

**FURTHER ADDENDUM TO
BUSINESS CASE FOR MERGING THE
TEESSIDE AND HARTLEPOOL
CORONER AREAS**

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EXECUTIVE SUMMARY AND RECOMMENDATIONS

Summary

1. A business case supporting the merger of the Teesside and Hartlepool Coroner areas was initially submitted to the Ministry of Justice (MoJ) in September 2014. The MoJ consulted on this document in February 2015 and asked the 'relevant authority' (Middlesbrough Borough Council at this time), in consultation with the other local authorities, to respond to the outcome of the consultation.
2. There have also been several key changes to the wider context, since the original business case was drafted in July 2014, which mean that the recommendations in the business case should be further reassessed.
3. The improved outcomes identified in the original business case have been delivered:
 - the timeliness of inquests has improved substantially and this improvement has been maintained,
 - the majority of the savings predicted have been delivered;
 - a Senior Coroner has now been appointed, through 'open competition' for the Teesside Coroner Area,
 - a streamlined service is now offered to partners by both coroner services;
 - police support continues to be provided to both services from one location; and
 - accessibility to coroner services continue to be provided locally from Middlesbrough and Hartlepool, with a website, for the Teesside Service, being established to further improve accessibility.
4. Hartlepool Borough Council received notice from the HM Senior Coroner Mr Malcolm Donnelly of his intention to retire from his post on 30 June, 2017. Following Mr Donnelly's retirement, Claire Bailey, the Senior Coroner for Teesside, was appointed by Hartlepool Council as Acting Senior Coroner for the Hartlepool Coroners Area. Given the case-loads involved and the direction of travel in the amalgamation of coroner areas, it is again opportune for an amalgamation of the Hartlepool and Teesside Coroner Areas to be further considered; indeed, as a result of preparatory work relating to the unification of the systems underpinning the services in both the Hartlepool and Teesside coroner areas, it is likely that a merger should now be 'seamless'.
5. The previously-identified model of coroner support (1 FTE senior coroner supported by a 0.4 FTE dedicated assistant coroner support for Teesside and additional coroner support through a 0.4 FTE assistant coroner for Hartlepool supported by ad-hoc assistant coroner days as required) has proved to be efficient and effective.
6. Hartlepool Council is the Relevant Authority for the Hartlepool Coroner's Service. Given Mr Donnelly's retirement, and the subsequent appointment of Ms Bailey as Acting Senior Coroner, it is opportune to proceed with amalgamation of the two coroner areas, as originally envisaged, subject to: consultation; the formal approvals of the constituent councils; and those consents required through the Lord Chancellor in unison with the Chief Coroner.

7. As part of the discussions process leading up to this revised proposal, it was also requested, as previously indicated, that any consultation includes proposals that the name 'Hartlepool' appears in the title of any amalgamated coroner area and that Inquests continue to be held in Hartlepool, as originally envisaged. Whilst the issue of inquests continuing to be held in Hartlepool is not considered contentious and indeed is something of a necessity to ensure bereaved families can still have an accessible coronial service, Middlesbrough, as the relevant authority for Teesside, is of the view that the inclusion of one authority's name in the overall title may be somewhat incongruous, and that a single title for the amalgamated area would be more appropriate, that title to be determined by the Chief Coroner. Hartlepool remains of the firm view that as this is an amalgamation and for clear identification of the merged areas, that its earlier recommendation (as outlined in the initial business case) as to the overall title should remain.
8. The failure to proceed with the previous amalgamation, owing to the respective views over the appointment process of a Senior Coroner, has now been removed in the light of the appointment of a Senior Coroner for Teesside, and the appointment of the same person as Acting Senior Coroner for Hartlepool.

