

SURREY COUNTY COUNCIL**CABINET****DATE: 26 SEPTEMBER 2017****REPORT OF: MRS DENISE TURNER-STEWART, CABINET MEMBER FOR COMMUNITIES****LEAD OFFICER: ANN CHARLTON, DIRECTOR OF LEGAL DEMOCRATIC AND CULTURAL SERVICES****SUBJECT: TRANSFER OF EMPLOYMENT OF CORONERS OFFICERS AND SUPPORT STAFF FROM SURREY POLICE TO SURREY COUNTY COUNCIL****SUMMARY OF ISSUE:**

Surrey County Council (SCC) is responsible for appointing coroners and for meeting all the costs of the Surrey Coroner Service. Coroner's Officers are in many respects, the mainstay of the administration of the coronial system and a primary link between the 'system' and the bereaved. These roles have historically been provided and funded by Surrey Police (SyPol), but are not core policing roles and the current division of accountability does not sit well with a modern Coroner's Service.

Since September 2016 discussions have been ongoing with SyPol with a view to creating a single unified support service to the Surrey Coroner Service. This includes investment in a new case management system and transferring the employment of 15 Full Time Equivalent (FTE) coroner's office staff to SCC with a target date for implementation of the 1 April 2018. The arrangements will be underpinned by formally setting out each party's expectations of, and obligation to the others in a mutual Service Level Agreement (SLA) or SLAs.

As part of these discussions a five year phased withdrawal of funding has been proposed whereby SyPol continues to meet the full costs of the staff transferring in Year 1 (2018-19) then reducing by 20% a year to the point where SCC meets the full cost in Year 6 (2023-24). The cumulative MTFP pressure over the five years is £1.26m.

RECOMMENDATIONS:

It is recommended that Cabinet agrees:

1. to the proposed transfer of staff and notes the associated MTFP pressures that will commence in 2019-20; and
2. that Surrey County Council should agree and document future service levels and mutual obligations in a Service Level Agreement or mutual Agreements with Surrey Police and the Senior Coroner

REASONS FOR RECOMMENDATIONS:

This transfer will provide a single source of support to the Surrey Coroner recognising SCC's role in supporting the Coroner Service and the nature of the role of Coroner's Officer.

Defining the services that each of the three parties can expect of each other will provide the Coroner with clarity about future support arrangements and ensures transparency of the use of public funds

There is clear evidence from those areas where a transfer has been undertaken that the service runs more efficiently where just one agency has overall responsibility for providing the Coroner with a comprehensive support package and ultimately can lead to improvements to the experience of bereaved residents in line with SCC's corporate Resident Experience priority.

DETAILS:

Background

1. Coroners are independent judicial officers who are appointed and funded by local authorities. They inquire into deaths reported to them which appear to be violent, unnatural or of sudden and unknown causes. Coroners are judicially independent of local authorities and enjoy considerable autonomy as to how they discharge their functions within the statutory framework. Over the years there have been calls for a national Coroners' Service of England and Wales but this has not emerged and it remains a local service. The Coroners and Justice Act 2009 ("the 2009 Act") has led to some significant and ongoing reforms which are focused on providing consistent good practice, openness and fairness.
2. The county of Surrey is a Coroner's Area and is required to have a Senior Coroner and at least one Assistant Coroner. SCC has significant statutory responsibilities for the coronial service in its county. These include:
 - appointing and remunerating the Surrey Coroners;
 - meeting all the costs of the Surrey Coroner service, including body removal, post mortems and toxicology reports;
 - indemnifying Surrey Coroners against legal challenge;
 - providing the Senior Coroner with suitable premises and office accommodation; and
 - providing the Senior Coroner with sufficient Coroner's Officers and staff to enable him to fulfil their statutory duties.
3. A significant number of deaths impacting on Surrey residents are referred to the Coroner each year. The table below provides more detail about death and inquest rates:

