

**Executive**

**17 January 2019**

Report of the Assistant Director, Legal and Governance  
Portfolio of the Executive Member/responsible Executive Member

## **Discussion with North Yorkshire County Council to Explore Merging Coroner Areas**

### **Summary**

1. This report seeks member agreement to undertake discussions with North Yorkshire County Council (NYCC) to explore merging the CYC and NYCC coroner areas, at the request of the Chief Coroner and the Ministry of Justice (MoJ). Any merger would come into effect in April 2020.
2. The key driver for this is to improve standards of service. The Chief Coroner has a very clear view that larger coronial areas are more effective, allowing a senior coroner to manage work effectively, giving support staff the opportunity to work as part of a wider team providing enhanced support, resilience and a consistent service for relatives. This would also be likely to result in a small financial saving. Inquests would continue to be held in current locations, and would not be centralised.
3. If members agree to the discussions, it is envisaged that the assessment and consultation could be completed within 12 months, leading potentially to a merger from April 2020.

### **Recommendation**

4. It is recommended that discussions be held with NYCC to explore merging coroner areas.

Reason : This would improve resilience and efficiency, with minimal financial impact and be in line with the Chief Coroner's Guidance.

## Background

5. The coroner service is an anomalous service within local authorities. CYC is responsible for the appointment and payment of the coroner and meeting all reasonable costs of the service. This includes the cost of the provision of mortuaries, pathology services, forensic testing, and inquests.
6. Coroners are independent judicial officers and are not employees of the local authority. All appointments of coroners have to be agreed with both the Ministry of Justice and the Chief Coroner, and they effectively have a veto on any arrangements that do not meet their approval. Local authorities cannot remove or dismiss coroners, which effectively means that arrangements for a coroner's service can only be revised when there is not a permanently appointed coroner in place.
7. The Chief Coroner has published guidance to local authorities on how to organise the coroner service (see Annex 1 – Chief Coroner's Guidance Note 14 - Merger of Coroners Areas). The guidance states that:
  - a. it is the Chief Coroner's view the number of coroner areas should be reduced in order to create sensibly sized coroner areas, taking into account the numbers of reported deaths, geographical size and types of coroner work in the area;
  - b. there are many part-time coroner jurisdictions which are too small for effective management and cost-efficiency; and
  - c. in many cases 3,000-5,000 reported deaths would be an appropriate number for a coroner jurisdiction.
8. Schedule 2 of the Coroners and Justice Act 2009 gives the Lord Chancellor the power to make orders altering coroner areas. To date all mergers have been made by agreement.
9. To merge coroner areas it has to apply to the Lord Chancellor with written reasons, effectively a business case for the merger. Before doing so it should consult with the Chief Coroner.

10. Where a new coroner area is created, it must consist of one or more whole upper-tier local authority areas.
11. York has a single coroner area, and a temporary part-time senior coroner. York's last permanent part-time senior coroner retired in 2014, and the Chief Coroner and MoJ have only agreed to temporary replacements since then, pending merger discussions.
12. In 2014 CYC was asked to consider a merger with Hull & East Riding, which the York coroner and the North Yorkshire Police (NYP) did not support. CYC's refusal was upheld on the understanding that it would explore a merger with NYCC when one of the NYCC senior coroners retires.
13. North Yorkshire has two separate coroner areas, each with a part-time senior coroner, based in different offices, with separate support arrangements. One covers the geographic areas of Scarborough, Ryedale and Hambleton (East area, and the other the geographic areas of Richmondshire, Craven, Selby and Harrogate (West area).
14. In 2017 there were around 900 deaths in the York coroner area, 1,050 in the East area and around 1,150 reported deaths in the West area. This gives a total of around 3,000 deaths, which the Chief Coroner sees as an appropriate size for a single coroner jurisdiction.
15. It is now possible for CYC to start discussions about a merger with NYCC, as NYCC is considering the prerequisite step of merging East and West areas, due to the retirement of the East area Senior coroner in March 2019. If NYCC decides to merge East and West areas, then York could merge with this new area to make a single York and North Yorkshire coroner service.

## **Consultation**

16. A possible merger of the areas will require detailed assessment and joint proposal by the City of York Council and North Yorkshire County Council and consultation with the Ministry of Justice and the Chief Coroner.

17. The Chief Coroner and the MoJ have asked us to open these merger discussions.
18. The senior coroners, and the North Yorkshire Police are in favour of merger discussions.
19. NYCC Executive will be asked on 15 January 2019 to consider opening merger discussions with CYC.

## **Options**

20. There are two options:

- 1) to seek permission from the Chief Coroner to remain as a separate area – which goes against his specific request that we merge areas, and is therefore not recommended
- 2) to open discussions with NYCC to consider merging the coroner areas –in line with the wishes of the Chief Coroner, the MoJ, the senior coroners, the North Yorkshire Police and the local authority officers.

## **Analysis**

Option 1) to seek permission to remain a separate area:

21. Advantages:

- perceived as a local service for local people.

22. Disadvantages –

- it would be difficult to find sufficient reasons to justify departing from the Chief Coroner and the MoJ and would be unlikely to gain their support
- difficulty of attracting a permanent senior coroner for such a small area/salary
- continued administrative inefficiencies and duplication from senior coroners, NYP coroner officers and local authority officers

Option 2) to open discussions with NYCC to consider merging the coroner areas

23. Advantages:

- a more resilient and consistent service for the bereaved
- better working practices for the senior coroners, the NYP and CYC and NYCC
- supports the Chief Coroner and MoJ plan to merge small coroner areas into larger areas
- enables the senior coroners to cover the areas more efficiently, formalising current arrangements
- a small financial saving

24. Disadvantages:

- possible disadvantages might be pressure to establish a single venue for inquests, although this is not planned and is opposed by the senior coroners. Being able to offer a choice of inquest venues to families (rather than just York) would actually improve the current position for the bereaved since, of course, not all deaths in York are of York residents.

## **Council Plan**

25. The proposal to open discussion to explore merger of the Coroner's areas will assist in the Council's priority of a prosperous City for all by seeking to improve a resilient and effective Coroner Service for citizens.

## **Implications**

25. All relevant implications of the proposals have been considered.

- **Financial**

It is estimated there will be a small financial saving from merging the two North Yorkshire areas. Work with NYCC will be required to assess the full financial implications of a joint service but it is anticipated that a small financial saving could be made.

- **Human Resources (HR)**

Any HR implications will be identified in the discussions and appropriate consultation will take place.

- **Equalities**

A full Equalities Impact Assessment is not considered to be required for the merger of the Coroner's areas, as it is proposed that inquests will continue to be held in the same venues as they are currently. In any event this is a decision about opening discussions.

- **Legal**

No implications, as this is a decision about opening discussions.

- **Crime and Disorder**

No implications

- **Information Technology (IT)**

No implications – NYCC and York coroners currently share a database system, and the data belongs to the coroner, not to the local authorities.

- **Property**

No implications

- **Other**

None

## **Risk Management**

There are no known risks in relation to the recommendation in this report.

## Contact Details

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**Report**  
**Approved** ✓

**Date** 9/1/19

**Wards Affected: All**

**For further information please contact the author of the report**

### Background Papers:

Chief Coroner's Guidance no 14 Merger of Coroners Areas

**Annex 1:** Chief Coroner's Guidance no 14 Merger of Coroner Areas