Recommendations

9. It is therefore recommended that the relevant authorities proceed with a case for the amalgamation of the Hartlepool and Teesside Coroner Areas, on the basis that:
 - the Senior Coroner position for the amalgamated area be full-time;
 - the agreed model of coroner support (1 FTE senior coroner + 0.8 FTE assistant coroner is retained);
 - the issue of the retention of "Hartlepool" within the title of the amalgamated area be considered and determined by the Chief Coroner, having regard to the representations of Hartlepool Borough Council and Middlesbrough Borough Council;
 - Inquests are retained in Hartlepool following any amalgamation and through comparable arrangements that presently exists in the Hartlepool Coroner Area;
 - appropriate and proportionate consultation takes place, following constituent council approvals to proceed with the preferred option for amalgamation and subject to ultimate consideration through the Ministry of Justice; and
 - any further revisions to the Business Case, following consultation, but which do not fundamentally alter the preferred option, be delegated to the appropriate chief officer in consultation with the relevant Elected Member.

BACKGROUND

10. On 30th April 2014 the Senior Coroner for Teesside, Mr Michael Sheffield, retired. In line with Ministry of Justice guidance, Middlesbrough Council liaised with all relevant stakeholder and drafted a business case, approved by all four local authorities, which supported the merger of the Teesside and Hartlepool Coroner areas.
11. The business case was submitted to the Ministry of Justice on 9th September 2014. The Ministry of Justice raised several queries with Middlesbrough between September 2014 and January 2015.
12. In February 2015, the Ministry of Justice undertook formal consultation on the business case. There were 18 responses to this consultation; all were in support of a merger, but the Chief Coroner's response included some concerns regarding the details of the proposals in the business case. The Ministry of Justice shared those concerns.
13. In March and April 2015, following discussions with the Ministry of Justice it was accepted that progress on the merger would not be possible until after the national and local elections. The Ministry of Justice's stated position being: "...we do not feel we can recommend a merger to ministers in the form proposed given the Chief Coroner's views on the desirability of an open competition and full-time position...."
14. Between June and October 2015 informal discussions took place between the local authorities, Cleveland Police, the Acting Senior Coroner for Teesside, and the Senior Coroner for Hartlepool.
15. In October 2015 an addendum to the business case was drafted, which considered the responses to consultation and wider changes that had occurred. This addendum was circulated to the four local authorities for approval, prior to submission to the Ministry of Justice.

PROGRESS MADE AGAINST THE ORIGINAL BUSINESS CASE

16. The original business case was drafted in July 2014; since that date there has been significant progress in delivering the benefits outlined in the business case without a full merger of the Teesside and Hartlepool Coroner areas.
17. The benefits outlined in the original business case were assessed against the key criteria as follows:
 - Improved outcomes for customers, measured by:
 - timeliness of inquests;
 - accessibility of the service; and
 - cost effectiveness;
 - Streamlined processes for partners;
 - Responsiveness to future demand.

Improved outcomes for customers

Timeliness of inquests

18. The historic under-performance issues previously associated with the Teesside Coroner's service have been successfully addressed. The backlog of cases, which

once stood at over 400, have all been concluded. The average time taken to complete inquests in 2016 was circa seven weeks which was amongst the best in the country, and compares extremely favourably to the average time taken in 2013, which was circa 50 weeks. In 2016 the Teesside Coroner's service dealt with 2,572 reported deaths and concluded circa 650 inquests.

19. Hartlepool Coroner's service continues to perform well with the average time for inquests in 2014 being three weeks which was the best performance in the country. In 2014 the Hartlepool Coroner's service dealt with 235 reported deaths and concluded 29 inquests.

Accessibility

20. The Teesside and Hartlepool Coroner's services are both supported by officers from Cleveland Police, based in Middlesbrough Town Hall, with Hartlepool also having an office in Hartlepool. The physical accessibility of the service remains unchanged. However the establishment of a Teesside Coroner Service website with information about inquests has improved access to information for residents.

Cost effectiveness

21. Previous savings in the order of £225,000 were identified and achieved as part of more streamlined and closer working practices between the Teesside and Hartlepool Coroners Areas. During this period, however, some of these savings were subsequently offset by increasing costs as a result of an increase in Deprivation of Liberty Safeguards arising from the **Cheshire West** Supreme Court decision.
22. As a result of changes in regulation, it is anticipated that the additional costs associated with DoLS cases will now reduce again; however, it is also expected that the costs of body collections will increase significantly (as the previous zero-cost contract will expire shortly, and the provider has indicated they can no longer continue on a zero-cost basis).
23. The cost to each authority in 2016/17 is shown in Tables 1. The likely impact on each authority of the costs of the merged service is shown in Table 2. The total cost of the merged service is predicted to remain the same as no further significant savings are expected as a result of the merger. Whilst there may be some minor administrative savings, it is likely that these will be offset by continuing costs associated with conducting inquests in Hartlepool. Thus, the percentage contributions have been recalculated based on current percentage of overall combined service cost, as shown in Table 2.

