

10/08/21
ALTERATION OF CORONER AREAS UNDER SCHEDULE 2
TO THE CORONERS AND JUSTICE ACT 2009¹
MINISTRY OF JUSTICE BUSINESS CASE TEMPLATE FOR MERGERS

NAMES OF CORONER AREAS THAT ARE PROPOSING TO MERGE

- North Yorkshire (Eastern),
- North Yorkshire (Western),
- City of York

PROPOSED NAME OF NEW AREA

- North Yorkshire and York

INFORMATION ON AREAS THAT PROPOSE TO MERGE

Coroner area	North Yorkshire (Eastern)	North Yorkshire (Western)	York City	North Yorkshire and York
Geographical area covered	Scarborough, Ryedale and Hambleton District Council areas	Harrogate, Craven, Richmondshire and Selby District Council areas	City of York	City of York and North Yorkshire County Council
Local authority/authorities that fund(s) coroner area and %	North Yorkshire County Council (100%)	North Yorkshire County Council (100%)	City of York Council (100%)	North Yorkshire CC (75%) City of York (25%)
Relevant authority (formerly lead authority)	North Yorkshire County Council	North Yorkshire County Council	City of York Council	North Yorkshire County Council
Police Force(s)	North Yorkshire Police	North Yorkshire Police	North Yorkshire Police	North Yorkshire Police
Transport links	East Coast Mainline, M1/A1, A19, A64 Large volume of A roads and county roads	East Coast Mainline, M1/A1, A59, A66 Large volume of A roads and county roads	East Coast Mainline A19, A59, A64	East Coast Mainline, M1/A1, A19, A59, A64, A66 Large volume of A roads and county roads

¹ <http://www.legislation.gov.uk/ukpga/2009/25/schedule/2>

Coroner area	North Yorkshire (Eastern)	North Yorkshire (Western)	York City	North Yorkshire and York
Major hospitals	Friarage Hospital (Northallerton) Scarborough Hospital	Harrogate District Hospital Airedale General Hospital (Keighley West Yorkshire but serves the Craven area)	York District Hospital	Friarage Hospital; Scarborough Hospital; Harrogate District Hospital; York District Hospital Airedale General Hospital (Keighley West Yorkshire but serves the Craven area)
Prisons in area	None	None	HM Askham Grange Prison (open category)	HM Askham Grange Prison (open category)
Other state detention facilities	None	None	None	None
Courtrooms/ inquest venues	County Hall Northallerton; ad-hoc venues in Scarborough	Skipton Magistrates' Court, Harrogate Magistrates' Court. Selby District Council (Civic Centre); ad-hoc venues as necessary	New Earswick Folk Hall; ad hoc venues as necessary	County Hall Northallerton; ad-hoc venues in Scarborough; Skipton and Harrogate Magistrates' Courts; Selby District Council (Civic Centre) New Earswick Folk Hall ad-hoc venues as necessary
Office/staff accommodation – location and capacity	Library HQ, Northallerton 1 FTE Admin support	Library HQ, Northallerton- 1 FTE Admin support	Moved to Northallerton 1 FTE Admin support	Library HQ Northallerton- To move to 3 Racecourse

Coroner area	North Yorkshire (Eastern)	North Yorkshire (Western)	York City	North Yorkshire and York
				Lane, Northallerton by 30/09/2021 3 Admin Support
Employer of coroner's officers	North Yorkshire Police	North Yorkshire Police	North Yorkshire Police	North Yorkshire Police
Name of senior coroner	Jonathan Heath (from 1 st October 2020)			
Number of area coroners	Nil	Nil	Nil	1
Number of assistant coroners See Note 1 below	7	7	7	7
Number of coroner's officers	3	3	2	8 (already shared)
Number of administrative support staff	1	1	1	3
Number of deaths reported in the previous calendar year	2020-603	2020-652	2020-565	2020-1820
Inquests opened in the previous calendar year	2020-114	2020-130	2020-118	2020-362
Inquests concluded in the previous calendar year	2020-123	2020-118	2020-133	2020-374
Post mortem rate as % of reported deaths in the previous calendar year	2020- 63%	2020-45%	2020-46%	2020-51%

Note 1: Assistant coroners hold appointments across all three existing coroner areas. Therefore, they will appear in the columns under each existing jurisdiction

INTRODUCTION

Following the appointment of a joint senior coroner across all three areas, we seek to formalise the new joint working arrangements by formally merging the coroner areas. This will:

1. Improve the service to bereaved families;
2. Provide a more cost-effective, consistent and streamlined service to meet the needs of bereaved families without adversely impacting on quality;
3. Accord with national policy and guidance in the context of a move towards larger coronial areas.

