

EXECUTIVE BOARD DECISION



REPORT OF: Executive Member for Digital and Customer Services

LEAD OFFICERS: Strategic Director Resources (SIRO)

DATE: 13 October 2022

PORTFOLIO/S AFFECTED: Digital and Customer Services

WARD/S AFFECTED: All

KEY DECISION: YES NO

SUBJECT: Coroner's Service – Update Report

1. EXECUTIVE SUMMARY

To report on the Coroner's Service for 2021-22.

2. RECOMMENDATIONS

That the Executive Board:

- Notes the contents, reporting on the Lancashire and Blackburn with Darwen Coroner's Service during 2021-23.
- Notes that the use of Blackburn Town Hall facilities by the Coroner has resumed for routine inquests relating to BwD cases.

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 Lancashire and Blackburn with Darwen jurisdiction. The Coroner's Service covers 4 prisons, 3 teaching hospitals, 2 general hospitals, a neonatal unit, specialist orthopaedic centre, mental health facilities and major transport network.

LCC and BwD entered into a Cost Sharing Agreement, which sets out the provision of the service, accountability, responsibilities, monitoring arrangements and financial arrangements.

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

Since the merger, both Lancashire County Council and Blackburn with Darwen Council have benefited from savings due to economies of scale and new ways of working, with no impact on the

service. However, these savings have decreased over the years due to the inflationary rises and the demand for more detailed investigations and hearings. In addition to this, Medical Examiners who deal with all hospital deaths are expected to review community deaths by April 2023.

Although the introduction of the Medical Examiner's Service has seen a reduction in the number of referrals to the Coroner, the referrals that are received for hospital deaths have been more complex in nature, often requiring increased investigation and frequently needing an independent expert. As a result, the service is forecasting an increase on the budgeted costs over the coming year and beyond.

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

The Lancashire and Blackburn with Darwen Coroner's Service is headed by Dr James Adeley, HM Senior Coroner, and 2 full time Area Coroners (Mr Richard Taylor and Mr Christopher Long). The Service is also supported by 9 assistant Coroners, a local authority Coroner Services Manager, Coroner's Support Team Manager and 7 administrative staff. The workload of the Coroners is increasing due to increasing demands, the increasing complexity of individual inquests and new areas of inquest work being created due to the establishment of bodies such as the Health Service Investigation Board, who are now reviewing all full term baby deaths and maternal deaths.

To meet this rising workload, the service have recently agreed an increase of two Coroners Officers and will now have 14 to support the jurisdiction. The Coroner's Officers are employed and managed by Lancashire Constabulary but half funded by local authority, with around 3.5 Coroner's Officers dealing with the deaths in Blackburn with Darwen. The Coroner's Officers are based in the hospitals with a total of 5 being located at Royal Blackburn Hospital. Casual Court Clerks are employed by the local authority (LCC) to run the inquests.

There is currently a JNC consultation in relation to the Coroners pay offer for 2022/23. LCC are responding to the consultation expressing concerns over budget pressure should the proposal of 8% be agreed in negotiations. Any confirmed pay increase will impact the BwD recharge for the staffing costs of the Coroner's Service. An 8% pay award would see a potential increase of £4,838 for BwD.

A swearing In ceremony for new Coroners joining the jurisdiction was held in February 2022. The ceremony was officiated by the High Sheriff of Lancashire, Mr Edwin Booth, CBE, and was attended by the Mayor and Mayoress.

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

Management Information

For BwD, the Coroner's Service dealt with 690 deaths during 2021/22. The percentage of causes of death found from the CT scan facility remains high at 93.4% for 2021/22.

Between April and June 2022, the Coroner's Service dealt with 172 deaths, and the percentage of causes of death found as a result of a CT scan was again over 90%. Currently the time from the death being reported to receiving the cause of death from the CT scan is around 48 hours, with 47% of all deaths requiring a post mortem registered within 7 days.

