

KCC - Growth, Environment and Transport Directorate (GET).

Equality Analysis / Impact Assessment (EqIA) template

Name of decision, policy, procedure, project or service:

Renewal of contracts with the NHS for the provision of mortuary facilities and staff to carrying out post mortems on behalf of the Kent Coroners.

Brief description of policy, procedure, project or service

Kent County Council (KCC) is responsible for supporting the Senior Coroners for Kent and Medway to provide the coroner service to Kent and Medway residents.

The Coroner has a duty to investigate a death where there are reasons to suspect that:

- The deceased died a violent or unnatural death;
- The cause of death is unknown;
- The deceased died while in custody or otherwise in state detention.

When a death is reported to the Coroner, he or she

- Establishes whether an investigation is required;
- If yes, investigates to establish the identity of the person who has died; how when and where they died and any information to register the death; and
- Uses information discovered during the investigation to assist in the prevention of other deaths where possible.

In some cases the Coroner will require a post mortem examination by a suitably qualified medical practitioner such as a Pathologist to find out the cause of death. This involves an invasive procedure to open and examining the body and in some cases body fluid and tissue samples will be taken for analysis. A new technique is becoming available in some part of the country (nearest Oxford

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and Birmingham) whereby the deceased has a non invasive post mortem procedure, a CT scan which in some cases but not all can establish the cause of death. This procedure is favoured by some religious groups (Jewish and Muslim) and in such cases the Coroner is able to consider requests from next of kin ((NOK)/personal representative)) for a CT of the deceased. If the Coroner agrees to a CT scan, and it is not conclusive, the Coroner will order an invasive post mortem. By law the Coroner is not required to obtain consent to the post mortem examination from the NOK. The NOK cannot attend a post mortem but the coroner is legally required to tell the NOK where and when the post mortem will take place and the NOK may ask to be represented at the post mortem by a doctor of their choice. A Coroners Officer acting on behalf of the Coroner will explain this to the NOK and the reasons why the post mortem is necessary, and what happens after the post mortem. The NOK will also be sent a copy of the Guide to Coroner Services which is published by the Ministry of Justice. This gives an overview of coroners and investigations and the standards of service that can be expected.

The Coroner has physical control of the body (as evidence) from the time he/she has been informed of the death, until the time the all the necessary enquiries have been concluded, at which point the body can be released to the family. The Coroner's control of the body is absolute (jurisdiction) and supercedes any claim on the body by the family, or for example any other organisations such as the police.

The NOK or a representative of their choice may be asked to formally identify the body and sometimes this will take place at the mortuary. This is usually done through a glass window rather than being in the same room. Viewings by the NOK are at the discretion of Coroner but are not normally allowed as the expectation is that viewings take place at the funeral directors premises after the coroner has released the body.

On behalf of the Kent Senior Coroners, KCC is responsible for putting contracts in place for the provision of mortuary facilities, body storage and specialist staff to carry out post mortems to help establish the cause of death. The contract for post mortems for the North West Kent Coroner area is due for renewal on 1 April 2019.

Aims and Objectives

- Ensure statutory compliance by KCC and the Kent Senior Coroners
- Ensure best value in the use of public funds through a formal procurement process

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JUDGEMENT

No major change - no potential for discrimination and all opportunities to promote equality are currently being taken in line with KCC policies and statutory requirement. Should any issues arise they will be dealt with in accordance with KCC policies and statutory requirements.

I have found the Adverse Equality Impact Rating to be **Low**

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GET Document Control

Revision History

| Version | Date | Authors | Comment |
|---|----------|--------------|---------|
| V0.1 | 28/07/19 | Debbie Large | |
| | | | |
| | | | |
| V1 (this should be assigned to the version the Director signs off) | | | |

Document Sign-Off (this must be both the relevant Head of Service and the relevant Director)

Attestation

I have read and paid due regard to the Equality Analysis/Impact Assessment. I agree with the actions to mitigate any adverse impact(s) that has /have been identified.

| Name | Signature | Title | Date of Issue |
|-----------------------|-----------|------------------|---------------|
| Debbie Large | | Head of Service | 28-07-19 |
| Stephanie Holt-Castle | | Interim Director | |

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Part 1 - Screening

| Protected Group | You <i>MUST</i> provide a brief commentary as to your findings, or this EqlA will be returned to you unsigned | | | |
|-----------------|--|------------------------|--|-----------------------------------|
| | High Negative Impact | Medium Negative Impact | Low Negative Impact | High/Medium/Low Favourable Impact |
| Age | | | NOK are not allowed to attend a post mortem. There is no age restriction as regards attending an identification or a viewing although in the latter case, the presumption is for this to take place at the funeral director's premises. For the elderly and children, where it is deemed necessary and appropriate for them to attend, it is for the NOK, not the Coroner to arrange for them to be accompanied at an identification or viewing. | |

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| Disability | | | If someone with a disability wishes to attend an identification or viewing, it is for the NOK to arrange for them to be accompanied if necessary. The Coroners Officer will explain the access arrangements to the NOK, including if there are any restrictions and mortuary staff will be on hand to assist if necessary. | |
| Gender | | | There is no impact on the gender characteristic. | |
| Gender identity/ Transgender | | | Toilet facilities at the hospital are provided by the hospital Trust not the Coroner and are outside the scope of the contract. Otherwise there is no impact on the gender identity/transgender characteristic. | |
| Race | | | | If the NOK attending an identification cannot |

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| | | | | <p>speak English, and this is made known to the Coroner in advance, the Coroners Officer can arrange for a translator to be present.</p> |
| Religion and Belief | | | | <p>The Coroner is able to consider a request for a non invasive post mortem on religious and belief grounds but is under no obligation to agree to it. If the Coroner agrees to a non invasive post mortem and it is not conclusive the Coroner is likely to order a full or partial invasive post mortem. There is no appeal mechanism against a Coroners judicial decision to order an invasive post mortem other than by way of a Judicial Review through the courts. For some faiths it is custom and practice to bury the</p> |

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| | | | | deceased within 24-48 hours although in cases where the death is referred to the Coroner, this is not possible as the need for the Coroner to complete his/her enquiries takes precedence. The Coroner will though make every effort to release the body as soon as possible after the post mortem examination. |
| Sexual Orientation | | | | There is no impact on the sexual orientation characteristic. |
| Pregnancy and Maternity | | | | If the NOK attending an identification or viewing is pregnant and has any special needs it is for the NOK to arrange this with other family members or friends. If the NOK attending an identification or viewing has young children that need |

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| | | | <p>caring for whilst the identification or viewing is in progress it is for the NOK to put these arrangements in place with other family members or friends. The Coroner is able to consider a request to meet any reasonable costs for putting alternative care arrangements in place, but only for an identification.</p> | |
| Marriage and Civil Partnerships | | | <p>There is no impact on the marriage/civil partnership characteristic.</p> | |
| Carer's Responsibilities | | | <p>If the NOK attending an identification or a viewing is a carer, it is for the NOK to put alternative care arrangements in place during his/her absence. The Coroner is able to consider a request to meet any reasonable costs for putting alternative care</p> | |

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