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| | **AGENDA ITEM 7** |
| | **ES/004/12** |
| | |
| **Committee:** | **Executive Scrutiny Committee** |
| **Date:** | **31 January 2012** |
| **THE ESSEX CORONER'S SERVICE** | |
| **Enquiries to:** | **Alex Hallam, Deputy County Solicitor**<br>**01245 434962**<br>**alex.hallam@essex.gov.uk** |

## 1.0 Introduction

The coroners' service comprises two jurisdictions:

- Essex & Thurrock ( Mrs Caroline Beasley-Murray) comprising the Braintree District Council, Uttlesford, Tendring, Colchester Borough Council, Harlow Council, Epping Forest District Council, Chelmsford Borough Council, Maldon District Council, Brentwood Borough Council and Basildon District Council areas.

- Southend & South East Essex (Dr Peter Dean) comprising the Southend on Sea Borough Council, Rochford District Council and Castle Point Borough Council areas.

Responsibility for the management and funding of the service transferred from Essex Police Authority to Essex County Council in December 2008, with around 60% of the staff agreeing to transfer on TUPE terms.

Prior to its move to New Bridge House, the Coroner's Service had two separate offices located at the police headquarters in Chelmsford and in Hadleigh, Essex; staff and accommodation was provided by the Essex Police Authority. Historically there was some sharing of facilities and the administration of the two jurisdictions merged when responsibility for the Coroner's Service transferred to Essex County Council.

At the time of the transfer there were a number of staff vacancies and disparate working practices between the teams that had been based in Chelmsford and Hadleigh. Additional tensions were created by the transfer date coinciding with the peak death referral season and the "inherited" back log of inquest work for both the Essex & Thurrock and the Southend & South East Essex jurisdictions that was transferred. This backlog amounted to about 650 cases for Essex & Thurrock and 110 for Southend & South East Essex.

## 1.1 How the service is organised – staff, structures and responsibilities

The Coroners are not employees of Essex County Council, although the Coroners' Service comprises of Officers who are. The service is supported by a Service

Manager and administrative officers.

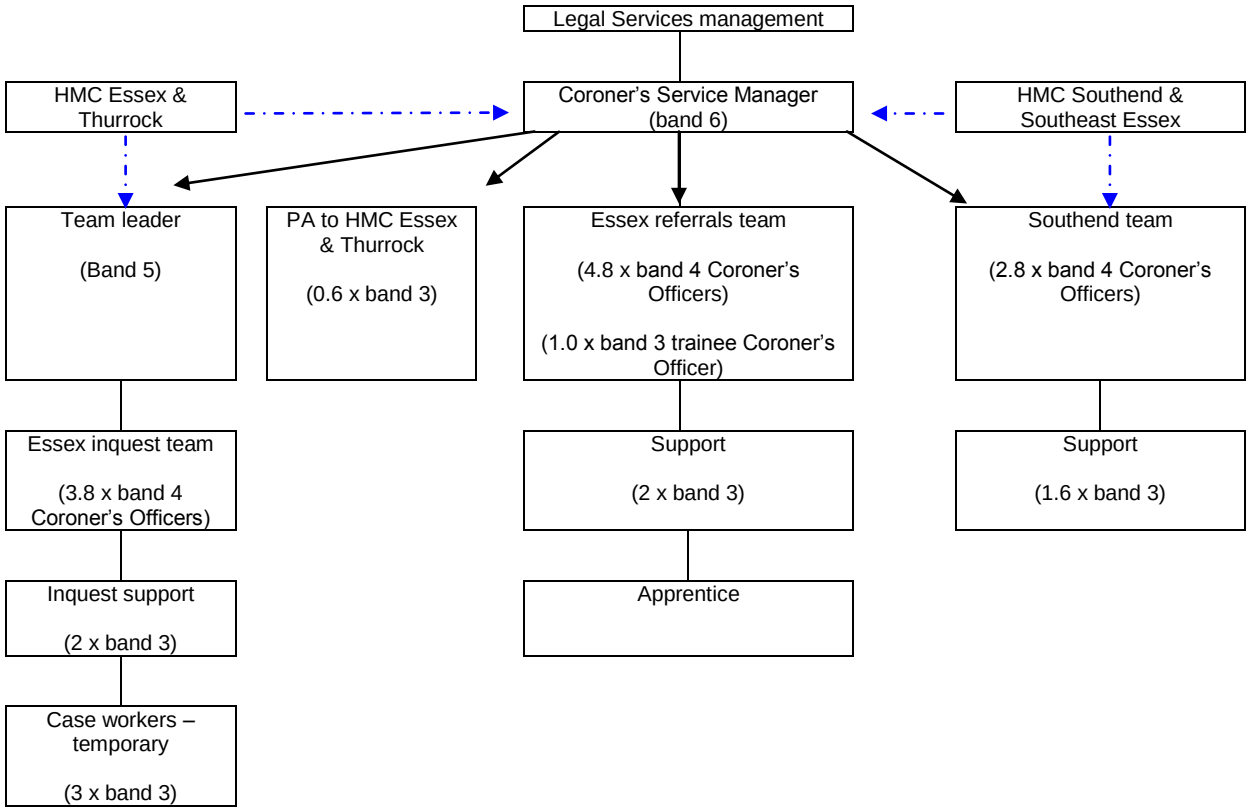
**Coroner's Service Manager –** manage staff and financial resources, produce management information, develop business plans, strategic planning, operational management of referrals, handle complaints / FOI requests.

