

Executive

18 November 2021

Report of the Director of Governance
Portfolio of the Leader of the Council (Policy, Strategy and Partnerships)

Merger of York coroner area with North Yorkshire County Council coroner areas

Summary

1. A report was considered by Executive on 17 January 2019 to explore merging coroner areas with North Yorkshire. This report seeks approval to submit a merger request to the Chief Coroner and the Ministry of Justice.
2. North Yorkshire County Council's Executive agreed on 29 January 2019 to consider opening merger discussions with City of York Council.
3. 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. Inquests would continue to be held in current locations, and would not be centralised.
4. In the event that approval is given for the submission of a merger request to the Chief Coroner and the Ministry of Justice, it is envisaged that the assessment and consultation process could be concluded within a 4-6 month time period.

Recommendation

5. Executive Members are asked to:
 - a. Approve the submission of a business case to the Ministry of Justice and Chief Coroner seeking permission to merge the existing City of York Council coroner area and the North Yorkshire County Council coroner areas into one area and to delegate to the Chief Operating Officer (in consultation with the Director of Governance or her delegated officers) the authority to make minor changes to the business case should they be required;

- b. Approve the proposed Service Level Agreement with North Yorkshire County Council and to delegate to the Chief Operating Officer (in consultation with the Director of Governance or her delegated officers) the authority to take such steps as are necessary to finalise and enter into the resulting agreement.

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

Background

6. The coroner service is an anomalous service within local authorities. Local authorities are responsible for the appointment and payment of the coroner and meeting all costs of the service. This includes the cost of the provision of mortuaries, pathology services, forensic testing, and inquests.
7. Coroners are independent judicial post holders and are not employees of the local authority. All appointments of coroners have to be agreed with both the Chief Coroner and the Ministry of Justice, and they effectively have a veto on any arrangements that do not meet their approval. Local authorities cannot remove or dismiss coroners.
8. At local government reorganisation in 1996 the coroner areas were divided into three: North Yorkshire East (Scarborough, Ryedale and Hambleton); North Yorkshire West (Richmondshire, Craven, Selby and Harrogate) and York. Each area had a part-time senior coroner, based in different offices, with separate support arrangements.
9. All three part-time senior coroners have now retired and City of York Council *and* North Yorkshire County Council appointed a joint Senior Coroner from 1 October 2020, in consultation with the Chief Coroner and the Ministry of Justice. The new joint Senior Coroner is responsible for the three separate coroner areas. If the areas merge, he would take responsibility for the new merged area.
10. Previously, the part-time areas were staffed by senior coroners as follows:
 - a. City of York Council two days per week;
 - b. North Yorkshire East three days per week;
 - c. North Yorkshire West three days per week;
11. This equates to a workload of eight days per week. The new senior coroner covers five days of this workload and the remaining three days are currently shared across four assistant coroners. Two assistant coroners have

indicated a wish to reduce their workload, and a recruitment exercise was recently undertaken to appoint three additional assistant coroners.

12. The use of assistant coroners is very flexible as they are paid per session, with a minimum commitment of 15 days per year across all coroner areas they work for (many work for several coroner areas so this is a minimum commitment on our part). Assistant coroners are also used to cover long inquests and senior coroner absence.
13. 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 that 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 (the Chief Coroner believes that York, North Yorkshire East and North Yorkshire West fall into this category)
 - c. In many cases 3,000-5,000 reported deaths would be an appropriate number for a coroner jurisdiction, our deaths are slightly lower than this at 1820 but the Chief Coroner still wishes us to merge into a single area.
14. 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.
15. Where a new coroner area is created, it must consist of one or more whole upper-tier local authority areas.
16. In 2014, when York’s part-time senior coroner retired, City of York Council was asked to consider a merger with Hull & East Riding, which the acting York senior coroner and the North Yorkshire Police (NYP) did not support. City of York Council’s refusal was upheld on the understanding that it would explore a merger with North Yorkshire County Council when the remaining North Yorkshire senior coroners retired.
17. In 2020 there were 565 deaths in the York coroner area, 603 in the East area and 652 reported deaths in the West area. This gives a total of 1820 deaths, which the Chief Coroner sees as an appropriate size for a single coroner jurisdiction.

18. It is now possible for City of York Council to merge coroner areas with North Yorkshire County Council, as North Yorkshire is considering the prerequisite step of merging East and West areas, due to the retirement of the both of their senior coroners. If North Yorkshire County Council merge East and West areas, then York would merge with this new area to make a single York and North Yorkshire coroner service.
19. To merge coroner areas the local authority has to apply to the Lord Chancellor with a business case for the merger. Before doing so it should consult with the Chief Coroner. The Chief Coroner and the Ministry of Justice have seen the draft business case and are happy for us to proceed to formal application.

