

To: Communities Policy Overview and Scrutiny Committee

By: Mike Hill, Cabinet Member for Community Services and Amanda Honey, Managing Director – Communities Directorate

Date: 11 November 2010

Subject: The Kent Coroners Service

Classification: Unrestricted

Summary: This report describes the Coroners Service and how it is organised in Kent. It also notes the key stakeholders with whom we work; the budget pressures facing the service and what is being done to tackle them.

FOR INFORMATION AND COMMENT

1.0 BACKGROUND

1.1 Coroners are statutory officers of the Crown who are appointed by local authorities and the service is also funded by local authorities. The office of Coroner is an ancient one, dating back at least to 1194 and their duties and responsibilities are set out in the Coroners Act 1988 and the Coroners Rules 1984. Coroners are required by law to be qualified as a Barrister, Solicitor or legally qualified Medical Practitioner of not less than five years standing.

1.2 Coroners inquire into deaths reported to them, which appear to be violent or of sudden and unknown causes. They seek to establish the cause of death if necessary by way of a post mortem and if the cause remains in doubt an inquest is held. There are specific requirements to investigate deaths in certain circumstances, for example, the death of a person in custody, or a death resulting from a person's occupation.

1.3 Coroners' salaries are determined nationally by the Joint Negotiating Committee for Coroners and they are appointed as full time or part time depending on case load. They can appoint Deputy and Assistant Deputy Coroners subject to approval by the Chairman of the local authority and receive an allowance from the local authority in order to do so. This allowance is also determined nationally by the JNC. Coroners are assisted by Coroners Officers who receive reports of deaths and make enquiries on their behalf and in Kent these officers are employed by Kent County Constabulary.

2.0 THE CORONERS SERVICE IN KENT

2.1 There are currently 4 Coroners for the County of Kent, one for each of four Coroner's districts. The districts are Mid Kent & Medway; Central & South East Kent; North West Kent; and North East Kent.

2.2 This structure dates back to 2001, when the previous 5 Coroner districts were reduced to 4 by the amalgamation of the Ashford & Shepway, East Kent and Thanet districts (following the retirement of the East Kent Coroner), to form the North East Kent and Central & South East Kent districts. This amalgamation was carried out to go part way towards fulfilling a long term goal of creating full time Coroner's districts for the County of Kent. Government guidance in the past has been that where districts have small caseloads (as was the case for East Kent), then local authorities should seek to rationalise the service where possible. It is possible to secure rationalisations when a Coroner resigns or retires.

2.3 KCC also provides the Coroners Service to Medway Council through a Service Level Agreement (SLA). This arrangement was established in 1998 when Medway became a unitary authority because it did not make sense to create a small and separate Coroners district for the Medway Towns.

2.4 The table below gives an indication of the activity levels in each district.

District	Deaths reported 2009	Post Mortems 2009	Completed Inquests 2009
North West Kent	1,578	869	235
North East Kent	1,938	1,232	207
Mid Kent & Medway	2,429	1,292	262
Central & S E Kent	1,498	1,003	186
TOTALS	7,443	4396	890

3.0 KEY STAKEHOLDERS

3.1 Kent County Constabulary

3.1.1 There are 16 Coroners Officers in Kent (15.68 FTE's) who are employed by the Police Authority and they receive reports of deaths and make enquiries on behalf of the Coroner. They are based either in local Police Stations or hospital mortuaries. On a day to day basis they work for the Coroner but for line management purposes report to a local Inspector. The annual costs for this element of the service is in the region of £650,000 a year.

3.1.2 In some areas of the country Coroners Officers are employed by the Police and in others by the local authority and over the last few years as budgets have become tighter, a number of police forces have transferred the employment of Coroners Officers to the local authority. In some cases with a

full transfer of the staffing budget, but in others only a partial transfer of budget.

3.1.3 In the last few months we have been in discussions with Kent County Constabulary as to whether it would be in our respective interests for the Coroners Officers to transfer to KCC. For the time being we have agreed not to pursue a transfer but to work together to improve the linkages between our two services, particularly in respect of day to day communication and liaison between the Coroner, the Coroners Officers, the Coroners support staff and Registration staff.

3.1.3 The force communications centre at Police HQ in Maidstone acts as first point of contact for mobilising contracted Funeral Directors to attend the place of death and remove the deceased to a hospital mortuary pending post mortem examination. There is close liaison between the KCC Officer who manages the body removal contract, and the force communication centre.