2016/17	Budget contribution	Population Mid-2013	Cost
Middlesbrough	29.74%	138,744	£284,982
Redcar and Cleveland	29.05%	134,998	£278,370
Stockton	41.21%	192,406	£394,893
Total	100%	466,148	£958,246*
Hartlepool	100%	91,200	£221,309

*Rounding means £1 difference.

Table 2 - Percentage cost, per authority, of the Coroner's Services 2016-17			
2016/17	Cost	Budget contribution*	Combined budget contribution**
Total	£1,179,555	200%	100%
Hartlepool	£221,309	100%	18.76%
Middlesbrough	£284,982	29.74%	24.16%
Redcar and Cleveland	£278,370	29.05%	23.60%
Stockton	£394,893	41.21%	33.48%

* Will equal 200%, as cost of two services being combined.

** Teesside percentages calculated as proportion of 81.24% (100% minus Hartlepool percentage)

Streamlined processes for partners and responsiveness to future demand

24. The new operating model introduced into the Teesside Coroner's Service has streamlined processes and is now similar to that operated by the Hartlepool Coroner's Service. This has resulted in a more streamlined service to partners, although further slight improvements may be possible as a consequence of the merger.

KEY CHANGES SINCE THE BUSINESS CASE WAS SUBMITTED

25. The original business case was drafted in July 2014. Since that date there have been several key changes, as follows:
- a. an increase, and subsequent anticipated decrease in caseload as a result of the Cheshire West (deprivation of liberty) judgement;
 - b. the opportunity to see the coroner support model proposed in the business case in operation (albeit in a slightly different format);
 - c. the Chief Coroner's response to the consultation on the original business case and additional guidance issued to Middlesbrough in respect of the merger;
 - d. changes to the political administrations at some councils;
 - e. the appointment through open competition of a Senior Coroner for the Teesside Coroner Area; and
 - f. retirement of the Senior Coroner for Hartlepool, and appointment of the Senior Coroner for Teesside as Acting Senior Coroner for Hartlepool.

IMPACT OF CHANGES ON THE BUSINESS CASE

Impact of the Cheshire West Judgement

26. In March 2014 the Supreme Court handed down a ruling (**Cheshire West**) that clarified the definition of “deprivation of liberty”; this resulted in an increase in the number of cases in which residents are deemed to be “deprived of their liberty”. This has impacted directly on the number of deaths reported to the coroner (which is likely to continue to rise) as all deaths of those ‘deprived of liberty’ should be reported to the coroner and should be subject to an inquest.
27. Consequently, the Teesside Coroner’s Service has, in the period between May 2014 and April 2017, dealt with in excess of 1,000 additional deaths. This anticipated significant increase in workload resulted in the need for a full time senior coroner position in the Teesside Coroner’s Service, and the service recruited a Senior Coroner on that basis.
28. However, the MoJ recognised that this change distorted the workload of coroners, without any specific need for many of the newly-included deaths to be considered. Consequently, the Policing and Crime Act 2017 has amended the terms of the Mental Capacity act 2005 to remove the majority of these deaths from the coroner’s scrutiny. It is therefore envisaged that there will be a minimal impact from the **Cheshire West** decision.