**Team Leader –** deputise for Service Manager, operational management of inquests, ensure standards of case preparation for inquests.

**Coroner's Officers –** conduct investigations on behalf of HM Coroner to establish cause of death and provide evidence for inquests.

**Support –** call handling for service, receive and log death referrals, prepare relevant forms to allow registration of the death / funeral, incoming / outgoing mail, filing and archiving, making accommodation arrangements for inquests, establishing and managing juries, disclosure.

**Case workers –** support Coroner's Officer in the preparation of inquest case files, arrange and minute family meeting ahead of inquests.




## 2.0 Budget matters

### 2.1 Costs of providing the service over the last 2 years

| | 2009/10 £m | 2010/11 £m | 2011/12 £m |
|---|---|---|---|
| Original Budget | 1.62 | 1.26 | 1.26 |
| Adjusted Budget* | | 1.62 | 1.86 |
| Income | - 0.9 | - 1.15 | -1.11 estimated |
| Outturn | 2.7 | 3.04 | 2.95 estimated |
| Variance | -0.2 | + 0.3 | -0.02 estimated |

*Additional year in funding

The increase in costs in 2010/11 relates to an 8% increase in the number of deaths referred to the Coroner, across both Jurisdictions, over the previous year and progress made in addressing the inherited inquest backlog, including holding a number of complex and therefore expensive inquests.

Whilst addressing the backlog of inquests and the increase in deaths referred have resulted in an increase in expenditure for the Service, the underlying cost per case referred figure indicates that costs decreased from £445 per case in 2009/10 to £436 last year.

## 2.2 Sources of income

Southend and Thurrock unitary authorities provide funding to Essex County Council equivalent to approximately 19% of expenditure for the delivery of Coroners' services for these local authority areas. Additionally, Essex Police Authority provides funding to cover the total salary costs for the Coroner's Officers and support staff who chose to TUPE transfer to Essex County Council.

At present, the service has no true income, but some disclosure is chargeable following the completion of inquests e.g. transcript of inquest hearing, copy of reports used by HM Coroner during the inquest. These are chargeable at a nationally agreed rate. No charge is made to next of kin for interim death certificates.

## 2.3 Charging structure for body storage

Storage costs can be subject to quite significant price increases. Following a 40% increase in charges imposed by the Mid Essex Health Trust in 2009, charges have remained constant in 2010 and 2011. We are looking at ways to reduce storage costs by using Service Level Agreements with the Health Trusts in Essex and improving working practices to reduce storage time. A draft SLA has been prepared by Essex Legal Services and discussed with both Coroners; a target date of 29/2/2012 for this to be sent to the hospital trust within the Essex & Thurrock jurisdiction has been agreed. Work with HMC Southend is ongoing, but it is hoped that the re-drafted SLA that has been prepared for the Essex & Thurrock jurisdiction will be acceptable to him so that it can be sent to the Southend hospital trust also.

## 3.0 Performance

The Ministry of Justice (and formerly the Home Office) collates an annual return for all Coroners' jurisdictions in England and Wales. This allows a benchmarking of performance in areas such as time taken from referral of a death to release of the body, delay between opening and hearing an inquest and number of post mortems requested. It should be noted that these standards are not enforceable and to date jurisdictions performing poorly have not been actively commented upon by the MoJ.

During the tenure of the current Coroners the process for conducting inquests in the Essex and Thurrock jurisdiction has been 35 – 38 weeks and for Southend around 26 weeks; the national average has remained around 26 weeks.

