

TELFORD & WREKIN COUNCIL

CABINET – 7th JULY 2009

THE FUTURE OF THE CORONERS' SERVICE WITHIN SHROPSHIRE

REPORT OF THE INTERIM CORPORATE DIRECTOR: RESOURCES

1.0 PURPOSE

For Members to consider the future of the Coroners Service in Telford & Wrekin in the light of the potential impact of the Coroners and Justice Bill and also the fact that the current Coroner for Telford & Wrekin has indicated that he intends to resign from his position in September 2009.

2.0 RECOMMENDATIONS

2.1 that Members authorise the Head of Legal Services to approach with Shropshire Council with a view to developing a shared coronial service within Shropshire.

2.2 that Members authorise the Head of Legal Services to work to secure agreement from the Ministry of Justice to proposals for a shared approach that are agreeable to both Councils.

2.3 that the thanks of this Council be passed on to the current Coroner for his commitment and the exemplary way that he has carried out his duties during his tenure.

3.0 SUMMARY

Members need to plan for the changes in the coronial service that have been brought about by the proposed retirement of the current Coroner for Telford & Wrekin and the potential impact of the changes to the coronial service contained in the Coroners and Justices Bill that is currently before Parliament.

4.0 BACKGROUND

The current Coroners service

Coroners in England and Wales are independent judicial officials who investigate deaths reported to them and find out the cause of death to allow it to be registered. Although Coroners are appointed and funded by Local Authorities across the current 129 coronial districts, the Coroner is not a Local Government Officer but holds office under the Crown.

Coroners in England and Wales were notified of some 230,000 deaths last year. This represents nearly 45% of all deaths that occurred. (The Coroner in Telford & Wrekin was notified of 761 deaths last year and 72 inquests were held. In Shropshire the 2 coroners were notified of 1130 deaths and 135 inquests were held.

The Coroner, supported by his/her staff, will investigate these cases and conclude them with a formal inquest if necessary. This is a vital task. It gives certainty and reassurance to bereaved people and is in the public interest as it determines the facts of death which are reported to them and identifies lessons which could prevent future deaths. These deaths may be violent, or unnatural or of unknown cause. It means that many bereaved relatives and friends have contact with Coroners and their staff, as do those working in the Health Service, the Police, Local Authority and other public service staffs.

Coroners nationally are supported by several hundred Coroners' Officers who are employed locally by either the Police or Local Authority. (Within Telford & Wrekin there are currently 3 Coroners Officers who are employed by West Mercia Police Force. In Shropshire there are 5 Coroners Officers who are also employed by West Mercia Police.

Limitations of the current service

The Government considers that there are inherent weaknesses in the present system because it is fragmented, unaccountable, variable in its processes and quality, ineffective in part and archaic in its statutory basis.

For example, Coroners can only be dismissed by the Lord Chancellor and have no retirement age. This means that Councils can find it very difficult to hold Coroners to account for poor performance or even disciplinary matters.

Proposals for change

The Government wants to strengthen and improve the service Coroners currently provide and to that end has recently published proposals for reform of the Coroners Service. The aims of the Bill are to

- Offer a better service to bereaved people and others affected by the work of the Coroner.
- create a national framework and leadership for the service, whilst ensuring that it remains firmly grounded locally;
- ensure that investigations and inquests are more effective; and
- introducing a proposed retirement age of 70.

The Bill proposes a new governance structure for the Coroners Service: It introduces the role of Chief Coroner to lead the service, with powers to intervene in cases in specified circumstances, including presiding over an appeals process designed specifically for the Coroner system. It is also proposed that there be a senior (full time) Coroner for each Coroner area (presently known as Coroner districts) with the possibility of appointing area Coroners and assistant Coroners to assist the senior Coroner for the area. (The Bill also proposes to bring together small areas into one whole time coronial jurisdiction reducing the number of senior Coroners. The proposed reduction will be in the region of 50%, down from current levels of 110 full and part-time Coroners to 64 full time Coroners.

It also gives Coroners powers aimed at improving the effectiveness of investigations. For example it will give Coroners new powers to obtain information, including medical advice, to help them with investigations and to dispose of inquests in certain cases, create new rights for the bereaved, establish a Chief Coroner and an Advisory Coronial Council with the power to commission inspections, provide guidance and promote good practice, change investigation and inquest processes (including a power to impose reporting restrictions), including removing boundary restrictions.

The Bill also proposes to leave the appointment and funding arrangements with Local Authorities and the power to confirm or remove appointments with the Lord Chancellor

The Consequences of Change

- The Bill makes a commitment to retaining the Coroners service as a local service and Coroners will continue to be appointed and funded by their local councils and supported by existing Coroners' Officers. However, reducing the number of coronal areas will mean greater cross boundary working than is currently the case.
- Greater consistency through the development of national standards and guidance developed by the Chief Coroner.
- Greater accountability as the Chief Coroner will be accountable to Parliament.
- New rights for bereaved people. They will have new rights to appeal against matters and decisions which concern them. A Coroners' Charter will set out guidelines and standards to make clear the level of that service bereaved people can expect and to promote better contact between them and the Coroner and Coroners' staff.
- Improved access to medical support will better inform decision making

The Local Position

There is currently 1 Coroner operating within Telford & Wrekin. His name is Michael Gwynne and he has been the Coroner for many years. Shropshire has 2 other Coroners operating with jurisdictions for North and Mid Shropshire, John Ellery, and South Shropshire, Anthony Sibcy.

