

Open Report on behalf of Andrew Crookham, Executive Director - Resources

Report to:	Councillor Mrs S Woolley, Executive Councillor: NHS Liaison, Community Engagement, Registration and Coroners
Date:	30 July 2021
Subject:	Proposed Submission to the Chief Coroner for the merger of the Lincolnshire and Grimsby and North Lincolnshire Coroners Areas
Decision Reference:	I022022
Key decision?	Yes

Summary:

This report seeks approval for the submission of an agreed joint business case from Lincolnshire County Council, North Lincolnshire Council and North East Lincolnshire Council to the HM Chief Coroner. The business case proposes the merger of the two existing coronial areas to create a single area, to be named Greater Lincolnshire which would be coterminous with the three authorities. The business case proposes a model on how the service would be structured, financed and governed by the three authorities.

Recommendation(s):

That the Executive Councillor: NHS Liaison, Community Engagement, Registration and Coroners:-

- (1) approves on behalf of Lincolnshire County Council the submission of the business case attached at Appendix C to HM Chief Coroner for England and Wales proposing the merger of the coronial areas of Lincolnshire and Grimsby and North Lincolnshire to create a single area known as Greater Lincolnshire.
- (2) approves the taking of such action as is necessary to support the legislative process for giving effect to the proposed merger on the basis set out in the business case.
- (3) authorises the Executive Director – Resources in consultation with the Executive Councillor: NHS Liaison, Community Engagement, Registration and Coroners to take all decisions and actions necessary to deliver the merger in accordance with the business case and relevant Statutory Instrument.

Alternatives Considered:

- (1) Not to merge-there is no compulsion on Lincolnshire to merge however it would not allow for any efficiencies to be gained with the appointment of a single HM Senior Coroner.
- (2) Different models for merger were considered including not transferring staff to Lincolnshire County Council, however this was considered unworkable particularly by the Senior Coroner, as he felt all officers needed to be working to the same IT system and processes. This was a lesson learnt from the previous merger of coroners' areas within Lincolnshire.

Reasons for Recommendation:

- (1) The recommendations meet the requirements that the Chief Coroner placed on North and North East Lincolnshire in 2018 to merge with another area.
- (2) The proposal provides a workable and sustainable option to serve the duties placed on each local authority by section 24 of the Coroners and Justice Act 2009.

1. Background

1.1 The Coroners and Justice Act 2009 created "Coroners Areas" in England and Wales, each Area is to be coterminous with one or more local authorities. The Act also places a duty on the authority for that area to appoint a Senior Coroner, as well as Area and Assistant Coroners where necessary. It also places a duty on a local authority to provide sufficient administrative staff and coroners' officers and it is also obliged to provide, or secure the provision of, accommodation to enable senior coroners to carry out their functions. Where a Coroners Area covers more than one local authority the Lord Chancellor will determine a "relevant authority" to act as lead authority.

1.2 There are currently 88 coroner areas in England and Wales. The Chief Coroner and the Ministry of Justice have a joint long-term plan to reduce this to around 75. On the retirement of the Senior Coroner for Grimsby and North Lincolnshire in December 2018, North and North East Lincolnshire Councils were informed their area was too small to be maintained as a separate area and they should seek to merge with another area. North East Lincolnshire is the "relevant authority for the Grimsby and North Lincolnshire Area. Discussions with Lincolnshire have been on-going since this date, delays in developing a business case have occurred due to the Coronavirus pandemic. An alternative business case was submitted to the Chief Coroner by Hull and East Riding to create a Humberside Coroners Area in 2019.

1.3 The Chief Coroner has been informed of the collaborative approach to developing a Greater Lincolnshire option and therefore has currently stayed the decision process on the future of the Grimsby and North Lincolnshire Area, until the summer of 2021. Mergers of Coroners Areas are made by Statutory Instrument; the process is shown as Appendix 1.

1.4 On the departure of the then Senior Coroner for Lincolnshire, Mr. T Brennand in August 2020, Lincolnshire County Council were advised by the Chief Coroner that whilst the merger was under consideration a permanent replacement appointment could not be made. Acting up arrangements have been in place since this date.

1.5 A proposal for the Grimsby and North Lincolnshire Area to merge with the Lincolnshire Area has been developed in a collaborative manner by North Lincolnshire, North East Lincolnshire and Lincolnshire County Councils. The proposal has been developed with these underpinning principles:

1. No increase in cost to any of the three authorities.
2. Phased approach to cost sharing to ensure principle 1.
3. Staff and service delivery (inquests) retained in current localities to ensure communities are served appropriately.
4. Shared governance through committee and operational board. Including decisions on moving to next phase.
5. Adoption of relevant IT and technological solutions to improve service to the public and drive efficiencies.

1.6 It is proposed that Lincolnshire County Council become the "relevant authority" for the revised area; this means:

- The authority would take the lead in the appointment of the Senior Coroner, Area Coroner and Assistant Coroners for the revised area.
- The members of staff who are currently employed by North East Lincolnshire Council are transferred to the employ of Lincolnshire County Council, however they would retain their current work base in Cleethorpes.
- Services would share a software system and extend current operating procedures across the larger area.

