investigating violent, unnatural deaths and deaths in custody that are reported to them.
- 1.2 The Ministry of Justice (MOJ) is responsible for the law and policy governing Coroners and deals with the operation of the current Coroner system. The Chief Coroner, an office created by the Coroners and Justice Act 2009 (2009 Act), is the head of the Coroner system, assuming overall responsibility and providing national leadership for Coroners in England and Wales.

- 1.3 Councils are under a statutory duty to appoint a Coroner and reimburse the cost of providing the Coroner Service. The relevant provisions are found in Schedule 3 of the Coroners and Justice Act 2009.
- 1.4 Upon Local Government re-organisation in 1996, the Bridgend and Glamorgan Valleys jurisdiction was created (i.e. the old Mid Glamorgan area excluding Rhymney Valley) with Rhondda Cynon Taf (RCT) assuming the lead role. Similarly, the Cardiff and Vale of Glamorgan area was created with the Vale of Glamorgan as the lead authority.
- 1.5 At the beginning of 2012, the Coroner for both Powys and Bridgend and Glamorgan Valleys resigned and a Coroner was appointed as his successor. The post was subject to a joint appointment by the authorities in respect of the Powys, Bridgend and Glamorgan Valleys areas, albeit these remained as separate areas prior to their amalgamation in July 2013. The Coroner resigned from this post in November 2013 and a further appointment assumed the role of Acting Senior Coroner.
- 1.6 Similarly, following the resignation of the Coroner for Cardiff and the Vale in July 2013 the post has until recently been covered by two part-time Assistant Coroners. One of the part-time Coroners has recently resigned (July 2014) due to health concerns and consequently further interim arrangements have been put in place. This has meant that Powys, Bridgend and Glamorgan Valleys' acting Senior Coroner, supported by RCT, has assumed, in addition to his current role, the Acting Senior Coroner for Cardiff and Vale. An Assistant Coroner for Powys, Bridgend and Glamorgan Valleys is also assisting in this arrangement. The Acting Senior Coroner is confident that whilst he has only been assisting Cardiff and Vale for a short period of time, he will be able to introduce some savings, with further savings, if a formal merger were to be agreed.
- 1.7 In July 2014, the Chief Coroner Judge Peter Thornton QC in his first annual report to the Lord Chancellor noted that there were 99 Coroner areas in England and Wales, with 60% of Coroner areas having fewer than 2,000 reported deaths a year. The Chief Coroner quoted that most senior Coroners should deal with between 3,000 and 5,000 deaths to make the service viable, and that the 99 Coroner areas should be reduced further, to around 75 or fewer. The Lord Chancellor has the power to combine, or merge, Coroner areas after consultation.

2.0 CURRENT SITUATION & PROPOSAL

- 2.1 The total annual budget for Coroners in the Coroner area of Powys, Bridgend and Glamorgan Valleys is £1,005,190 and in the Coroner area of Cardiff and Vale of Glamorgan is £771,180 giving a combined total budget of £1,776,370. Consideration has been given to a restructure of the staff who are currently based in Rock Grounds, Aberdare (Powys, Bridgend & Glamorgan Valleys) and Cathays Police Station (Cardiff & Vale of Glamorgan) with a view to consolidating the support provided for the Coroner's Service, albeit there would still be a requirement to run the service across the aforementioned sites.
- 2.2 In recent years, Bridgend and Glamorgan Valleys have made provision within the budget to cover the potential of 'Long Inquest Payments'. Where such events occur,

and a part-time Coroner is in post, he or she is entitled to an additional payment over and above their normal remuneration.

- 2.3 As per the recommendation of the MOJ, the cost of the service for both Coroner areas is apportioned amongst the participating local authorities on a population basis (as per the current Census).
- 2.4 Three main options have been identified in terms of future service delivery:
- i. to retain the status quo (do nothing) i.e. one part –time Senior Coroner for Powys, Bridgend and Glamorgan Valleys and one part-time Senior Coroner for Cardiff & Vale of Glamorgan with separate areas. A breakdown of the costs is included as Appendix A of this report.
 - ii. to retain the status quo i.e. one part-time Senior Coroner for Powys, Bridgend & Glamorgan Valleys and one part-time Senior Coroner for Cardiff & Vale of Glamorgan with separate areas but shared administration. A breakdown of the costs is included as Appendix B of this report.
 - iii. to amalgamate the two Coroner areas, with one full-time Coroner and complete shared administration. There would then be a single Relevant Authority as defined in the 2009 Act. The financial cost of this structure is attached as Appendix C.
- 2.5 **Option 1** - The do nothing option and without merger and retain current Powys, Bridgend and Glamorgan Valleys structures has significant disadvantages, in particular large expenditure would still be incurred as part-time Coroners are entitled to additional 'Long Inquest Payments'. Also this option may not be acceptable to the Chief Coroner and Ministry of Justice who may intervene to enforce a merger upon their terms.
- 2.6. **Option 2-** Merge with Cardiff & Vale of Glamorgan with Rhondda Cynon Taf becoming the 'Relevant Authority' for both areas. In relation to this option both services would be run separately which would generate a £3,827 saving for Merthyr Tydfil CBC based on the 2014-15 budget. This would again miss opportunities to save on other back-office costs and lose the benefit of economies of scale in tendering for services. RCT have identified that this option is not acceptable to them and they would not be prepared to be involved in this way forward.
- 2.7. **Option 3** –To amalgamate the two Coroner areas, with one full-time Coroner and complete shared administration. This is the preferred option of both the MOJ and the Coroner's Society. Whilst it would mean a slight increase in the Coroner's salary, these costs would be negated by the cessation of Long Inquest payments. Furthermore, there would be the potential to raise the profile of the Coroner service with the contributing factor that caseload and service delivery will be consistent. In relation to this option, it would generate an approximate saving of £9,555 for Merthyr Tydfil CBC based on the 2014-15 budget.
- 2.8 **Proposed Option**