Year	2014	2015	2016
Deaths registered	9762	10417	10234
Deaths referred to coroner	4021	4605	4444
% of deaths registered referred to coroner	41%	44%	43%
Post mortems	2091	2114	1982
Inquests	442	508	504
Inquest rate (% of deaths referred)	11%	11%	11%
Average time to process and inquest	35 weeks	34 weeks	36 weeks

4. Coroners are supported by Coroner's Officers, who are in many respects the mainstay of the administration of the coronial system. They are the officers most likely to have direct contact with bereaved Surrey residents. As part of their role they perform a range of tasks such as conducting enquiries on behalf of the coroner, liaising with families, preparing statements of evidence and organising post mortems and inquests. The duties and tasks they perform are largely dictated by the Senior Coroner's working practices.
5. The employment and resourcing of Coroner's Officers and other coronial support staff in Surrey has built up in a piecemeal way over many years and historically has been provided by SyPol although there has been no statutory requirement for them to do so. These roles do not require the exercise of any police powers and are not considered to be a core policing function. Across the country, arrangements for the provision of Coroner's Officers are not consistent with an approximate police/local authority 60/40 split. A number of transfers to local authority management have taken place in recent years and in the majority of those cases similar transition funding to that proposed in this report has been agreed.
6. The current tripartite arrangement for the provision of staff within the Coroner's Office predominantly works on the basis of goodwill and collaboration. Whilst working relationships between the Senior Coroner, SyPol and SCC are good, there is no formal SLA between SyPol and the Senior Coroner which sets out for example the role of the police in Coroner investigations or any rationale for the level of staffing to be provided. Similarly there is no MOU between SCC and the Senior Coroner that sets out, for example, how SCC's obligations to ensure value for money in terms of expenditure from the public purse can be achieved without compromising the Coroner's judicial independence, and how the service can be more effectively monitored.
7. Since September 2016 discussions have been ongoing with SyPol with a view to creating a single unified support service to the Surrey Coroner Service. This includes investment in a new case management system and

transferring the employment of 15 FTE Coroner's Office staff to SCC. These will remain fully funded by SyPol in 2018/19 but a withdrawal of funding has been proposed whereby that funding is reduced by 20% a year to the point where SCC meets the full cost in Year 6 (2023-24).

8. A joint SyPol/SCC Governance Board, which includes, Assistant Chief Constable Jeremy Burton and the Surrey Senior Coroner, Richard Travers has been established to oversee the progression of the business case and the financial implications. Surrey has been represented by Yvonne Rees, and more recently by Ann Charlton. The Chief Constable and SCC's Chief Executive have been fully apprised of progress.
9. There is evidence from those areas where a transfer has been undertaken that the service runs more efficiently where just one agency has overall responsibility for meeting all the costs of the service and for providing all the staffing within the coroner's office. Some of the benefits that could be achieved in Surrey are set out below:
 - Opportunity to review current processes and optimise resources, ensuring the needs of bereaved people are at the centre of decision making.
 - Greater openness and transparency in terms of the total cost of providing the service.
 - Single employer of all Coroner's Officers and support staff and clearer line management and lead professional arrangements.
 - Greater Coroner control over casework direction of Coroner's Officers and back office processes.
 - Clearer lines of accountability within the tripartite (Coroner, Police, SCC) arrangement.
 - A single IT and communications platform and opportunity to implement a fully automated case management system to drive out efficiencies in back office processes.
 - Better able to dovetail the Medical Examiner service to create a holistic service for death investigation and certification.
 - Opportunity to provide a clearer definition of the role SyPol plays in Coroner investigations and the associated information exchange processes.
10. There are therefore a number of strands to the proposal which Cabinet is asked to endorse. Updated IT infrastructure would be funded by a one off capital contribution by SyPol of £50,000. This will meet the costs of replacing IT and telecommunications hardware in the Coroner's Office and in the future will be provided and maintained by SCC. It is proposed that an intelligent Case Management System will be procured by SCC and that this will help drive through efficiencies in back office processes. Bringing Coroner support staff together under a single manager in a single location will better serve the Coroner and enable SCC to foster a management culture consistent with Surrey values and behaviours. The parties will also

put in place appropriate SLAs to give transparency to each parties expectations and obligations within the relationship.

