

From: Mike Hill, Cabinet Member, Community Services
Amanda Honey, Corporate Director, Customer & Communities

To: Communities Cabinet Committee

Date: 17 December 2013

Decision No: 13/00089

Subject: Transfer of Coroners Officers

Classification: Unrestricted

Future Pathway of Paper: Cabinet Member Decision

Electoral Division: Countywide

Summary: This report sets out details of the role of the Coroners Officer and an agreement with Kent Police to transfer the employment of 15 FTE Coroners Officer posts from Kent Police to KCC on 1 January 2014.

Recommendation: The Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community Services on the proposed decision to transfer the employment of Coroners Officers from Kent Police to KCC.

1. Introduction

- 1.1 Coroners Officers are currently employed by Kent Police and their role is to support the four Kent Coroners in the execution of their duties. There is no statutory requirement on the police to provide Coroners Officers and the role does not require the exercise of any police powers and is therefore not a core policing role. Historically Coroners Officers have been provided by the police to facilitate them in the discharge of their own functions. Nationally around 70% of Coroners Officers are employed by the police but that number is reducing as more police authorities seek to transfer them to local authorities.
- 1.2 The role of the Coroners Officer is to act as the eyes and ears of the Coroner. They investigate reports of deaths which appear to be violent, unnatural or of sudden and unknown causes. This involves carrying out extensive enquiries and arranging and attending post mortem examinations and inquests in order to determine the cause of death. They act as a representative of the Coroner at all times and provide support and guidance to those involved in, and affected by, the investigation of sudden death. Currently there are 15 FTE Coroners Officers working across Kent & Medway. Agreement has been reached with Kent Police to transfer the Coroners Officer to KCC's employment.

2. Financial Implications

- 2.1 The current annual staffing cost of the Coroners Officer function to Kent Police is £562,000 (excludes premises and IT costs). We have agreed that for the period 1 January to 30 June 2014 the police will meet the actual

staffing costs based on the transfer of 15 FTE posts, so initially there will be no cost to KCC. Negotiations are on-going with the police about a longer term funding arrangement. We are confident that through the re-design process a more holistic and efficient service can be provided at less cost than now.

- 2.2 In the new model we propose to co-locate the Coroners with the Coroners Officers in KCC accommodation. This will enable us to deliver some efficiency savings from the allowances we pay the Coroners to provide their own office accommodation and clerical support.
- 2.3 The Coroner for Mid Kent and Medway provides the Coroners Service to Medway Council through a Service Level Agreement. The current financial arrangement is that Medway meets 15.29% of the total cost of the service across Kent (based on population). Medway will therefore be required to meet its pro rata share of the cost, and will be engaged in shaping the new model.

3. Bold Steps for Kent and Policy Framework

- 3.1 The Coroners Service is not a KCC function as legal responsibility for providing it rests with the Coroners. The need for this decision arises from legislative change. Section 24 of the Coroners and Justice Act 2009 came into effect on the 25th July 2013. This places a legal duty on the relevant local authority for a coroner area (ie KCC) to secure the provision of whatever Coroners Officers and other support staff are needed by the Coroner for that area to carry out their statutory functions.

4. The Case for Change and the Transfer Arrangements

- 4.1 The current tripartite relationship between KCC, Kent Police and the Coroners, with the Coroners Officers in the middle, is sometimes uncomfortable since the police have very little control over how they are deployed. This is because Coroners Officers take their day to day instruction directly from the Coroners. The Coroners operate with a high degree of autonomy in relation to how they discharge their functions and this in turn impacts on the role of the Coroners Officer in that working practices varies between each of the four areas.
- 4.2 There are two national developments underway that will have a significant impact on the Coroners Service over the short to medium term. These are:
 - The appointment of His Honour Judge Peter Thornton QC as Chief Coroner for England and Wales in September 2012. His remit is to provide quality and uniformity in the coroner system with national consistency of approach and standards between all coroner areas. He has overseen the implementation of a number of changes to the coroners' rules and regulations which came into effect on the 25th July 2013, some of which have impacted on the role of the Coroners Officer.
 - The Department of Health is planning to introduce Medical Examiners (ME's) on the 1st October 2014 and a public consultation on the detailed proposals is expected to start within the next few weeks.

ME's will scrutinise all deaths that are not referred to the Coroner. KCC will have responsibility for the ME service and for appointing ME's. Establishing the new ME service in local authorities is designed to enhance the availability and accessibility of key public health information and intelligence. MEs will be supported by Medical Examiner Officers, a role that will be similar to that of a Coroners Officer and there is clearly a case to consider aligning the two services under a single management structure.

- 4.3 For all of these reasons it makes sense consider the introduction of a more holistic approach to death investigation and certification across Kent and Medway by transferring the Coroners Officers to KCC. One single employer will allow for greater standardisation of working practices across the county and provide more seamless line management for the Coroner's Officers. Full accountability for coronial provision sitting with a single agency will provide the best possible service to the communities we serve.
- 4.4 The staff transfer will not take place under TUPE but will instead be dealt with according to the provisions of the Cabinet Office Statement of Practice (COSOP). TUPE only applies to 'relevant transfers' for which there are two broad categories: business transfers where there is a transfer of an economic entity which retains its identity, and service provision changes such as the reassignment of a contract or bringing the work in-house. The Coroners Officer function is an administrative and is excluded from TUPE. COSOP states that in circumstances where TUPE does not apply in strict legal terms to certain types of transfer between different parts of the public sector, the principles of TUPE should be followed and the staff involved should be treated no less favourably that had the TUPE regulations applied. Legal advice is that we are encouraged but not required by COSOP to transfer the Coroners Officers, and that if they transfer, TUPE principles should apply.
- 4.5 The Coroners Officers will transfer to KCC's employment on the 1st January 2014 and all the necessary arrangements for this to happen are now in place. For the first six months they will continue to based in police office accommodation and will operate to their current working practices. However, work is underway to design a new model for the Coroners Officer function and this will be subject to formal consultation with all the staff involved early in the new year. Subject to the outcome of the consultation it is intended that the new model will come into effect in July 2014 at which point the Coroners Officers will transfer into KCC office accommodation.
- 4.6 The new model will seek to maximise efficiency by co-locating the Coroners, Coroners Officers and support staff for each area in KCC office accommodation. This will include facilities to interview witnesses and a room to hold routine inquests. Currently only one of the Coroners works from a KCC office, and of the other three, two are based at home and one in a solicitor's practice.
- 4.7 A Service Level Agreement has been developed jointly between KCC, the Coroners and Kent Police that sets out very clearly the role the police will continue to undertake in coroners investigations post transfer. A Memorandum of Understanding has also been developed which sets out the agreed basis for the transfer and which includes provisions on the mechanism for the transfer of staff (COSOP) and the future funding arrangements.

5. Recommendation

Recommendation: The Communities Cabinet Committee is asked to consider and endorse, or make recommendations to the Cabinet Member for Community Services on the proposed decision to transfer the employment of Coroners Officers from Kent Police to KCC.

6. Background Documents

6.1 There are no background documents.

7. Contact details

Relevant Officer

Giles Adey
Coroners Service Manager
01622 757912
giles.adey@kent.gov.uk

Relevant Director:

Des Crilley
Director of Customer Services
01622 696630
des.crilley@kent.gov