

EXECUTIVE BOARD DECISION



REPORT OF:	Leader
LEAD OFFICERS:	Strategic Director of Resources (SIRO)
DATE:	Thursday, 9 September 2021

PORTFOLIO(S) AFFECTED:	Leader
WARD/S AFFECTED:	(All Wards);
KEY DECISION:	N

SUBJECT:

Coroner's Service – Update Report and Cost Sharing Agreement

1. EXECUTIVE SUMMARY

To report on the Coroner's Service for 2020-21 and seek authority to extend the Cost Sharing Agreement.

2. RECOMMENDATIONS

That the Executive Board:

- Notes the contents, reporting on the Lancashire and & Blackburn with Darwen Coroner's Service during 2020-21.
- Notes the proposed use of Blackburn Town Hall facilities by the Coroner to hold routine inquests for BwD cases, once the refurbishment works have been completed.
- Delegates authority to the Strategic Director of Resources in consultation with the Leader to agree the terms for extending the Cost Sharing Agreement with Lancashire County Council.

3. BACKGROUND

Since 2018 the merged coronial service (comprising the former Coronial Districts of Blackburn with Darwen, Hyndburn & Ribble Valley, Preston & West Lancashire and East Lancashire) has been managed by Lancashire County Council (LCC) under a revised administrative arrangement. LCC is the 'relevant authority' under the Coroners and Justice Act 2009 for the Blackburn with Darwen jurisdiction.

LCC and BwD entered into a Cost Sharing Agreement, which sets out the provision of the service, accountability, responsibilities, monitoring arrangements and financial arrangements. The 'initial term' of the agreement has now expired and LCC and BwD are seeking to extend the term of the agreement.

As part of the arrangements under the agreement, LCC is required to submit to BwD budget monitoring information and forward the annual statistics provided by the Coroner.

4. KEY ISSUES & RISKS

Despite the impact of the pandemic the Coroner's Service continued to improve and provide an efficient and cost-effective service in the Lancashire and Blackburn with Darwen Coroner area.

Staffing

Supporting the Lancashire Resilience Forum during 2020/21, the Senior Coroner chaired the Death Management Group, with the Coroner Services Manager as the Vice Chair. From accurate intelligence and analysis, the Group was able to appropriately manage the response to the pandemic, ensuring adequate body management systems working with partners including Registrars, Funeral Directors and North West Ambulance to respond to the situation. Fortunately, the additional Body Storage facilities at Warton and at Leyland were not required.

One of the Area Coroners, James Newman is leaving the service. Following a recruitment process Christopher Long has been appointed to replace Mr Newman and will be joining the Coroner's Service on 1 November 2021. Currently, Mr Long is a Chief Crown Prosecutor and an Assistant Coroner in Norfolk and Suffolk. He will resign from these positions when he starts his employment with the Coroner's Service.

The workload of the Coroners has significantly increased over the last 12 months and therefore permission was sought from the Chief Coroner to recruit a further three Assistant Coroners to support the jurisdiction. It is anticipated that these posts will be filled before the end of the year.

The Coroner's Admin Team are now all working back in the office. The service now also have a number of Casual Court Clerks supporting the Coroners and Coroners Officers at inquests. Their role includes referring any questions from the families to the Coroner to respond to them, wherever possible in court. The Coroner's Service also has a Casual Inquest Clerk who is available to support the Coroner's Officers in obtaining statements for inquests and to ensure that the inquest bundles are ready and available for the Coroner at the appointed time.

There are some resource pressures in relation to Coroner's Officers due to retirement etc. The Service has managed to recruit additional officers who are currently undergoing the necessary training.

Discussions are also on-going regarding the re-imburement of costs for Home Office Post-mortems.

Recently, a circular has been received from the JNC for Coroners in relation to the Coroner's pay award, which proposes a pay increase of 1.5% on basic salary, from 1 April 2021. This will be included in the BwD recharge for the staffing costs of the Coroner's Service, which is currently projected to be around £135,600.

The Out of Hours Service continues to run smoothly with no significant issues being reported.

Management Information

During the 2020 calendar year the Coroner's Service dealt with 3,930 deaths for the jurisdiction as a whole, which was an increase of 253 from the previous year. Of the total number of standard post-mortems conducted in 2020 (1,691), 94.94% were resolved by way of a CT scan.

For BwD, the Coroner's Service dealt with 883 deaths during 2020/21, which is a slight increase from 2019/20 (871). There have been a significant number of Covid-related deaths, but these are classed as natural causes, and as such they did not involve the Coroner. The percentage of causes of death found from the CT scan facility remains high at 92%. Between April and June

2021, the Coroner's Service dealt with 169 deaths, and the percentage of causes of death found as a result of a CT scan was again over 90%.

Generally, the CT scanner continues to operate well and the ability to establish a cause of death via CT scanning is over 90%. During the pandemic the Service stopped undertaking angiography as part of our CT scanning process, but this has now re-started. Additional mortuary space is now in place at Lancashire Teaching Hospital to support the CT scanning function.

The Coroner's Service continues to have a good working relationship with their rota Funeral Directors, who have provided great support throughout the pandemic.