The Coroner for Telford & Wrekin has indicated that he wishes to retire from this position in September 2009 although he has indicated that he might be prepared to defer this for a short while to enable alternative arrangements to be made.

The Coroners all support the proposals in the Bill and are committed to improving the already good local service provided to the bereaved and their families.

In order to manage the proposed retirement of the Coroner for Telford & Wrekin officers have held discussions with all the Coroners within Shropshire to consider how to manage the service in the future in the best interests of the people of Shropshire. It is clear from the Bill that a like for like replacement for Michael Gwynne will not be a sustainable solution.

It is agreed that some amalgamation of the existing areas is required and consideration has been given as to how this might be best achieved to comply with the spirit of the proposal in the Bill and yet also best meet the expectations of local people for a local service.

2 options have been identified, namely a coronial service for Shropshire or a service with a wider jurisdiction. It is the view of the Shropshire coroners, and officers, that it is most appropriate for the service to be maintained at a county level. Widening beyond this would dilute the value of local knowledge and local relationships that are key to the provision of such a sensitive service. Much weight should also be given to the fact that such an area links to both healthcare and police boundaries. (It is worth noting that John Ellery, the coroner for mid Shropshire is currently Mr Gwynne's Assistant Deputy and accordingly is familiar with Telford.)

It is foreseeable that the base means of identifying new Coroners areas would require more deaths than currently take place in Shropshire as a whole but there 2 key growth points in Shropshire, Telford & Wrekin and Shrewsbury so it is reasonable to assume that this gap will reduce in the medium term. Notwithstanding this Coroners and officers are agreed that this is a blunt method of designing a service and does not outweigh the stronger reasons for a county wide service as identified in this report.

In order to minimise disruption to services across Shropshire the move to a single Coroner could start with the retirement of Michael Gwynne this year, amalgamating Telford & Wrekin and North and Mid Shropshire areas. The South Shropshire area completing the amalgamation with the retirement of Anthony Sibcy which will, if the Bill is enacted in its current format, have to be within the next 5 years.

What to do next

Members are asked to consider the contents of this report and consider how they want to ensure the continued provision of this service in Telford & Wrekin. It is recommended that officers are asked to undertake work with Shropshire Council to agree a joint way forward along the lines of a shared county service.

If this can be agreed we propose to initiate formal discussions with the Ministry of Justice to ensure their agreement to any agreed proposed service it would not be sensible to make changes now that would be changed when/if the Bill becomes law and comes into force.

5.0 Equality & Diversity

An Equality Impact Assessment will need to be undertaken to ensure that any proposed changes to the existing service retain or enhance the accessibility of the service across the community.

6.0 Environmental Impact

None

7.0 Legal Comment

The Council has a duty to provide a coronial service within its administrative area and the proposal outlined in this report would enable the Council to comply with that duty.

Members need to be aware that the Coroners and Justice Bill is currently just a Bill and it might not be passed in its current form or at all. If it follows its timetable the majority of its provisions are expected to come into force in early 2010.

8.0 Links with Corporate Priorities

Priority - 4 Creating a safe, strong and cohesive community; and

Priority 7 – Creating an efficient effective customer focussed Council that delivers value for money for the community

9.0 Opportunities and risks

There is always some risk to the service when such key posts become vacant. Mr Ellery has a lot of experience within Shropshire and his appointment as Telford & Wrekin Coroner would enable him to become a full time Coroner and be the first phase in the delivery of the wider strategy as outlined in the Coroners and Justice Bill.

10.0 Financial implications

This authority is commended by the current Coroner for the support provided to him in the performance of his duties but the fact is the cost of this service continues to increase. The costs of the service are outside the Council's control because the majority of costs are the result of decisions taken by the Coroner, on the basis of his professional judgement. These costs include, for example, post mortem and laboratory fees, support for the bereaved and large public interest inquests.

In the last financial year the cost of the service was £337,961 which resulted in the service being £191,061 over spent against the budget. The costs for this service have been increasing year on year, the outturn in the 2008/09 financial year was over £100,000 more than in the previous year.

The proposals will have cost implications for the Council and the Department for Constitutional Affairs has said that these will be fully funded but nevertheless officers suggest that this is a good opportunity to review

the service's efficiency and effectiveness to identify if the amalgamation of the service could deliver savings to ensure that it continues to provide value for money and minimises the burden on local taxation.

11.0 Ward implications

This report has implications for all Wards.

12.0 Background papers

The Coroners and Justices Bill, the file on the Coroners Service maintained by Legal Services

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