Since the service transferred to ECC, the timescale for bringing cases to inquest has been:

| | **Essex & Thurrock** | **Southend** |
|---|---|---|
| **2009** | 44 weeks | 26 weeks |
| **2010** | 38 weeks | 32 weeks |
| **2011 (estimate)** | 39 weeks | 36 weeks |

For Essex & Thurrock, new inquest cases are being dealt with in a significantly shorter timescale – as little as 18 days – but the average for the year remains higher due to around a third the cases heard being "backlog" cases over 2 years old; these will be completed by April 2012 and so future annual average delays will be greatly reduced. Although the average timescale is currently 39 weeks due to the number of inquests concluded during the year that were more than 2 years old , for cases opened and adjourned in the last 18 months (i.e. since the new case management processes have begun to have an impact) the average timescale is estimated at 26 weeks.

It should be noted that inquests may be delayed due to reasons beyond the control of HM Coroner such as police intervention or investigation by other government agencies.

### 3.1 Service standards

At present there are no service standards between ECC and the Coroners. However, the anticipated appointment of the Chief Coroner and implementation of the Charter for the Bereaved has led to the development of targets that the service must achieve in order to meet the expected standards in the future.

- TARGET: All inquests to be completed within 1 year of the death being reported to HM Coroner. Steps in place to attain this are:
    - All inquest cases allocated to a specific officer;
    - All pre-2010 inquests to be completed by 31/3/2012;
    - During 2010 any case over 9 months old to be prioritised to ensure none over 1 year old remain open by 31/12/12;
- TARGET: Bereaved to be contacted within 24 hours of referral. Steps in place to attain this are:

- My Performance objective for all staff to reduce delay in contact to 3 working days during 2011 / 2012 reporting year;
- Review of working practices and processes will be undertaken during February 2012 to identify areas for efficiency and highlight working practices of other agencies that impact on the service;
- Inquest officers providing additional support during periods of peak work;
- Review of team structure to increase resilience.

- TARGET: All coroners' services to publish a charter, setting out their standards. A draft charter will be prepared during January 2012 for discussion with both coroners.

**4.0 Governance arrangements**

The Coroner is an independent judicial officer. Such officers are barristers, solicitors or medical practitioners of not less than five years standing. They are required to appoint a deputy and may appoint an assistant deputy to act in their stead if they are out of the district or otherwise unable to act. Deputies and assistant deputies have the same professional qualifications as the Coroner. The Coroner is not a Local Government officer although the relevant Council, which is normally the County Council will appoint them, pay them and be responsible for providing them with suitable premises from which their duties are conducted and with the necessary support personnel and financial resources.

There is no relationship of accountability between the coroners and the County Council.

The Coroners are helped by their Officers (who are employees of the Count y Council) who receive report of death and make enquiries on behalf of the Coroner. The Coroner is responsible for investigating deaths in the following situations:

- A doctor did not attend the deceased during the last illness or the doctor treating the deceased had not seen him or her either after death or within 14 days before death.
- Death was violent or unnatural or occurred under suspicious circumstances.
- The cause of death is unknown or uncertain.
- The death occurred while the patient was undergoing an operation or did not recover from the anaesthetic.
- The death was caused by an industrial disease.
- The death occurred in prison or police custody.

The Coroner is responsible to the Lord Chancellor in relation to their conduct, however, all the officers and staff employed in the Service are employed by the Council and managed by the Coroners' Service Manager who is also an employee of Essex County Council. The usual terms and conditions in relation to the County Council apply to them, although some have arrangements that have carried over on the transfer from Essex Police.

The Service is managed by means of bi-monthly management meetings between the Management Team (Assistant County Solicitor, Coroners' Service Manager, Essex

Legal Services Business Manager) and the Coroner for Essex and Thurrock and the Coroner for Southend. This meeting is an opportunity to discuss matters of concern, to report on the performance of the Service and to consult the Coroner over strategic plans for the future of the Service.

**5.0 User satisfaction/complaints**

The Service is working towards a better understanding of issues such as user satisfaction and complaints. The majority of complaints involve the delays in the processing of day to day work. Such delays typically occur during peak times for death, for example, poor weather or bank holiday periods when there are delays in reporting deaths by doctors and hospitals, linked to high levels of staff absence due to annual leave. Other significant issues in relation to complaints and user dissatisfaction have been reported in relation to the handling of the deceased's property and in reporting the causes of death to bereaved relations. The Service has made changes to its processes in relation to both these matters and it is hoped that these will improve performance in these areas.

Until recently the telephone system was also a cause of complaint and as a result of this a new system has been installed. This is still giving rise to some problems, however, overall the complaints about delays in responding to phone calls have dropped and there is good reason to hope that the new system is providing a better service to the bereaved.