Medical Examiner Service & Health Service Investigation Board

East Lancashire Hospitals NHS Trust introduced the Medical Examiner service as an independent review system to provide greater safeguarding around certification of death. It is currently non-statutory and its aims include scrutinising all 'non-coronial' deaths and ensuring appropriate referrals are made to the coroner. At present, the Medical Examiners are only reviewing hospital deaths but in April 2022 they will include all general practice certified deaths. Since its introduction 18 months ago, the Medical Examiner service has been identifying serious medical cases being referred to the coroner for investigation, with other cases being removed from requiring the Coroner's Service. The Coroner's Service are working with the Medical Examiners in Blackburn, Preston and Lancaster to ensure that only appropriate deaths are referred to the Coroner as necessary.

In addition, the Health Service Investigation Board (HSIB) now investigate any death of a baby during delivery given some national concerns in respect of a small number of midwifery units. This is starting to result in an increased workload that will require additional expert evidence from both obstetricians and paediatricians with some additional costs, but which is not anticipated to be significant.

5. POLICY IMPLICATIONS

Further to the merger, LCC have assumed the role of the relevant local authority responsible under the Coroners and Justice Act 2009 Act.

Initial funding for the jurisdiction is met by LCC with Blackburn with Darwen Council contributing an agreed percentage in relation to the operating costs for the Blackburn with Darwen area, and also contributing towards the cost of the Senior Coroner and one Area Coroner who is responsible for dealing with the workload in the Blackburn with Darwen area.

The Council monitors the Coroners' Service to ensure it continues to provide an efficient and cost-effective service in the Blackburn with Darwen area. In addition, the Council needs to ensure that Coroner's Service remain supportive of the local, cultural, community and religious needs and expectations of the residents in the BwD area.

6. FINANCIAL IMPLICATIONS

Under the Cost Sharing Agreement Lancashire County Council (LCC) provide Coroner's Services in Blackburn with Darwen for which BwD is recharged a proportion of the overall costs of the Coroner's Service. These costs include:

- 50% of the costs associated with coroner's officers, training expenses, IT costs, pathologist fees, histology fees, mortuary staff fees, toxicology fees, witness expenses, coroner's juror fees, undertaker fees, hire of venues for inquest hearings for BwD cases

- 23% of the costs associated with staffing including the Senior Coroner, 1 Area Coroner, 1 Senior Democratic Services Officer and administrative support based at Faraday Court.
- Other such costs agreed from time to time.

2020/21

BwD contribution - £275,501.32.

The budget for witnesses was overspent and there were increased costs due to the hiring of venues for BwD inquests. Toxicology costs also increased slightly. The Toxicology contract was recently retendered and was awarded to the existing provider. Whilst the cost of the work has increased slightly the existing provider remained by far the most competitive of the tenders received.

It is expected that pathologist invoices for post-mortems carried out may reduce in future years as CT scanning is now being used in the first instance in establishing the cause of death.

2021/22- Q1 (01.04.21 – 30.06.21)

BwD contribution - £73,651.00

For 2021/22, the Coroners Service are working on an overall budget of £319,800 for the provision of supplies and services (the BwD recharge is 50%, c.£160k) together with the re-charge of staffing costs at around £135,600. It is therefore, currently estimated that the BwD re-charge for the 2021/22 financial year will be in the region of £295,000.

Although spend in 2020/21 increased and the projected spend for 2021/22 is currently forecast to be in excess of the original budget, the cost to BwD is still significantly less than before the merger took place. Prior to the merger the overall cost of operating the Blackburn, Hyndburn and Ribble Valley jurisdiction was over £800,000 of which circa £400K was contributed by Lancashire County Council for the Services covering Hyndburn & Ribble Valley, resulting in a net cost to BwD of around £400k per annum.

Prior to the pandemic and the refurbishment works, facilities in the Blackburn Town Hall were used by the Coroner to hold Routine Inquests for BwD cases. This saved costs for venue hire, which otherwise would have been recharged to BwD under the Cost Sharing agreement.

Recommencing the use of Blackburn Town Hall facilities for Routine Inquests when the refurbishment works have been completed, will again save costs to for venue hire.

The adequacy of the budget provision for subsequent years will be considered both as part of the agreement of terms for extending the Cost Sharing Agreement with Lancashire County Council and as part of the development of the Council's budget for 2022/23 onwards.

7. LEGAL IMPLICATIONS

The role of the HM Coroner is a statutory role.

The Coroners and Justice Act 2009 (Alteration of Coroner Areas) (No. 2) Order 2017 came into force on 1 December 2017 and formed the merged coroner area of Lancashire and Blackburn with Darwen.

Lancashire County Council are the 'relevant authority' for the delivery of coronial services for Blackburn with Darwen, and they operate the service under the terms of a Cost Sharing Agreement with Blackburn with Darwen Borough Council, referred to in this report. Under the agreement BwD has responsibility to reimburse a proportion of the costs incurred and that attributable to the Coronial Jurisdiction of Blackburn with Darwen. The 'Initial Term' of two years has expired and the Cost Sharing Agreement provides for an extension period (or periods) of up to 7 years.

8. RESOURCE IMPLICATIONS

Resources for the delivery of the Coronial Service are provided under the Cost Sharing agreement by Lancashire County Council. The Head of Legal & Governance and a finance officer monitor service and costs in accordance with the agreed protocols between the Councils.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

Option 1 Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

Option 3 In determining this matter the Executive Board Members need to consider the EIA associated with this item in advance of making the decision.

10. CONSULTATIONS

Consultations were conducted in advance of the merger in 2017.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published on the day following the meeting.

CONTACT OFFICER:	Asad Laher, Head of Legal and Governance
DATE:	August 2021
BACKGROUND PAPER:	