

WIRRAL COUNCIL

CABINET

2 DECEMBER 2013

SUBJECT:	WIRRAL CORONER SERVICE
WARD/S AFFECTED:	All
REPORT OF:	Strategic Director – Transformation and Resources
RESPONSIBLE PORTFOLIO HOLDER:	Cllr Adrian Jones
KEY DECISION	No

1.0 EXECUTIVE SUMMARY

- 1.1 This report provides details of proposed interim changes to the Wirral Coroner Service arising from the retirement of HM Coroner for Wirral, Mr Christopher Johnson, on 31 December 2013.
- 1.2 The Council in conjunction with the Chief Coroner and Lord Chancellor/Ministry of Justice, have a legal obligation to ensure that the Wirral Coroner Area has in place effective coroner service arrangements that are adequately resourced.
- 1.3 Mr Johnson has a legal obligation to ensure that the role, responsibilities and duties of HM Coroner for Wirral are undertaken and discharged fully. This includes providing appropriate interim arrangements during any period of absence or annual leave.

2.0 BACKGROUND AND KEY ISSUES

- 2.1 Mr Christopher Johnson was appointed HM Coroner for the Wirral Area (Senior Coroner) on 20 December 1988 following the retirement of Mr Rex Taylor on 29 September 1988.
- 2.2 Mr Johnson was the acting HM Coroner for Wirral between 30 September and his permanent appointment on 20 December 1988.
- 2.3 Mr Johnson retires as HM Coroner for Wirral on 31 December 2013, after serving 25 years in the post. After taking account of Mr Johnson's remaining annual leave entitlement, his last working day will be 29 November 2013.
- 2.4 The Wirral Coroner Service currently operates from the Ground Floor, South Annexe, Wallasey Complex. However, the service uses both Wallasey and Birkenhead Town Halls as required, particularly for holding inquests.
- 2.5 Mr Johnson is required to ensure that there are appropriate and adequate contingency arrangements in place during his tenure as HM Coroner for Wirral

(Senior Coroner), and to that end appointed Mr Christopher Sumner as his Deputy/Assistant Coroner, on 26 July 2002. Mr Sumner is also HM Coroner for Sefton, Knowsley and St Helens (Senior Coroner).

- 2.6 Mr Johnson has, as requested by the Council, arranged for Mr Sumner to provide appropriate cover during his period of annual leave, namely between 30 November and 31 December 2013. Mr Sumner has confirmed and provided assurances that he will undertake and discharge the role, responsibilities and duties of HM Coroner for Wirral to ensure an effective coroner service is provided in Wirral for the period of Mr Johnson's annual leave. Mr Sumner will be supported by his own Assistant Coroner, who will undertake duties and responsibilities on behalf of Mr Sumner in Sefton, Knowsley and St Helens thereby enabling Mr Sumner to provide appropriate cover for Mr Johnson.
- 2.7 Mr Johnson is currently supported by one Coroner's Clerk who will continue to provide administrative support to Mr Sumner. The Coroner's Clerk is directly employed by HM Coroner for Wirral; however the costs are met by the Council under its legal obligation to ensure that the Coroner Service in Wirral is adequately resourced. All necessary administrative arrangements required to ensure an effective coroner service is maintained are in hand and will be in place by 29 November 2013. The arrangements will not however include any administrative support being provided by Sefton, Knowsley or St Helens Councils.
- 2.8 HM Coroner for Wirral is also supported by Coroners' Officers employed by Merseyside Police and situated at Bromborough Police Station. This support remains unchanged.

POSITION POST 31 DECEMBER 2013

- 2.9 With regards to the position following Mr Johnson's retirement (post 31 December 2013), normally a recruitment exercise would be undertaken by the Council for a Senior Coroner for the Wirral Area to be appointed. However, under the Coroner and Justice Act 2009, the Chief Coroner and Lord Chancellor's Department/Ministry of Justice now require the Council to first consider whether the Wirral Area should be amalgamated with another Coroner Area before a permanent Senior Coroner appointment is made.
- 2.10 The Coroner and Justice Act 2009 changed the name of "coroner's district" to "coroner area"; the HM Coroner for a coroner area is now the "Senior Coroner" and a "Deputy Coroner" is now an "Assistant Coroner".
- 2.11 Importantly, the Coroners and Justice Act 2009 requires the approval/consent of by both the Chief Coroner and Lord Chancellor to first be obtained before any appointment of a Senior Coroner can take effect. Following discussions with the Lord Chancellors Department/Ministry of Justice, the Chief Coroner and Lord Chancellor are unlikely to give their consent until the issue of amalgamation of coroner areas is fully considered.
- 2.12 By way of background, the issue of amalgamation arose following the Luce Review 2003 (which reported on 4 July 2003). The terms of reference of the

Review was wide and considered arrangements for the identification of the deceased, ascertaining causes of death, the need for further public investigation, the qualifications of those investigating death, the support and other services needed, including post-mortem examinations, and the possibility of introducing a so-called "medical examiner" system.

