

WIRRAL COUNCIL

CORPORATE SERVICES OVERVIEW AND SCRUTINY COMMITTEE – 12 JANUARY 2009

REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

CORONER'S SERVICE

1. Executive Summary

This report has been produced as a result of the request of the Chair of the Committee for a further report on the Coroner's Service and its budget. The report sets out the current position regarding the budget for the coroner's service.

2. Background

2.1 The Coroner is an independent judicial officer presiding over a Court of Record within the English Judicial system and discharges his or her duties in accordance with the Coroners Act 1988, the Coroners Rules 1984 (as amended in 2005), and other relevant legislation. Although appointed and paid by local councils, the Coroner is not a local government officer but holds office under the Crown.

2.2 Coroners are required under section 2 of the 1988 Act to have a general qualification within the meaning of Section 71 of the Courts and Legal Services Act 1990, or be a legally qualified medical practitioner - in either case of not less than 5 years standing. Aldermen and Councillors of local authorities are not eligible for appointment as Coroners in their county or district, nor for 6 months after they cease to be one.

2.3 A Coroner's duties are:

- to investigate the circumstances of the deaths of all persons whose bodies are lying within his or her jurisdiction where he or she has reason to believe that the death was violent, unnatural or of unknown cause
- to decide whether a post mortem examination is necessary for the purpose of his or her investigation and, if so, to give directions to an appropriate medical practitioner
- to hold an inquest, with or without a jury, where he or she is satisfied that he or she is required to do so in accordance with section 8 of the 1988 Act
- to notify the Registrar of Deaths of the findings of the inquest, or, if no inquest is held, of the fact that the death reported to him or her does not need to be subject to an inquest
- to pay the relevant fees and allowances to witnesses and jurors, and to submit accounts to the relevant Council
- to make annual returns to the Secretary of State in connection with the inquests held and deaths he or she has enquired into

- to appoint a Deputy Coroner, and, if required, an Assistant Deputy Coroner.
- 2.4 This committee considered a report on 6 June 2007 highlighting certain budget pressures within the Coroner's budget. The Committee resolved (minute 11 refers):
- (1) That the report be noted.
 - (2) That a further report be brought to a future meeting of this Committee setting Wirral's expenditure on a Coroner's service in context with other authorities' expenditure around the country and also providing a more detailed breakdown of expenditure.
- 2.5 The Cabinet considered a report on the Coroner's budget on 10 January 2008 (Minute 436 refers). Cabinet resolved:
- That the increase in the Coroner's Service budget for 2008/9 of £150,000 be agreed, and incorporated within the budget projections for 2008/09.
- 2.6 This committee considered a further report on the issue on 22 January 2008. The committee resolved (minute 37 refers);
- (1) That Mr Johnson be thanked for his attendance at the Committee.
 - (2) That officers from both Corporate Services and Finance Departments hold discussions with Mr Johnson regarding the Coroner's budget.
- 2.7 After that meeting officers met with the Coroner and discussed the arrangements for the budget this year. The current budget position for the service and that in recent years is summarised in Appendix 1.
3. **Budgetary Issues**
- 3.1 The Coroner's budget forms part of the local authority's funding (RSG). There is no separate or specific budget allocated to the Coroner in the RSG and therefore the Coroner's budget has to be treated as part of the departmental budget.
- 3.2 On 21 October 2008 the Head of Legal and Member Services attended a seminar in Manchester arranged by the Home Office for local authority officers responsible for the coroner's service. The purpose of the seminar was to share best practice and consider the proposals for Coroner's reform.
- 3.3 A number of key messages on budget issues were set out at the seminar which are summarised below;
- The Coroner's system as it is today is a quirk of history
 - It is an independent judicial role. However, uniquely funding responsibility rests with the local authority
 - The funding responsibility will remain with local authorities following any reform;
 - Nationally the trend has been for an increase in post-mortems and inquiries
 - There has also been an increase in expensive specialist reports
 - Budget pressures have risen exponentially as a result

- Many of the significant areas of expenditure are fixed nationally e.g. coroners' pay, juror and witness expenses, post-mortem fees.
- Therefore, local authorities ability to control expenditure is minimal
- Virtually all authorities represented reported significant budget issues as a result of these factors.

3.4 Officers continue to monitor the Corner's budget. However, for the reasons set out above the scope for identifying any efficiencies or savings is extremely limited.

4. **Financial and Staffing Implications**

4.1 These are set out in detail in the body of this report and the Appendix. An additional £150,000 was added to the budget in 2008/9 as unavoidable growth. The expenditure for this financial year is currently forecast to be in line with the budget. However, this forecast is based on a straight line projection of spending. Therefore, this will need to be monitored for the remainder of the year in case there is any upward trend in expenditure over the remainder of the financial year.

5. **Local Member Support**

There are no implications for individual wards arising directly from this report.

6. **Equal Opportunity Implications**

There are none arising directly from this report.

7. **Human Right Implications**

There are none arising directly from this report.

8. **Local Agenda 21 Implications**

There are none arising directly from this report.

9 **Community Safety Implications**

There are none arising directly from this report.

10 **Planning Implications**

There are none arising directly from this report.

11 **Background Papers**

No background papers have been used in the preparation of this report other than reports referred to and papers from the seminar referred to which are available from the report author.

12. **Recommendations**

- (1) That members note the report.

Bill Norman
Director of Law, HR and Asset Management