Option iii. is the preferred option of both the Ministry of Justice and the Coroner's Society. Whilst it would mean a slight increase in the Coroner's salary, these costs would be negated by the cessation of Long Inquest payments. Furthermore, there would be the potential to raise the profile of the Coroner service with the contributing factor that caseload and service delivery will be consistent.

- 2.9 The Officer recommendation from both current Relevant Authorities is option 3 i.e. the amalgamation of the two existing Coroner Areas and the recruitment of one Whole-time Coroner. In addition to this, a further recommendation is made to recruit a Part-time Area Coroner to provide further resilience in an enlarged jurisdiction.
- 2.10 In the event that option 3 be adopted, it would only be necessary for a single Relevant Authority. A factor in deciding the delegation of the Relevant Authority is one of managerial capacity. Rhondda Cynon Taf CBC have competent staff already managing a merged Coroner Area. Furthermore, Rhondda Cynon Taf CBC has been the Relevant Authority for Bridgend & The Glamorgan Valleys ever since its formation in 1996. The Coroner's Office in Rock Grounds has its own bespoke courtroom. It is recommended however, that the current office based in Cardiff (Cardiff & Vale of Glamorgan Coroner Area) would remain in order to allow consistency and continuity of service, in particular for the residents of this area.
- 2.11 It is further recommended that costs associated with the service be apportioned between the six Local Authorities on a population ratio basis.

2.12 **Amalgamation Procedure**

The Chief Coroner has confirmed that amalgamation can only be possible with the consent of all six Councils – Rhondda Cynon Taf, Bridgend, Merthyr Tydfil, Powys, Cardiff & Vale of Glamorgan. (Chief Coroner Guidance No.14 Mergers of Coroner Areas paragraph 8 – following reform of Coroner's and Justice Act 2009 which came into force on 25th July 2013).

- 2.13 Upon consent from all six Councils, RCT will then take the lead in producing a Business Plan to meet the needs of the MOJ and others so that MOJ can start the formal consultation process under the 2009 Act. This cannot commence, however, until all Councils involved agree. The existing Assistant Coroners and Coroner's staff are aware of the proposed merger and the staff and relevant trade unions will be consulted as part of the consultation process
- 2.14 On the 3rd June 2015, this Report was presented to Cabinet, which agreed to make these recommendations to Full Council.

3.0 **FINANCIAL IMPLICATIONS**

- 3.1 As detailed in the body of the report. The proposed merger would result in a financial saving of approximately £9,555 for MTCBC.

4.0 SINGLE INTEGRATED PLAN AND SUSTAINABILITY IMPACT SUMMARY

4.1 The Single Integrated Plan & Sustainability Impact Assessment has been completed and the proposal positively impacts on Financial Sustainability of Public Services. No negative impacts have been identified.

5.0 EQUALITY IMPACT ASSESSMENT

5.1 An Equality Impact Assessment (EqIA) form has been prepared for the purpose of this report. It has been found that a full assessment is not required at this time. The form can be accessed on the Council's website/intranet via the 'Equality Impact Assessment' link.

6.0 RECOMMENDATION(S)

6.1 That Council:

- Agrees that the current Powys, Bridgend and Glamorgan Valleys and Cardiff and Vale of Glamorgan Coroner Areas be merged into a single combined Coroner Area to cover the six local authority areas of Powys, Rhondda Cynon Taf, Merthyr Tydfil, Bridgend, Cardiff & Vale of Glamorgan.
- Agrees that the Part -Time Coroner posts which currently cover Powys, Bridgend and Glamorgan Valleys and Cardiff & Vale of Glamorgan Coroner Areas be made into a single Whole-Time Coroner position for the new Coroner Area following the merger.
- Agrees that Rhondda Cynon Taf County Borough Council is designated as the Relevant Authority to continue to accommodate the Coroner and continue to provide the existing administrative support functions to the Service.
- Agrees that costs be apportioned on a population ratio basis (already established within the Powys, Bridgend and The Glamorgan Valleys Coroner Area).

GARETH CHAPMAN
CHIEF EXECUTIVE

BACKGROUND PAPERS		
Title of Document(s)	Document(s) Date	Document Location

Consultation has been undertaken with the Corporate Management Team in respect of each proposal(s) and recommendation(s) set out in this report.