

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CABINET

19TH FEBRUARY, 2014

REPORT OF THE DIRECTOR, LEGAL & DEMOCRATIC SERVICES

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REVIEW OF CORONER SERVICE

1. PURPOSE OF REPORT

- 1.1 The purpose of this report is to advise Members of the outcome of a review of the provision of the Coroner Service for the Powys, Bridgend and Glamorgan Valleys (Rhondda Cynon Taf, Merthyr 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.

2. RECOMMENDATIONS

That Cabinet agree and recommend to Council paragraphs 2.1 – 2.5 below:

- 2.1 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, Bridgend, Cardiff & Vale of Glamorgan.
- 2.2 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.
- 2.3 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.
- 2.4 That costs be apportioned on a population ratio basis (already established within the Powys, Bridgend and The Glamorgan Valleys Coroner Area).
- 2.5 That if agreement cannot be reached by all parties, that the post of Whole Time Coroner for Powys, Bridgend and The Glamorgan Valleys be advertised as soon as possible.

3. BACKGROUND

- 3.1 Coroners are independent judicial officers appointed and paid for by the relevant local authorities. They are responsible for investigating violent, unnatural deaths and deaths in custody that are reported to them.
- 3.2 The Ministry of Justice 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, is head of the Coroner system, assuming overall responsibility and providing national leadership for coroners in England and Wales. The appointment of the Chief Coroner is made by the Lord Chief Justice in consultation with the Lord Chancellor. Responsibilities include:
- Cross-government liaison on coroner matters
 - Set national standards for all Coroners, including new inquest roles
 - Queries and advice to ministers, Coroners, local authorities and the public
 - Liaison with Coroners and bereavement groups
 - Training for Coroners and their staff
 - Supervision of the amalgamation of Coroner districts
 - Keeping a register of coroner investigations lasting more than 12 months and taking steps to reduce unnecessary delays
 - Providing an annual report on the coroner system to the Lord Chancellor, to be laid before Parliament
 - Other statutory casework
- 3.3 Upon Local Government re-organisation in 1996, the Bridgend and The Glamorgan Valleys jurisdiction was created (i.e. Old Mid Glamorgan, excluding Rhymney Valley) with Rhondda Cynon Taf County Borough Council assuming the Lead role. Similarly, The Cardiff and Vale of Glamorgan jurisdiction was created (i.e. Old South Glamorgan) with The Vale of Glamorgan as the Lead Authority.

4. CURRENT POSITION

- 4.1 Following the retirement of Phillip Walters in 2008, a new Part-Time Coroner (Peter Maddox) was appointed to cover the Bridgend and The Glamorgan Valleys jurisdiction (co-incidentally, Powys had also recently appointed him as their Part-Time Coroner). In line with this appointment, it was agreed that suitable accommodation would be provided to the Coroner and his support staff. This resulted in the Coroner's Offices being established on the first floor at Rock Grounds, Aberdare and comprise a main administration office, a Coroner's office, an Inquest Courtroom, a waiting room, a family/ conference room, an advocate's room and storage rooms for case files. Whilst the Coroner remains an Outside Body and a Crown employee, the support staff became employees of Rhondda Cynon Taf County Borough Council. The staff have provided administrative support to the Coroner for both the Powys and Bridgend and The Glamorgan Valleys workloads, with Powys providing financial remuneration towards the cost of the running of their service.