Since its commencement in 2018, the CT scanner continues to operate well and the ability to establish a cause of death via CT scanning is over 90%. The CT scanning service is delivered and staffed by NHS staff, and like all coronial services is funded by the local authority. The scanner is located at Royal Preston Hospital, a central location for all the mortuaries within Lancashire.

Inquests

During the pandemic, inquests continued to be heard but faced various problems, including the availability of Doctors whose clinical work had to be prioritised. As a result a backlog had developed, which is in the process of being cleared and is expected to be completed by 2023. However, a significant challenge has been the loss of 50% of the Coroner's Officers who run the investigations prior to the inquest due to retirement and leaving the service.

The Coroner's Service welcomes the opportunity to return to the BwD Council Chamber and have inquests already booked into the court diary. They will be using their Casual Court Clerks to support the inquests, including the arrangements for the family and other visitors attending the hearing.

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 to the public around certification of death. It is currently non-statutory and its aims include scrutinising all 'non-coronial' deaths and ensuring the appropriate referral to the coroner. At present, the Medical Examiners are only looking at hospital deaths but it is expected that in April 2023 they will include 'community deaths'. Since its introduction the Medical Examiner service has been identifying serious medical cases being referred to the coroner for investigation, and less complex cases being removed from the Coroner's Service. The Senior Coroner continues to work with the Medical Examiner at East Lancashire Hospitals Trust to agree community deaths that should automatically be referred to the coroner and those that should first be considered by the Medical Examiner.

In addition, the Health Service Investigation Board (HSIB) continues to investigate any death of a baby born during delivery, requiring additional expert evidence from both obstetricians and paediatricians with some additional costs.

5. POLICY IMPLICATIONS

The merger saw LCC assuming the role of becoming the relevant local authority responsible under the Coroners and Justice Act 2009 Act.

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

The Council need to monitor that the Coroners' Service continues to provide an efficient and cost-effective service in the BwD area. In addition, the Council need to ensure that Coroner's Service remain supportive of the local, cultural, community and in particular 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 LCC's overall costs of the Coroner's Service, under a Cost Sharing Agreement. These costs are:

- 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 and 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 all administrative support based at Faraday Court.
- Other such costs agreed from time to time.

2021/22

BwD contribution - £291,886.84

This is an increase from 2020/21 (£275,501.32) but less than the estimated recharge (£295,850). The contribution includes the repayment of a credit (£4,525.84) that had been given in 2018/19 on the assumption that this amount would be recoverable from Lancashire Constabulary in respect of the Home Office post mortems. However, it has not been possible to recover this amount from Lancashire Constabulary.

BwD Council Chamber is now available to hold inquests, and therefore any cost for hiring other venues for BwD cases will be less.

2022/23 - Q1 (01.04.22 – 30.06.22)

BwD contribution - £78,106.25

For 2022/23, the Coroners Service is working on an overall budget of £316,650.00 for the provision of supplies and services together with the re-charge of staffing costs @ 23% being around £148,600.00, plus other costs (£5,500). It is therefore, currently estimated that the BwD re-charge for the 2022/23 financial year will be in the region of £312,425.00.

Although the spend in 2021/22 increased and the projected spend for 2022/23 will again exceed the allocated 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.

7. LEGAL IMPLICATIONS

Local authorities have a legal requirement to resource the Coroner's Service to enable the Coroner to carry out their investigations into deaths that are unnatural, suspicious or where the cause of death is unknown.

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.

8. RESOURCE IMPLICATIONS

Resources for the delivery of the Coronial Service are provided under the Cost Sharing agreement by Lancashire County Council. The Deputy Director, 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. Where appropriate please include the hyperlink to the EIA.

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. *(insert EIA link here)*

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. *(insert EIA attachment)*

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.

VERSION:	1
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CONTACT OFFICER:	Asad Laher, Deputy Director, Legal & Governance
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DATE:	3 October 2022
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BACKGROUND PAPER:	
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