The merger will have a positive impact on service delivery and will focus on improving services to bereaved families, whilst retaining high quality and consistent services for local people across the three jurisdictions.

The areas already work closely together, sharing premises, an ICT system and coroner's officers. All coroners (senior and assistant) are already appointed to all three existing areas. The administrative support is shared and has common work procedures.

The overall objective is to facilitate an efficient, sensitive, timely and local coroner service for the residents of and visitors to York and North Yorkshire while minimising financial risk.

SENIOR CORONER APPOINTMENT

Appendix A illustrates the current coroner areas.

Jonathan Heath was appointed on 1st October 2020 as senior coroner for all three areas and this appointment is in contemplation of the merger. Jonathan Heath will be nominated as the senior coroner for the new coroner area.

All coroners (senior and assistant) are aware of the proposal for a merger and have previously contributed comments on this proposal and recognise its rationale. Engagement with the senior coroner for North Yorkshire and York has taken place throughout and he fully supports this proposal.

The recommendation is for the existing coroner areas to be merged into a single area with a full time senior coroner supported by a part-time area coroner and sessional assistant coroners.

There would then be the recruitment of a new area coroner for the merged area. This appointment will be recruited to by open competition.

The option to merge coroner areas is in line with the national policy position and is the model now in operation in a number of comparator areas. It would be the preferred option for the Chief Coroner and Ministry of Justice.

This is detailed in the:

- Chief Coroner's Draft Guidance 'A Model Coroner Area';
- Chief Coroner's Guidance No. 14 'Mergers of Coroner Areas'; and
- Chief Coroner's Guidance No. 6 'The Appointment of Coroners'.

The merger must be agreed by the Lord Chancellor.

Assistant coroner appointments

Any assistant coroners in post at the time of amalgamation would be re-appointed to the new amalgamated area.

IMPACT OF PROPOSED MERGER ON SERVICE DELIVERY

Over the last seven years, the level of referrals to the coroners has varied; the higher number of deaths in 2015 and 2016 followed the national trend. A summary for the three areas combined is below and more detail is given in Appendix D.

	2014	2015	2016	2017	2018	2019	2020
Deaths	3,003	3,363	3,437	3,077	2,156	2,100	1820
Post Mortems	1,185	1,183	1,153	1,250	1,199	1,169	932
Inquests opened	340	529	647	398	325	417	362
Inquests concluded	360	611	654	462	384	375	374

(Figures taken from the Ministry of Justice published statistics) From 2017, those deceased who were under a Deprivation of Liberty order no longer need to be referred to the senior coroner for this reason alone.

Considerable effort has been put into ensuring that only relevant cases are referred to the coroner and this has led to a reduction in the overall number of cases - previously a number of deaths that should not have been referred to the coroner were included in the total number of deaths. The percentage of post mortems as a percentage of the deaths reported has increased in consequence. This has led to a concentration of the workload to those more complex cases which in turn has increased the number of inquests and in particular the length of time taken to complete the more complicated inquests.

Consideration has been given to the impact of a merger on bereaved families in a large county like North Yorkshire. It should be noted that recent successful mergers of coroner areas covering large geographical areas include Norfolk (2010) and Peterborough with two Cambridgeshire areas (2015); East and West Somerset have also recently merged (2016) as well as Lincolnshire (2018) and Hampshire (2020). These amalgamations have improved local service provision and generated financial savings. An Equality Impact Assessment is at Annex E.

The move to a single coroner area and office does not mean that relatives will have to travel to one single place for an inquest; inquests can and will continue to be held across the county as they are currently. Locations for current inquests include Scarborough, Skipton, Harrogate, Northallerton, Selby and York. A dedicated courtroom for the use of the coroner is now permanently available in Northallerton. This has addressed an increasing problem with the availability of suitable venues. It would also improve the efficiency and timeliness of inquests. It is recognised that inquests will still need to be held in other towns depending on the wishes and location of the bereaved relatives. Their views will always be sought before a decision is taken on a venue.

Similarly, post-mortems will be undertaken in the same hospitals as they are now. This is subject to the continuing availability of both the facilities and pathologists to undertake post-mortems.

The councils are committed to improving the service provided to bereaved families in North Yorkshire and York alongside providing a more cost-effective service.

The move to one single coroner area will bring with it positive benefits and opportunities for harmonisation, co-location, standardised working practices, more streamlined workflow, with the ultimate benefit being an improvement in timescales. This will enhance the service to bereaved families and those supporting them. More detailed reasons are stated throughout this document.