- 4.2 At the beginning of 2012, this Coroner resigned as Coroner for both Powys and Bridgend and The Glamorgan Valleys and Louise Hunt was appointed as his successor. Louise was subject to a joint appointment between Powys and Bridgend and The Glamorgan Valleys, albeit these remained as separate jurisdictions prior to their amalgamation in July 2013. Louise resigned from this post in November 2013 and Andrew Barkley assumed the role of Acting Senior Coroner. Similarly, following the resignation of the Coroner for Cardiff & Vale of Glamorgan in July 2013, the post has been covered by two Part-time Assistant Coroners.
- 4.3 With the pace of modernisation increasing within the service, it is therefore timely to review the Coroner's service and look at the provision of the service within the two Areas. The Ministry of Justice (MoJ) and the Chief Coroner are keen to explore the potential for amalgamating the two Coroner Areas particularly as both are covered by part time provision and also advocates the post of a Whole Time Coroner as set down in the Coroners and Justice Act. This is supported by the Coroner's Society for England and Wales who appear to prefer this arrangement. This has been the case in a recent review with the appointment of a Whole Time Coroner for North East Wales and North Central Wales which have recently merged into one jurisdiction – this took effect from 1st January 2013.
- 4.4 The introduction of medical examiners, currently expected to be introduced in June 2015, may also impact on the number of cases investigated and the number of inquests held in the future.

5. **CASELOAD**

- 5.1 Based on the latest figures provided by the Ministry of Justice, the number of deaths reported during the period 2010-2012 was as follows:

	Bridgend & Glamorgan Valleys	Powys	Cardiff & Vale of Glamorgan
2010	2,575	350	1707
2011	2,381	283	1535
2012	2,346	309	1681
Average	2,434	314	1641

Thus a total average of 4,389 reported deaths.

- 5.2 The recommended number of cases which warrant consideration of a Whole Time Coroner appointment is 2,000.

6. **BUDGET**

- 6.1 The total annual budget for Coroners in the Coroner Area of Powys, Bridgend and Glamorgan Valleys is £1,007,286 and in the Coroner Area of Cardiff & Vale of Glamorgan is £722,000 giving a combined total budget of £1,729,286. Within both Coroner Areas, a budget is allocated for Local Authority administration. 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.

- 6.2 In recent years, Bridgend and The 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. Past experience has shown that this could be a significant expense. For example, the Parc Prison inquest which took place in March 2010 and lasted 6 weeks resulted in additional payments of £27,375.97 to the Coroner. This was in addition to the £21,882.33 fees incurred for juror and witness expenses for this inquest. Similarly, Cardiff and Vale of Glamorgan have held a number of large Inquests relating to deaths in Cardiff Prison.
- 6.3 However the issue of 'Long Inquest Payments' would be eliminated if the option of appointing a Whole-Time Coroner is chosen.

7. FUTURE SERVICE OPTIONS

- 7.1 Three main options have been identified in terms of future service delivery:
- I. 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.
 - 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.
 - III. To amalgamate the two Coroner Areas, with one Whole-time Coroner and complete shared administration. There would then be a single Relevant Authority.

Option 1 – To retain the status quo

- 7.2 Whilst the current arrangements have worked reasonably well, it is felt that there are significant disadvantages in continuing with this structure. In particular large expenditure would still be incurred as Part-time Coroners are entitled to additional payments for Long Inquests. Furthermore the Chief Coroner has expressed his intention to reduce the number of Coroner Areas in England and Wales from 96 to 75. However, it will be necessary to continue with the status quo if all Councils in the proposed merged Area fail to agree. If consent is not forthcoming, it will be necessary to advertise the position of Whole Time Coroner for the Powys, Bridgend and Glamorgan Valleys Area.

Option 2 – Current structure managed by Two Relevant Lead Authorities with separate Areas but with shared administration

- 7.3 This option has many advantages including the fact that there would be one central streamlined system with one Local Authority taking the Lead and facilitating “pay and rations”. However, it also has its disadvantages. Coroner pay scales limit a Part-time Coroner’s salary at 2,000 cases per year. Current combined average caseloads for the two jurisdictions amount to over 2,700. Furthermore the Coroner would still be entitlement to additional payments for Long Inquests, which are in high volume in both Coroner Areas.

Option 3 – To amalgamate the two Coroner Areas with one Whole-time Coroner and complete shared administration

- 7.4 This 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.
- 7.5 A summary of the advantages and disadvantages of each option is attached as Appendix 1.
- 7.6 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.
- 7.7 In the event that option 3 be adopted, it would only be necessary for a single Relevant Authority. A factor in deciding the designation 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 which would enable the vast majority of Inquests to be held “in-house”. 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.
- 7.8 It is further recommended that costs associated with the service be apportioned between the six Local Authorities on a population ratio basis.