3.2 The National Health Service

3.2.1 If a Coroner needs to order a post-mortem these are contracted from each of NHS trusts and are carried out at:

- William Harvey Hospital, Ashford
- Queen Elizabeth Queen Mary Hospital, Margate
- Medway Maritime Hospital, Gillingham
- Kent & Sussex Hospital, Tunbridge Wells
- Darenth Valley Hospital, Dartford

3.2.2. The cost of post mortems for 2010-11 is forecast to be in the region of £917,000. Dartford and Gravesham NHS Trust has however recently informed us that it intends to increase its annual charge for post mortems at Darenth Valley Hospital from £97,000 to £249,000 and this would create an immediate in year pressure for which there is no budget provision. The Head of Registration & Coroners and the Head of Finance for CMY, has met with the Trusts Deputy Finance Director to discuss this issue and are hopeful that we can arrive at a compromise solution.

3.2.3 The average cost of a post mortem is £189 and we are currently investigating the potential for an 'invest to save' scheme to construct a county mortuary facility (or possibly two) with associated accommodation including a Coroners Court.

3.3 Kent Scientific Services (KSS)

3.3.1 Toxicology testing is used in cases of sudden death and fatal accident enquiries and KSS has traditionally been commissioned by all Coroners in Kent to examine the presence of alcohol, drugs and solvents which may provide evidence in any subsequent court cases.

3.3.2 The KSS toxicology budget is allocated on a fixed fee basis, regardless of the level of activity, which makes it vulnerable to any coroner choice of alternative providers. This choice has been exercised in recent years and has put pressure on the budget for the last two and a half years. Arrangements are now in place for all toxicology testing to be carried out by KSS from November 2010.

3.4 Funeral Directors

3.4.1 When someone dies in the community and the death is referred to the Coroner it is necessary for the deceased to be removed to a hospital mortuary by a Funeral Director pending post mortem examination. In order to obtain best value, we have put in place formal contracts for body removals and these are renewed every four years. This was We first did this in 2001 and we are now in the third round of contracts.

4.0 COSTS AND BUDGETS

4.1 Coroners' salaries are based on national formulae and relate to the number of cases dealt with. They are deemed to be full-time where their caseload exceeds 3000 a year. For anything less, Coroners are classified as part time. In Kent the four Coroners are all part time as their caseloads vary between 1500 and 2500 a year.

4.2 In addition to salary and pension costs the Coroners budget funds work related costs including travelling time; clerical and accommodation costs; and a daily rate for any inquest lasting more than one day. These rates are set nationally by the JNC.

4.3 The Coroner is also responsible for reimbursing financial loss allowances for jurors and witnesses, fees for professional witnesses and fees for post mortems. Some of these are set nationally, others locally. One such fee set nationally over which KCC has no control, and which has a significant impact on the budget is the fee due to the Pathologist for undertaking the post mortem examination and reporting the results to the Coroner. The annual cost of Pathologists fees in Kent is £425,000.

5.0 BUDGET PRESSURES AND MITIGATING ACTION

5.1 The Coroners Service is demand led and as such KCC has very little control over expenditure. Whilst it is able to exercise some control over costs such as for body removals, and to a lesser degree post mortems by way of formal contracts, many of the costs of the service are set nationally, over which we have no control. We have nevertheless been working hard to tackle some of these pressures and these are set out in the following paragraphs.

5.2 The Coroner for Mid Kent & Medway is retiring on 30 April 2011 and although this is currently a part time post the caseload is approaching that for a full time Coroner. We are therefore seeking to appoint a full time Coroner for Kent who would succeed to be the office holder in the other three districts

as they become vacant. Each time a vacancy occurs and the jurisdiction merges we would increase the level of Deputy and clerical support to reflect the additional workload. These changes will result in a full year saving of £25,500.

5.3 We propose to base the new Coroner (and his/her clerical support) at Maidstone Register Office and KCC will provide the clerical assistance. Both would be set up on KCC's IT network with access to our financial reporting systems and this will enable a partnership approach towards budgets and the day to challenges and costs of running the service. Savings will be in the region of £13,000 a year although some of this will be re-directed as an income stream to the registration service in the form of rent.