The administrative support for the three coronial areas has already been brought together in one location, Northallerton. This means an office that is staffed during normal Monday- Friday working hours.

The main advantages and disadvantages are:

Advantages

- It is not expected that the merger in itself will generate significant savings, therefore none are predicted. However, it is expected there will be efficiency savings that will generate cashable savings e.g. better utilisation of court time, reduced admin overtime payments. These are difficult to quantify.
- It will reduce financial risk for both councils
- Standardised systems and processes across the whole county creating greater consistency
- Improved service to bereaved families
- More accessible / consistent service for associated organisations and individuals e.g. undertakers and pathologists
- An area coroner would be a dedicated 'deputy' to cover service requirements and would also improve business continuity and resilience for the area
- Known and better predictable staffing budget with the reduction of payments to assistant coroners to cover peaks in workload.

Disadvantages

- The introduction of medical examiners may also impact on caseload

Statistics published by the Ministry of Justice indicate some families have an above average time in waiting for an inquest conclusion (Appendix D). This would be alleviated through the dedicated courtroom resource.

North Yorkshire County Council has agreed to be lead authority for the fully merged service. North Yorkshire County Council and the City of York Council will sign a formal Service Level Agreement that documents the financial agreement on how costs are shared, the governance structure and how the new arrangements will be managed. The lead authority will manage the expenditure on behalf of both authorities.

IMPACT OF MERGER ON THOSE WORKING IN / WITH THE SERVICE

The impact of the merger on the following groups of individuals is detailed below:

Coroners – The existing three coroner areas would be merged into a single area with a full time senior coroner supported by a part-time area coroner and sessional assistant coroners. This option is in line with the national direction of travel; it is the model now in operation in a number of comparator areas; and would be the preferred option for the Chief Coroner and Ministry of Justice.

Assistant coroners have been consulted and kept up to date with developments. They will be offered an appointment to the new area upon amalgamation. All are currently being offered work. Assistant coroners often hold another assistant coroner position so can easily reach the recommended minimum of 15 days. Any other assistant coroner will have their workload monitored to ensure they are offered the recommended minimum of 15 days.

Coroner's service managers are employed by North Yorkshire County Council and the City of York Council (both as part of a wider role) and have been working on overarching service management and development. One manager from the lead authority will be appointed to manage the joint service.

Coroner's officers are employed by North Yorkshire Police. Regular meetings are held to provide increased support to the coroners and better resilience.

There are no anticipated changes to office locality for the coroner's officers, recognising the geographical challenges of a large county. This will be reviewed regularly to meet service needs and the availability of appropriate accommodation yet retaining the localised response where appropriate. Equality of workload distribution can be more actively supported by working as one team. The new shared ICT system has enabled closer working and communication with colleagues across the team.

There were previously two administrative offices in York and Northallerton. These have already been amalgamated into one location in Northallerton.

Support Staff were previously employed by North Yorkshire County Council and the City of York Council and were managed by two different managers. Currently, one authority, North Yorkshire County Council, manages them so the same policies and standards have been adopted, as the old policies reflected the current (and historic) working styles of the three previous senior coroners. Greater centralisation of work (both physical and/or virtually) will increase standardisation, job satisfaction and service resilience as well as providing greater opportunities for experience.

Most contact with the coroner office now is by telephone or email. This reflects that much of the contact to the administrative office is not by bereaved relatives but by other organisations (e.g. undertakers) or professionals (e.g. pathologists). If relatives do contact the office, it is by telephone.

Greater resilience and workload capacity will be achieved working as a 'virtual' team. Already, the service across North Yorkshire and the York have access to a common ICT system (WPC) which was jointly procured and implemented in November 2019.

There are no staff subject to TUPE as North Yorkshire County Council now employs directly all the administrative staff.

Pathologists – no changes are anticipated to the post mortem and mortuary arrangements that are currently in place. It is unclear whether the rate of post mortems will decrease or increase and this will depend on the judicial decision making of the coroner. There would be no change to the post mortem or mortuary location as a result of this merger.

It is not possible to estimate the impact of a medical examiners service on the work of the coroner service. This issue will be kept under review.

Coroners' Courts Support Service - an established team of volunteers, are already working across all three coroner areas, and have been providing support to families since June 2016. They will be kept informed of developments and there are no anticipated issues for them. It should be easier for them to liaise with only one service rather than three coroner services in relation to inquest dates and venues.

Funeral directors - are a key partner, however there are no anticipated issues and they will be kept informed of developments.

The impact on other key stakeholders would be minimal.

RESOURCE IMPLICATIONS OF MERGER

The impact of the merger on resources can be found in Annex A.