Consultation

20. A 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 Chief Coroner and the Ministry of Justice, and a detailed draft business case has been developed by both Local Authorities.
21. The Chief Coroner and the Ministry of Justice have asked us to open these merger discussions, and have approved our draft business case.
22. The senior coroner and North Yorkshire Police are in favour of the proposed merger.
23. On 28 April 2021, using emergency delegated powers due to the COVID-19 pandemic, North Yorkshire County Council's Chief Executive, in consultation with the Executive Member with responsibility for the coroner service, agreed:
 - a. Subject to formal approval by the City of York Council, to submit the business case to the Ministry of Justice and Chief Coroner seeking permission to merge all three existing coroners' areas into one area.
 - b. Subject to formal approval by the City of York Council, to approve the proposed Service Level Agreement with the City of York Council.

Options

24. 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 formally apply to the Chief Coroner's office and Ministry of Justice to merge the York and NYCC coroner areas –in line with the wishes of the Chief Coroner, the Ministry of Justice, the joint Senior Coroner, the North Yorkshire Police and the local authority officers.

Analysis

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

25. Advantages:

- Perceived as a local service for local people.

26. Disadvantages:

- It would be difficult to find sufficient reasons to justify departing from the preference of the Chief Coroner and the Ministry of Justice and would be unlikely to gain their support.
- In practical terms a single senior coroner covers both York and NYCC areas; administration is provided by central team; police support is provided by central team.

Option 2: to apply to Chief Coroner's Office and Ministry of Justice to merge the York and North Yorkshire coroner areas.

27. Advantages:

- A more resilient and consistent service for the bereaved.
- Better working practices for the senior coroner, North Yorkshire Police and City of York Council and North Yorkshire County Council.
- Supports the Chief Coroner and Ministry of Justice plan to merge small coroner areas into larger areas.
- Enables the senior coroner to cover the areas more efficiently, formalising current arrangements.

28. Disadvantages:

- Possible disadvantages might be pressure to establish a single venue for inquests, although this is not planned and is opposed by the senior coroner. 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 not all deaths in York are of York residents.

Council Plan

29. The proposal to merge the Coroner 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

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

- **Financial**

It is estimated there will be a small cost reduction to City of York Council from merging the two North Yorkshire areas and reducing controllable spend. However as the Coroner budget has been under pressure from above inflationary pay awards in recent years, there will not be a budgetary saving.

- **Human Resources (HR)**

No CYC staff are affected, and there are no HR implications.

- **Equalities**

An initial Equalities Impact Assessment using the NYCC EIA template, has been carried out jointly by NYCC and CYC, approved by CYC officers, and we are content that the equalities issues related to York have been fully considered and the impact is summarised as follows:

The coroner service responds to all deaths within its jurisdiction regardless of protected characteristics and the service is sensitive to differences in culture associated in particular with differences of race or religion and belief. Certain groups with a protected characteristic could be expected to be disadvantaged if families were expected to travel further to attend inquests. This would be especially true for older people or people with a disability. However, inquests will continue to be delivered locally wherever possible and desirable and individuals should not see any change in the service as a result of the change in jurisdictions.

Therefore North Yorkshire County Council and City of York Council considered a full Equalities Impact Assessment is not 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. City of York Council has carried out a better decision tool making assessment and this is attached at Annex 3. A merged coroner service will have a positive impact on the following human rights:

- Right to a fair and public hearing

- Right to respect for private and family life, home and correspondence

by reducing delays and offering a choice of inquest venues. The assessment shows that there will be no negative impacts caused by the merger of the services.

- **Legal**

A service level agreement has been drafted to cover the merger of the services between York and North Yorkshire County Council and will be signed by both authorities before the proposed merger takes effect.

- **Crime and Disorder**

No implications.

- **Information Technology (IT)**

No implications – North Yorkshire and York coroner's service currently share a database system which is contracted by North Yorkshire County Council and does not use City of York Council systems. Data belongs to the coroner, not to the local authorities.

- **Property**

No implications.

- **Data Protection**

North Yorkshire County Council as the lead for the merger completed a Data Protection Impact Assessment which is included in Appendix F of Annex 2: Business case for merger of York and North Yorkshire coroner areas.

City of York Council undertook their own screening assessment for whether a full DPIA was required both local authorities found that there was no requirement to do a full DPIA.

- **Risk Management**

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

Contact Details

Co-Author:

Jane Milthorp
Practice Manager
Legal services
Tel No. X2090

Author and Chief Officer Responsible for the report:

Janie Berry
Director of Governance

Report
Approved



Date

29 October
2021

For further information please contact the author of the report

Background Papers:

- Chief Coroner's Guidance no 14 Merger of Coroners Areas.
- 17 January 2019 Executive Report - Discussion with North Yorkshire County Council to Explore Merging Coroner Areas.
- CYC DPIA Merger of Coroner Services
- List of consultees in business case.

Annex 1: Chief Coroner's guidance no 14 Merger of coroner areas

Annex 2: Business case to merge York and NYCC coroner areas

Annex 3: Better decision making tool