CONSULTATION:

11. Consultation has taken place with the Chief Constable and the Senior Coroner who is involved in the co-design of this proposal.
12. This proposal was also considered by the Communities Select Committee on 7 September 2017.

RISK MANAGEMENT AND IMPLICATIONS:

13. SyPol has no clear statutory or contractual obligation to continue to provide Coroner's Officers and support staff, at their current level, or possibly at all. Demand pressures on SyPol to fund core policing activity could result in a reduction in or loss of Coroner support leading to delays in the progression of cases, unnecessary distress to bereaved families and ultimately the Surrey Coroner becoming unable to fulfil his statutory obligations
14. An uncoordinated reduction in funding by SyPol could damage the relationship between SCC, SyPol and HM Coroner and lead to an uncontrolled funding pressure for SCC and an unmanaged transition which would damage support to bereaved people.

Financial and Value for Money Implications

15. The Governance Board has proposed that 15 FTE staff will transfer to SCC on the 1 April 2018 and that SyPol will contribute to the staffing costs over a five year period on a phased withdrawal basis i.e. it will meet 100% of the staffing costs in Year 1 (2018-19) reducing to 0% in year 6 at which point SCC will meet the full cost on a permanent basis, and which will create MTFP pressures for SCC as follows:

	Year 1 2018-19	Year 2 2019-20	Year 3 2020-21	Year 4 2021-22	Year 5 2012-23	Year 6 and on-going
SCC	£0	£126,000	£252,000	£379,000	£505,000	£631,000
Sypol	£631,000	£505,000	£379,000	£252,000	£126,000	£0

16. Over the five years the total pressure to SCC will be £1.26m and then £631,000/annum on an ongoing basis.
17. There is also a revenue cost to SCC of £50,000 to procure a new case management system to replace the current outdated access database.

Section 151 Officer Commentary

18. The County Council is facing a very serious financial situation whereby there are still substantial actions required to achieve a balanced budget in the current year and a sustainable budget plan for future years.
19. The proposed transfer of Coroner's officers and support staff from Surrey Police and phased withdrawal of police funding is not included in the Council's current financial plan. Agreeing the recommendation will therefore

worsen the Council's financial position, requiring additional funding or compensating savings to be identified.

Legal Implications – Monitoring Officer

20. Part 1 of the 2009 Act (which came into force in July 2013) recognised for the first time in law the role of Coroner's Officers and support staff. Section 24 (1) (a) states that "the relevant authority for a coroner area must secure the provision of whatever officers and other staff are needed by the coroners for that area to carry out their functions; Section 24 (2) goes on to state that "subsection (1) (a) applies to a particular coroner area only if, or to the extent that, the necessary officers and other staff for that area are not provided by a police authority. However Section 24 does not place a clear statutory obligation on police authorities to provide or fund support to the Coroner.

Equalities and Diversity

21. The proposal has not been subject to an Equality Impact Assessment (EIA). However, should Cabinet endorse this proposal then a full EIA will be carried out as part of the formal consultation process with the staff who will be impacted by the transfer.

What happens next?

22. Formal consultation will begin with the SyPol staff affected by the transfer of employment with a view to the transfer taking place on the 1 April 2018.
23. Arrangements will also be finalised for the replacement of the IT and telecommunications hardware by SCC and the completion of the necessary SLAs and MOUs which will set out very clearly the tripartite staffing and operational arrangements post transfer.

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Consulted:

Communities Select Committee
Surrey Police
HM Senior Coroner, Surrey

Annexes:

None.