1.7 The staffing proposal is shown in Appendix 2; there will not be a reduction in officers. An important part of the proposal is to ensure services can be retained at a local level and therefore it is proposed that inquests will continue to be held at Cleethorpes, Scunthorpe, Grimsby, Lincoln and Boston as now.

1.8 A detailed financial analysis has been carried out it shows that a small saving (£52,000) will be made by combining the coronial team. It is proposed that a phased approach to cost sharing is adopted, especially around the contracts for services such as body removal and postmortems:

Phase 1

- All staffing (Coroners and officers) costs to be covered as per current split 76% /24% to ensure no party pays more than currently.
- Contracted services to remain as is.

Phase 2

- Move to a per capita split for all staffing costs
- Contracted services to remain as is.

Phase 3

- Per capita split for all staffing costs and contracted services. Contracted services to have been fully reviewed and re-tendered.

1.9 It is proposed that oversight and governance of these arrangements would sit with the Greater Lincolnshire Joint Strategic Oversight Committee supported by an operational board.

2. Legal Issues:

Equality Act 2010

Under section 149 of the Equality Act 2010, the Council must, in the exercise of its functions, have due regard to the need to:

- Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under the Act.
- Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.
- Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

The relevant protected characteristics are age; disability; gender reassignment; pregnancy and maternity; race; religion or belief; sex; and sexual orientation.

Having due regard to the need to advance equality of opportunity involves having due regard, in particular, to the need to:

- Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic.
- Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.
- Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to tackle prejudice, and promote understanding.

Compliance with the duties in section 149 may involve treating some persons more favourably than others.

The duty cannot be delegated and must be discharged by the decision-maker. To discharge the statutory duty the decision-maker must analyse all the relevant material with the specific statutory obligations in mind. If a risk of adverse impact is identified consideration must be given to measures to avoid that impact as part of the decision making process.

Equality Act obligations have been taken into account and there is considered to be a potential for the service to impact differentially on people with a protected characteristic given the degree to which attitudes to death and the treatment of deceased persons differs particularly with race, religion and belief. The merger will require the service to be sensitive to different cultural approaches based on race, religion or belief.

Joint Strategic Needs Analysis (JSNA) and the Joint Health and Wellbeing Strategy (JHWS)

The Council must have regard to the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy (JHWS) in coming to a decision.

The Coroners service and process contributes important learning into the public health field including the identification of learning to prevent future deaths. Data is specifically regularly shared on suicide, road traffic and drug deaths as well as more specific reports where the Coroner feels learning is available.

Crime and Disorder

Under section 17 of the Crime and Disorder Act 1998, the Council must exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent crime and disorder in its area (including anti-social and other behaviour adversely affecting the local environment), the misuse of drugs, alcohol and other substances in its area and re-offending in its area.

Working closely with Police and other criminal justice partners the outcomes of coronial work can feed into crime prevention work as described above for public health.

3. Conclusion

The proposal is to submit a merger proposal meets the requirements that the Chief Coroner placed on North and North East Lincolnshire in 2018 to merge with another area. The proposal provides a workable and sustainable option to serve the duties placed on each local authority by section 24 of the Coroners and Justice Act 2009.

4. Legal Comments:

The Council has the power to propose and pursue the merger set out in the Report.

The decision is consistent with the Policy Framework and within the remit of the Executive Councillor

5. Resource Comments:

Finance staff have supported the detailed financial analysis of the current costs of the existing services to ensure that the proposed model post-merger adheres to the principle that there is no short-term increase in cost to any of the three authorities.

As the merger and service evolves, budgets will continue to be monitored and reviewed through the Council's normal budget setting and medium-term financial planning processes.

6. Consultation

a) Has Local Member Been Consulted?

Not applicable

b) Has Executive Councillor Been Consulted?

Cllr Mrs S Woolley and previously Cllr N Worth have been kept fully apprised as these proposals have developed.

c) Scrutiny Comments

The Public Protection and Communities Committee will consider this report on 27 July 2021 and any comments from the Committee will be provided to the Executive Councillor.

d) Risks and Impact Analysis

The following risks have been identified:

- There is a need to ensure that any cost pressures on either of the existing services are identified and accounted for in a final cost share agreement. This might be sometime after the initial analysis occurred.
- This is a formal merger that is not easily dissolved.
- The time taken to appoint permanent Senior Coroner is putting pressure on both services.
- Both current areas are dealing with backlog of jury inquests due to Covid.
- There may be some significant services changes up to the point of merger, such as the current tendering exercise being carried out by Lincolnshire County Council for its post-mortem services.

7. Appendices

These are listed below and attached at the back of the report	
Appendix A	Step by Step Guide to Coroners Area mergers
Appendix B	Proposed Staffing Structure
Appendix C	Coroner Merger Business Case Greater Lincs 21

8. Background Papers

The following background papers as defined in the Local Government Act 1972 were relied upon in the writing of this report.

Document title	Where the document can be viewed
Chief Coroners Guidance on Area Mergers	https://www.judiciary.uk/wp-content/uploads/2013/09/guidance-no14-mergers-of-coroner-areas.pdf

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