Opportunity to see the new coroner support model in operation

29. A new, streamlined business model, which complies with the Coroners and Justice Act 2009 is in operation. This has resulted in a significant improvement in the timeliness of inquests, as noted above. This performance has continued throughout 2015 and 2016, indicating that the new business model is working well.
30. The new model includes: more inquests held as ‘straight through’ inquests i.e. opened and concluded at the same time; more inquests undertaken based on the paperwork only, reducing the need to call witnesses; and a reduction in the number of jury inquests. This new streamlined business model is working well, and savings have been delivered in line with those predicted. However, savings derived from these changes appear to have been offset by the increase in workload attributable to the Cheshire West judgement.
31. The model of coroner support in operation is: 1.4 FTE for Teesside (split 1 FTE senior coroner and 0.4 FTE assistant coroner); and 0.4 FTE for Hartlepool. Overall, this gives a total of 1.8 FTE Coroner support for the Teesside and Hartlepool Coroner areas, supplemented with a small number of ad hoc assistant coroner days.
32. The opportunity to see the coroner support model in operation has demonstrated that having one full-time senior coroner overseeing the service and liaising with key partners has worked well. The full-time position enables adequate time for liaison with key stakeholders and addressing service improvement issues, in addition to ensuring that the core coroner work is delivered.

The Chief Coroner's response to the consultation and additional guidance

33. The Chief Coroner responded to the initial consultation on the business case and has issued additional guidance to Middlesbrough in respect of the merger. The Chief Coroner's consultation response stated:

“Proposed coroner model

The Chief Coroner does not support the proposal to appoint a 0.8 FTE senior coroner to the new coroner area. As acknowledged in the business case put forward by the local authorities, the Chief Coroner is of the view that there should be a reduction in the number of part-time coroner areas. He considers that the combined number of reported deaths for Teesside and Hartlepool, 2,738 in 2013, requires a full-time senior coroner to enable proper leadership of the coroner service.

The size of the merged area would not normally require an area coroner. Instead, the senior coroner should be supported sufficiently by the five assistant coroners, all of whom should be paid a fee and offered a minimum of 15 sitting days per year. The issue of whether there needs to be an area coroner could, however, be left open for discussion.

If an area coroner is appointed that person will become the deputy to the senior coroner. Otherwise, the new senior coroner and the relevant authority should agree which of the assistant coroners will act as deputy when the senior coroner is unavailable or incapacitated. However, the deputy should not be used to ensure that there is a full-time service where there is a part-time senior coroner. Where a full-time service is required, a full-time senior coroner should be appointed.”

34. The Ministry of Justice advised the Relevant Authority in April 2015, that:
- *“As you are aware we are very keen to progress a merger of the Teesside and Hartlepool Coroner areas.” - MoJ*

Consideration of the issues raised by the Chief Coroner during consultation

35. The need for a full-time senior coroner post, due to the increase in workload, was accepted, and the Senior Coroner for Teesside was recruited on a full-time basis.
36. The Chief Coroner's view is that the senior coroner should be supported by the 5 assistant coroner's all working ad-hoc. This model of coroner support was in operation when performance in the Teesside Coroner's Service was poor. This model contributed to the poor performance in the area at that time. The new coroner support model is in operation (albeit in a slightly amended format to that originally envisaged) and has proven exceptionally effective. Consequently it is proposed to retain the proposal for 0.8 FTE assistant coroner support with a small number of additional ad-hoc assistant coroner days (if required).
37. It should be noted that the MoJ has the legislative authority to merge the authorities without the agreement of all (or any) parties and they could chose to do so although to date this has not occurred In this instance the consensus of the constituent councils to proceed with an amalgamation is the significant step and one to persuade the MoJ that a merger should proceed.

CONCLUSION AND RECOMMENDATIONS

38. It is imperative that advantage is taken of the opportunity to move to a merger in accordance with legislative arrangements thus ensuring, as far as is possible, that the previous issues associated with the Teesside Coroner's Service do not reoccur in the new, merged area. It is to be noted that no comparable issues have arisen in Hartlepool and none in the Teesside Coroner Service since the retirement of the previous Senior Coroner.
39. In light of the: progress made in delivering key actions in the original Business Case, the wider contextual changes and previous responses to consultation; it is recommended that:
- the merger of the Teesside and Hartlepool Coroners Areas be pursued;
 - the full-time senior coroner position for the merged area should be fulfilled by the Senior Coroner for Teesside; and
 - that the model of coroner support (1 FTE senior coroner + 0.8 FTE assistant coroner with additional ad hoc support as required) is endorsed.