5.4 In order to reduce expenditure on court hire charges (up to £300/day) some Communities Directorate premises are being used to hold inquests. In 2009 we began using the main hall on the ground floor of Gravesend Adult Education Centre for all inquests occurring in the Dartford and Gravesend area of the North West Kent Coroners district. In the same year the Coroner for Mid Kent and Medway began using Maidstone Register Office for some of the less contentious and routine inquests and we will increase the frequency of use in future.

5.5 In the Central & South East Kent jurisdiction Her Majesty's Court Service has been conducting a public consultation on the closure of Ashford Magistrates Court. If this goes ahead we plan to hold inquests in the ceremony rooms at Ashford Gateway+ when it opens in 2011.

5.6 Medway Council pays 15.39% of the total cost of the Kent Coroners Service following the re-negotiation of the SLA to reflect the full costs of providing the service. As a consequence the re-charge increased from £384,000 a year in 2008-09 to an estimated £475,000 in 2010-11 and there are excellent working relationships with Medway officers.

5.7 Long inquest payments to part time Coroners adds significantly to the costs and each year it is usually the single biggest unknown factor. In 2010-11 we expect these payments to be in the region of £150,000. It is difficult to predict with any degree of certainty when a long inquest will take place and how much preparation and hearing time will be necessary but we have been working positively with Coroners to ensure that information on these can feed into forecasting as soon as they are apparent.

5.8. The possibility is being explored of constructing one or more strategically located Coroners facilities through an 'invest to save' scheme that would include a post mortem room, associated body storage, Coroners court and ancillary accommodation and offices for the Coroner and support staff. This new facility, if constructed, would provide a holistic / integrated and efficient service, which would be of significant benefit to the public. Importantly it would also mean that the costs would be within KCC's control.

5.9. Over the last three years we have taken the lead on behalf of all local authorities to lobby Government on the escalating costs of the Coroners Service, and the need to permit more local control. Ministerial meetings have been held and will continue.

6.0 CORONERS AND JUSTICE ACT

6.1 In August 2009 the Coroners and Justice Act was came into effect. Its aims are to deliver a more effective, transparent and responsive justice system for victims, witnesses and the wider public. The key provisions are:

- Introduction of a Chief Coroner
- Introduction of a new death certification system
- Relaxation of the current rigid boundary restrictions
- Appeals system
- Independent inspection
- New Coroners areas
- New appointment system for Coroners
- Powers to secure information and evidence
- Inquests to be held in private if non-publicly disc losable material is relevant to proceedings
- Charter for bereaved families

6.2 The key provisions from our perspective are:

- The Act envisaged that Coroners would continue to be appointed and funded by their local authorities
- There would be an improved service for bereaved people who come into contact with the Coroners system, setting out service standards and giving rights of appeal against Coroners' decisions
- The introduction of national leadership, with a Chief Coroner for England and Wales, to ensure a greater consistency of approach between areas
- A reduction in delays and improvement in the quality and outcomes of investigations and inquests.

6.3 The measures in the Act were due to be implemented on a phased basis from 2011. However, the Justice Secretary commissioned an internal review of the scope and timing of the Coroner reform plans in the light of the financial situation facing government as a whole and on 14 October 2010 the Minister responsible for Coroner reform policy announced that the reforms must be brought forward without the proposed national leadership framework and new appeals system to be headed by a Chief Coroner. This announcement is a setback but does not prevent us from appointing a full time Coroner for a jurisdiction that would normally merit a part-time Coroners post, which would then set the scene for amalgamation of jurisdictions at some future time.

7.0 Conclusion

7.1 The budget risks associated with local authority accountability for the coroners' service costs have been well rehearsed at this Committee and this report has examined how these risks arise, and some of the mitigating action that has been taken or is planned. The latest government position on the implementation of the Coroners and Justice Act is disappointing and members of the Committee can be assured of continued pressure and argument at that level both by officers and by the Cabinet member for Community Services.

8.0 Recommendation

8.1 That members NOTE the report, in particular the actions being taken to tackle the budget pressures currently facing the service.

Clive Bainbridge
Director of Community Safety and Regulatory Services
Telephone Number: 01622 221014
Email: clive.bainbridgge@kent.gov.uk

Contact Officer:

Name: Giles Adey,
Job Title: Head of Registration & Coroners
Telephone Number: 01622 221003
Email: giles.adey@kent.gov.uk