8. LEGAL IMPLICATIONS

- 8.1 Coroners working in jurisdictions within Wales are deemed All Wales Coroners. However, should a decision be taken to amalgamate the two Coroner Areas of Powys, Bridgend & The Glamorgan Valleys and Cardiff & Vale of Glamorgan, this would require an Order from the Ministry of Justice to bring this into effect.

9. AMALGAMATION PROCEDURE

- 9.1 Upon consent from all six Councils, The Ministry of Justice will consult the Welsh Assembly on the proposed amalgamations (in order to meet the formal Schedule 2 consultation requirements). South Wales Police and Dyfed Powys Police Authorities will also be consulted. It is then anticipated that it will take up to six months to make the Order.

10. CONCLUSION

- 10.1 The preferred option of the Ministry of Justice is to amalgamate the two current Coroner Areas.
- 10.2 The Officer recommendation from both current Relevant Lead Authorities is to amalgamate both Coroner Areas and recruit one Whole-time Coroner.
- 10.3 The Chief Coroner has confirmed that amalgamation can only be possible with the consent of all six Councils – Rhondda Cynon Taf, Bridgend, Merthyr, Powys, Cardiff & Vale of Glamorgan.
- 10.3 The current situation of an Acting Part-time Coroner cannot continue indefinitely as certainty is required for future service delivery.
- 10.4 In the event that all six Councils do not agree on an amalgamation, it will be necessary to proceed with advertising a vacancy for a Whole-time Coroner for Powys, Bridgend & The Glamorgan Valleys.

Appendix 1

Evaluation of Options

Option 1

To retain the status quo – Part-time Coroner for Powys, Bridgend & The Glamorgan Valleys and Part-time Coroner for Cardiff & Vale of Glamorgan

Advantages	Disadvantages
Retains the status quo	Increased bureaucracy
Familiar – established and works	Some duplication of work
Families have the opportunity to attend Inquests locally	Risk of continuation of Long Inquests and therefore potential uncontrolled additional cost
	Perceived as not fit for future service requirements by the Chief Coroner and Ministry of Justice – external bodies may force change at a later date when resources are not in place to support this

****Option 2**

Current structure managed by Two Relevant Lead Authorities with separate Areas but with shared administration

Advantages	Disadvantages
Amalgamation of Coroner administration would reduce bureaucracy and duplication and could eventually lead to cost savings	Lack of budgetary control of the service
Reduces possibility of duplicate payments	Complex to manage
No issues about the current system from the public or coroner staff	Risk of long inquests and therefore potential uncontrolled additional costs
Saves host authority duplication of their general admin and management support	One part time coroner may be without admin support.
Enables better procurement opportunities from NHS.	Additional office accommodation may be required for the part time coroner.
	HR issues associated with relocation of administrative staff.

***Option 3**

To amalgamate the two Coroner Areas with one Whole-time Coroner and complete shared administration

Advantages	Disadvantages
Raised profile of service	Caseload downtime
Potential to build service into a centre of best practice	Slight increase in cost, but no long inquest payments, so the local authorities would be able to budget with more certainty
Coroner manages the merged jurisdiction Enables better procurement opportunities from NHS.	Potential for increased travel time for families to attend inquests if only one court location used for the four authority areas. However this could be overcome by requiring the coroner to travel to hold inquests in different locations
Improved links with all stakeholders	Reduced level of LA involvement at a local level
One central streamlined system	HR issues associated with relocation of administrative staff, although having two offices on different sites would eliminate this problem.
Saves host authority duplication of their general admin and management support	
One annual return	
Clear accountability and transparency	
Caseload and consistent service delivery	
No risk of 'long inquests' payments	
Amalgamation of LA administration would reduce bureaucracy and duplication and could eventually lead to savings	
One coroner office costs saving	
Acceptable to the Chief Coroner and MoJ	