2.13 The Review resulted in a number of recommendations being made, which included:

- the 136 coroners' districts in England and Wales (in 2003) should be replaced by about 60 coroner areas broadly linked with police authorities;
- rebasing the system on predominantly full-time coroners;
- the appointment of a statutory medical assessor (medically qualified) for each coroner's district (now area), to support the coroner, but also to audit and support death certification by doctors;
- new more flexible procedures for inquests;
- fuller conclusions from inquests, with a stronger bias towards narrative and preventive findings; and
- a new, statutory recognition of the role of coroners' officers, including training and specialisation.

2.14 The Coroners and Justice Act 2009 seeks to give effect to some of the recommendations of the Luce Review. In particular, the intention behind Schedule 2 of the Act is to move towards fewer (but larger) coroner areas which are supported by a full-time Senior Coroner. This approach may lead to greater economies of scale, through sharing of staff and resources and will enable full-time Senior Coroners to focus entirely on their coronial duties, thus develop their skills and experiences more fully.

2.15 The Council must therefore explore and evaluate the merits of the Wirral Area being merged with another Coroner Area before it can consider whether to appoint a permanent Senior Coroner for the Wirral Area. This assessment will require a business case to be developed which explores and evaluates the possible options available. These options are likely to include the possible amalgamation of the Wirral Coroner Area with (i) Liverpool Coroner Area; (ii) Sefton, Knowsley and St. Helens Coroner Area; and (iii) Cheshire, Warrington and Halton Coroner Area. The Council will be required to consider whether amalgamation is appropriate and justify whatever decision it reaches. If amalgamation is favoured, the Ministry of Justice will undertake formal consultation with Wirral residents and other stakeholders, before a final decision on the issue of amalgamation is taken by the Chief Coroner/Lord Chancellors Department/Ministry of Justice. If amalgamation is not favoured, the Council will be required to set out its rationale to the Chief Coroner/Lord Chancellors Department/Ministry of Justice, who may or may not accept the Councils position.

2.16 It is anticipated that the issue of amalgamation is likely to take at least six months to conclude.

- 2.17 Until the issue of amalgamation is addressed, the Council is required to put in place appropriate interim arrangements to ensure that an effective coroner service is maintained after Mr Johnson retires. If no interim arrangements are put in place, Mr Sumner would become the 'acting' Coroner for the Wirral Coroner Area. However, whilst Mr Sumner has kindly confirmed that he would be happy to support the Council after 31 December 2013 as the 'Acting' Coroner for Wirral, the Council must be satisfied that such an arrangement is sufficiently robust given the period of time that the arrangement would remain in place (namely, at least six months).
- 2.18 Mr Sumner, has two Assistant Coroners (one of whom is Mr Johnson, the Wirral Coroner). Unfortunately, Mr Sumner's other Assistant Coroner is also retiring and he is currently recruiting to that position. There is no reason to doubt that Mr Sumner would provide anything other than a professional service to Wirral as 'Acting' Coroner. However, the issue of whether such an arrangement would provide sufficient resilience, given the period of time it is required, is an important consideration. It is acknowledged that Mr Sumner will be providing interim support/cover between 30 November and 31 December 2013; however the issue of resilience and risk are considered manageable/acceptable over this period. It is not possible to give the same level of assurance should the arrangement continue for a longer period.
- 2.19 In considering the interim options available to the Council, discussions have also taken place with Liverpool City Council and their Senior Coroner, Mr Andre Rebello. Mr Rebello is highly regarded and also operates a very effective Coroner Service. Mr Rebello and Liverpool Council have confirmed that they would be willing to provide interim support to the Council in relation to Wirral's Coroner Service until such time that a permanent Senior Coroner appointment is made. Mr Rebello is supported by five assistant coroners and Liverpool Council has confirmed that it would be able to provide some administrative assistance to support the Coroner's Clerk. The Wirral Coroner Service would continue to hold inquests within the Borough; however some administrative work (for reasons of efficiency and convenience) may be undertaken at the offices of Liverpool City Council. The identity of the Wirral Coroner Service and its operation/presence within the Borough would continue. This interim arrangement is considered to be more robust and resilient. Appropriate arrangements would need to be put in place (including necessary agreements) to ensure an effective Wirral coroner service is delivered.
- 2.20 If the interim arrangements involving Mr Rebello are agreed, the Council will need to appoint Mr Rebello as the Council's interim/acting Coroner, along with his five assistant coroners, from 1 January 2014 until such time that the Council addresses the issue of amalgamation and appoints a permanent Senior Coroner. The consent of the Chief Coroner and Lord Chancellor would be required before the appointment can take effect. Initial discussions with the Lord Chancellors Department/Ministry of Justice concerning this arrangement have been positively received.
- 2.21 The costs of the interim arrangements involving both Mr Sumner and Mr Rebello (and administrative support) will be met from existing approved budgets.