The Service has adopted the Local Authority mechanism for complaint handling. Many of the officers in the Service are dealing competently with level one complaints which results in fewer being escalated to the Coroners' Service Manager or beyond for resolution.

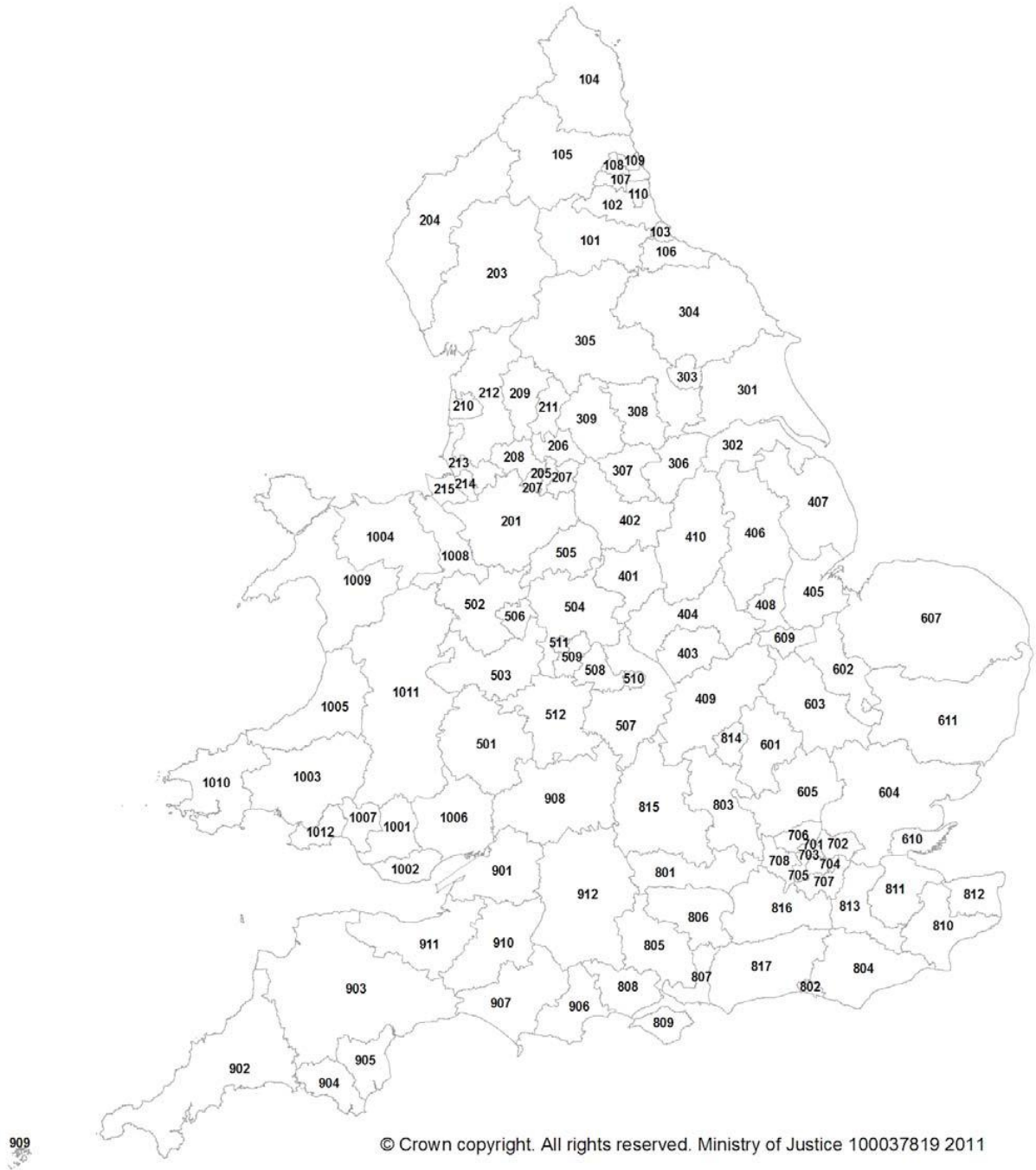
Complaints about Coroners' (as opposed to the service offered) are directed to the Ministry of Justice in the form of the Office for Judicial Complaints and are not the responsibility of the Local Authority.