In summary:

- Salary costs will be broadly neutral with the appointment of a full time senior coroner and part-time area coroner;
- No impact on post mortem costs;
- No impact on body removal costs;
- No impact on toxicology costs;
- No impact on assistant coroner daily fees/costs in North Yorkshire as these are slightly higher than City of York. The fees paid will be harmonised at the (higher) North Yorkshire level;

- No change to the number of assistant coroners although workload in excess of the Chief Coroner's recommended 15 days is likely to be minimised with the appointment of an area coroner;
- IT – no impact on costs;
- Improved ways of working and harmonisation of processes will improve timescales, reduce costs, and result in efficiency savings across the service.

LEGAL IMPLICATIONS

No legal issues are anticipated except for the formal statutory instrument to bring the merger into legal effect.

A decision that a full Equalities Impact assessment is not required is at Appendix E.

A Data Protection Impact Assessment is at Annex F.

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.

Out of hours access to the coroner service is currently provided via the 999/101 service within North Yorkshire Police. There are no anticipated changes to this, although it will be a requirement for the senior coroner, and in their absence the area/assistant coroner, to be available.

VIEWS OF THOSE AFFECTED BY MERGER

The proposed merger of the coroner areas has been considered by both North Yorkshire County Council and the City of York Council in January 2019. Both Councils agreed to enter formal negotiations with the aim of submitting a formal business case to the Ministry of Justice.

Both authorities subsequently formally agreed to submit this business case to the Ministry of Justice and Chief Coroner. North Yorkshire agreed on the 29th April 2021 and City of York on *(insert date when agreed)*.

Other key stakeholders have been informed of developments. This will be further supported by correspondence and where appropriate face-to-face meetings. This business case will form part of formal consultation exercise by the Ministry of Justice on behalf of the Lord Chancellor.

No other local authorities are impacted by the proposed merger.

One senior coroner, one Lead Authority and one Police Force will aid communications and provide a consistent approach across the county and improve service provision.

RISKS AND MITIGATING ACTIONS

In summary the risks are (or were recognised as being)

RISK	MITIGATION
Failure to reach agreement between the two authorities	Formal Service Level Agreement now prepared and each party to obtain formal consent
Health and wellbeing of coroners and staff is not supported with a resulting impact to morale which is underestimated	Transition of offices and staff completed. ICT systems merged
Imposing a new financial framework on the coroner may jeopardise relationships with the local authority and service managers/leaders	Consultation and briefings to all concerned
The options considered may lead to a dispute and/or judicial review of the decision or process	Proposed solution will be subject to formal consultation by the Ministry of Justice. Formal agreement in accordance with the constitution of both NYCC and the City of York will be obtained
Standardised operations, administrative processes and procedures are not realised	Work on-going and nearing completion to harmonise work procedures. Service Level Agreement between authorities have been agreed
Statutory Instrument not in place at time of appointment of senior/area coroner	Interim arrangements have been agreed

ALTERNATIVE OPTION(S)

A number of alternative options have been considered. These have included:

- 1) Merge the two North Yorkshire area areas but without a merger with the City of York;
- 2) The increased use of assistant coroners to reduce the hours worked by the appointed senior coroner (being mindful of the expected workload and the impact on their health and wellbeing);
- 3) The use of a legal executive to help manage the coroners' workload.

All of these options are less cost-effective and less beneficial than the one coroner area model.

Importantly the Chief Coroner has given clear guidance about his long-term aspiration to decrease the number of coroner areas, introduce standardised processes and support co-location, aspirations which are supported by the Ministry of Justice, in line with long-standing policy on merging coroner areas. The option of not merging with York is considered to be neither desirable nor feasible.

CONTACT WITH THE CHIEF CORONER'S OFFICE / MINISTRY OF JUSTICE / CONSULTEES

The Chief Coroner and the Ministry of Justice have both been engaged throughout the process. They have been very supportive and made it clear that their preference would be for a single coroner for the two local authority areas, providing there are effective area and/or assistant coroner arrangements in place.

The business case can be shared; consideration of the publication of historic salary details of the current post holders may be required. In addition, some personal email addresses are included which should be redacted.

Appendix A- Resource implications of the merger

Appendix B.1- List of consultees

Appendix B.2 – Redacted list of consultees

Appendix C – North Yorkshire coroner's Area – Maps of area showing the current position and proposed future area in the event of a merger. Both maps show details of inquest venues, hospitals, prisons and transport links

Appendix D– Statistics 2014-2020

Appendix E– Equality Impact Assessment record

Appendix F- Data Protection Impact assessment