3.0 RELEVANT RISKS

3.1 The Council has an obligation to ensure that appropriate arrangements are in place with regards to the Wirral Coroner Service. The Council must ensure any interim arrangements are sufficiently robust and resilient to mitigate sufficiently identified risks.

4.0 OTHER OPTIONS CONSIDERED

4.1 It has not been possible to consider other options given the limited time available.

5.0 CONSULTATION

5.1 HM Coroner for Wirral has been consulted and engaged throughout and discussions have taken place with the Lord Chancellors Department/Ministry of Justice.

5.2 No formal consultation is required in relation to the interim arrangements.

6.0 OUTSTANDING PREVIOUSLY APPROVED ACTIONS

6.1 None

7.0 IMPLICATIONS FOR VOLUNTARY, COMMUNITY AND FAITH GROUPS

7.1 None

8.0 RESOURCE IMPLICATIONS: FINANCIAL; IT; STAFFING; AND ASSETS

8.1 The costs of the interim arrangements will be met from existing approved budgets. The Coroner's clerk will continue to provide administrative support following 31 December 2013 and therefore will transfer to the Council under TUPE. The costs of the Coroner's Clerk are already being met by the Council under its obligation to ensure the Coroner Service is adequately resourced.

9.0 LEGAL IMPLICATIONS

9.1 As set out in the report.

10.0 EQUALITIES IMPLICATIONS

10.1 Has the potential impact of your proposal(s) been reviewed with regard to equality

No because there are such issues arising.

11.0 CARBON REDUCTION AND ENVIRONMENTAL IMPLICATIONS

11.1 None

12.0 PLANNING AND COMMUNITY SAFETY IMPLICATIONS

12.1 None

13.0 RECOMMENDATIONS:

That Council be recommended to:

- (a)** Appoint Mr Andre Rebello (subject to the consent of the Chief Coroner and Lord Chancellor being given) as the Interim/Acting Coroner for the Wirral Area, from 1 January 2014 until such time that the Council addresses the issues of amalgamation of the Wirral Coroner Area and a permanent Senior Coroner is appointed to cover Wirral;
- (b)** Appoint (subject to the consent of the Chief Coroner and Lord Chancellor being given) Nicholas Reinberg (Senior Coroner for Cheshire, Warrington and Halton), Alan Wilson (Barrister/Senior Coroner for Blackpool), Simon Holder (Barrister), Anita Bhardwarj (Solicitor), Martin Fleming (Solicitor), David Lewis (Solicitor), as Assistant Coroners to Mr Rebello as the Interim/Acting Coroner to cover the Wirral Area from 1 January 2014 until such time that the Council addresses the issues of amalgamation of the Wirral Coroner Area and a permanent Senior Coroner is appointed to cover the Wirral;
- (c)** Authorise the Strategic Director for Transformation and Resources (or his nominee) to put in place all necessary arrangements and enter in such agreements required to ensure effective interim arrangements for the Coroner Service as outlined in this report.
- (d)** Authorise the Strategic Director for Transformation and Resources (or his nominee) to undertake all necessary steps required to address the issue of amalgamation of the Wirral Coroner Area with another Coroner Area as required and in accordance with the directions of the Chief Coroner, Lord Chancellor/Ministry of Justice as outlined in this report.

13.0 REASON/S FOR RECOMMENDATION/S

13.1 To ensure that an effective Coroner Service for Wirral is maintained.

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BACKGROUND PAPERS/REFERENCE MATERIAL

Key Acts

Coroner and Justice Act 2009

Luce Review 2003

SUBJECT HISTORY (last 3 years)

Council Meeting	Date
none	