Consideration has been given to the mechanism for measuring user satisfaction. Given the sensitivities around the feelings of the bereaved at a vulnerable time of their lives this has to be handled carefully and normal methods for gathering such information cannot be employed. The Coroners' Service Manager is exploring the potential for obtaining feedback from Funeral Directors dealing with deaths in order to establish whether it is viable to gather information by this means for the benefit of future users of the Service.

Alex Hallam
Deputy County Solicitor
20 January 2012

## Appendix A – Map of Local Authority boundaries

## Appendix B – Map of Coroners' jurisdictions in England and Wales



## Key to jurisdictions

| | |
|---|---|
| **North East**<br>101 – Darlington and South Durham<br>102 – North Durham<br>103 – Hartlepool<br>104 – North Northumberland<br>105 – South Northumberland<br>106 – Teesside<br>107 – Gateshead and South Tyneside<br>108 – Newcastle upon Tyne<br>109 – North Tyneside<br>110 – Sunderland | **East of England**<br>601 – Bedfordshire and Luton<br>602 – North and East Cambridgeshire<br>603 – South and West Cambridgeshire<br>604 – Essex and Thurrock<br>605 – Hertfordshire<br>607 – Norfolk<br>609 – Peterborough<br>610 – Southend on Sea<br>611 – Suffolk |
| **North West**<br>201 – Cheshire<br>203 – South and East Cumbria<br>204 – North and West Cumbria<br>205 – Manchester (city)<br>206 – Manchester North<br>207 – Manchester South<br>208 – Manchester West<br>209 – Blackburn, Hyndburn and Ribble Valley<br>210 – Blackpool and Fylde<br>211 – East Lancashire<br>212 – Preston and West Lancashire<br>213 – Sefton, Knowsley and St Helens<br>214 – Liverpool<br>215 – Wirral | **London**<br>701 – City of London [not visible]<br>702 – East London<br>703 – Inner London North<br>704 – Inner London South<br>705 – Inner London West<br>706 – North London<br>707 – South London<br>708 – West London |
| **Yorkshire and the Humber**<br>301 – East Riding and Hull<br>302 – North Lincolnshire and Grimsby<br>303 – York City<br>304 – North Yorkshire - East<br>305 – North Yorkshire - West<br>306 – South Yorkshire - East<br>307 – South Yorkshire - West<br>308 – West Yorkshire - East<br>309 – West Yorkshire - West | **South East**<br>801 – Berkshire<br>802 – Brighton and Hove<br>803 – Buckinghamshire<br>804 – East Sussex<br>805 – Central Hampshire<br>806 – North East Hampshire<br>807 – Portsmouth and South East Hampshire<br>808 – Southampton and New Forest<br>809 – Isle of Wight<br>810 – Central and South East Kent<br>811 – Mid Kent and Medway<br>812 – North East Kent<br>813 – North West Kent<br>814 – Milton Keynes<br>815 – Oxfordshire<br>816 – Surrey<br>817 – West Sussex |
| **East Midlands**<br>401 – Derby and South Derbyshire<br>402 – North Derbyshire<br>403 – Leicester and South Leicestershire<br>404 – North Leicestershire and Rutland<br>405 – Boston and Spalding<br>406 – West Lincolnshire<br>407 – Spilsby and Louth<br>408 – Stamford<br>409 – Northamptonshire<br>410 – Nottinghamshire | **South West**<br>901 – Avon<br>902 – Cornwall<br>903 – Exeter and Greater Devon<br>904 – Plymouth and South West Devon<br>905 – Torbay and South Devon<br>906 – Bournemouth and Eastern Dorset<br>907 – Western Dorset<br>908 – Gloucestershire<br>909 – Isles of Scilly<br>910 – Eastern Somerset<br>911 – Western Somerset<br>912 – Wiltshire and Swindon |

| **West Midlands** | **Wales** |
|---|---|
| 501 – Herefordshire | 1001 – Bridgend and Glamorgan Valleys |
| 502 – North Shropshire | 1002 – Cardiff and Vale of Glamorgan |
| 503 – South Shropshire | 1003 – Carmarthenshire |
| 504 – Staffordshire South | 1004 – Central North Wales |
| 505 – Stoke-on-Trent and North Staffordshire | 1005 – Ceredigion |
| 506 – Telford and Wrekin | 1006 – Gwent |
| 507 – Warwickshire | 1007 – Neath and Port Talbot |
| 508 – Birmingham and Solihull | 1008 – North East Wales |
| 509 – Black Country | 1009 – North West Wales |
| 510 – Coventry | 1010 – Pembrokeshire |
| 511 – Wolverhampton | 1011 – Powys |
| 512 – Worcestershire | 1012 – City and County of Swansea |