

## **Cabinet Meeting on Wednesday 21 June 2023**

### **Joint Coroners Service - Legal Framework and Financial Protocol**



**Councillor Victoria Wilson, Cabinet Member for Communities and Culture said,**

“This proposal if approved would see the creation of a new joint coroner’s service for Staffordshire and Stoke-on-Trent.

“It is expected that the merger would not only help improve services for bereaved families, but would also provide opportunities for efficiency savings, ensuring that the service is sustainable and fit for the future. Inquests will continue to be heard in both Stafford and Stoke-on-Trent, however there would be the potential to use other sites and locations under the new joint service.

“The proposal links in with wider Ministry of Justice aspirations to merge smaller services which helps create a more consistent service and results in more coroner’s areas being of a similar size and population.

#### **Report Summary:**

This Report requests approval to allow the statutory instrument to be progressed through parliament. It provides an update of the activity to date towards the creation of a Joint Coroners Service for Staffordshire County Council and Stoke on Trent City Council. The Chief Coroner and Ministry of Justice have confirmed their agreement for the merger of the two Coroner areas to take place and following consultation, are preparing to lay the required statutory instrument in Parliament after the summer recess subject to local authority Cabinet agreement.

The Report also sets out the proposed governance arrangements in Appendix 1 and Appendix 2 detailing the Legal Framework Heads of Terms and Financial protocol for consideration by Members of the Cabinet.

The proposed new joint service follows national policy established by the Ministry of Justice and supported by the Chief Coroner to merge smaller coronial areas and reduce the overall number of Coronial jurisdictions in England and Wales

## **Recommendations**

I recommend that Cabinet:

- a. Agrees the Heads of Terms for the Legal Framework for Staffordshire County Council to enter a partnership with Stoke on Trent City Council to allow the operation of a joint Coroner's service through the Joint Executive Committee, subject to a similar resolution being passed by Stoke-on-Trent City Council, and subject to Ministerial sign off, and
- b. Agrees that the merger should take place subject to a similar resolution being passed by Stoke-on-Trent City Council, and subject to Ministerial sign off, and
- c. To delegate authority to the Director of Economy, Infrastructure and Skills, in consultation with the Cabinet Member for Communities and Culture, to take all steps necessary to enable the Joint Agreement, and
- d. To delegate authority to the Director for Corporate Services in consultation with the Cabinet Member for Communities and Culture, to finalise any Legal Agreement.



## **Cabinet – Wednesday 21 June 2023**

### **Joint Coroners Service - Legal Framework and Financial Protocol**

#### **Recommendations of the Cabinet Member for Communities and Culture**

I recommend that Cabinet:

- a. Agrees the Heads of Terms for the Legal Framework for Staffordshire County Council to enter a partnership with Stoke on Trent City Council to allow the operation of a joint Coroner's service through the Joint Executive Committee, subject to a similar resolution being passed by Stoke-on-Trent City Council, and subject to Ministerial sign off, and
- b. Agrees that the merger should take place subject to a similar resolution being passed by Stoke-on-Trent City Council, and subject to Ministerial sign off, and
- c. To delegate authority to the Director of Economy, Infrastructure and Skills, in consultation with the Cabinet Member for Communities and Culture, to take all steps necessary to enable the Joint Agreement, and
- d. To delegate authority to the Director for Corporate Services in consultation with the Cabinet Member for Communities and Culture, to finalise any Legal Agreement.

#### **Local Member Interest:**

N/A

#### **Report of the Director for Economy, Infrastructure and Skills**

##### **Reasons for Recommendations:**

1. Since 2014 The Chief Coroner and the Ministry of Justice (MoJ) have had a long-term plan to reduce the number of Coroner areas in England and Wales. As a result, area mergers are always considered whenever the opportunity arises, invariably when a senior coroner retires.
2. Andrew Haigh, Senior Coroner, Staffordshire South retired on 31 October 2021, and it was agreed that Andrew Barkley Senior Coroner, North Staffordshire be appointed as Interim Senior Coroner for the South area pending a decision regarding the merger.

3. The required business case for a merger was agreed by Cabinet in February 2022 and submitted to the MoJ in March 2022 for the Chief Coroner's approval.
4. The County Council was advised on 28 January 2023 that the Chief Coroner and Ministry of Justice agreed that the business case could progress to establish a merged service, subject to a targeted consultation.
5. The Ministry of Justice have completed the required consultation and are providing a briefing note for the Minister in line with their process.
6. As previously advised, it is proposed to have a single back-office Coroners support team, managed by Stoke on Trent City Council. Arrangements for enabling inquests to be held locally in Stafford will continue to be maintained.
7. At the time of submitting the business case, it was planned to retain existing staff on Staffordshire County Council contracts and allow the experienced staff with long service to retire over time, and for future staff for the centralised back office to be appointed by Stoke on Trent City Council.
8. However, due to the delay whilst permission was awaited from the Chief Coroner to allow the business case to progress, there have been staffing changes within the team. Following a discussion with HR colleagues, it has been agreed with Stoke on Trent Council that the terms of conditions of employment/continuity of service and pensions of such staff are maintained in accordance with the Cabinet Office Statement of Practice and (insofar as applicable) The Transfer of Undertakings (Protection of Employment) Regulations 2006 (TUPE).
9. Staff turnover during the past 6 months means that the staff now employed in the Coroner's Office are recent recruits.
10. Following the notification from the Chief Coroner in late January, work has progressed on the Legal Framework required to enable the two services to be merged with Stoke on Trent as the responsible Authority and the service to be accountable to a Joint Executive Committee.
11. As a result of the work carried out by the Legal representatives from each Authority, A Heads of Terms document has been drafted and is included as Appendix 1 to this Paper, together with a financial protocol and is included as Appendix 2 to this Paper, that will provide the financial governance structure for the joint service.

12. As highlighted in the financial protocol, the cost of the service will not exceed the current financial commitment of either authority. Therefore, the total budget envelope for this joint service for 2023 – 2024 is £2,169,300. Staffordshire County Council’s commitment will not exceed £1,401,100.
13. The Financial information contained within the business case was based on the 2021/22 budget. This information has been updated to reflect the current budget for 2023/24 which will form the baseline for the County Council’s contribution to the joint service going forward.
14. As highlighted in the business case previously agreed by Cabinet in February 2021, budgets for the joint service will be set and agreed by the Joint Committee consisting of Staffordshire County Council Cabinet Members, Stoke-on-Trent City Council Cabinet Members, with support from finance and legal officers.
15. The Joint Committee, in addition to setting budgets will, function as the management board for support activities, review the production of an annual report and carry out performance monitoring of the joint service.
16. The financial commitments for both local authorities are capped at the current budget envelope for 2023/24 as highlighted above. Future budgets will be agreed annually as part of both local authorities’ annual budget setting process. Apportionment of the costs will be reviewed triennially by both authorities.
17. The business case previously presented and agreed by Cabinet has been included for information as Appendix 3.
18. The key milestones are as follows:



## Legal Implications

19. Legal representatives from Staffordshire County Council and Stoke on Trent City Council will continue to support all aspects of this process, including the preparation of a joint legally binding agreement which will clearly set out the provision of the service, accountabilities,

responsibilities, monitoring, and financial arrangements, providing the attached Heads of Terms document is agreed as recommended.

20. As set out in the previous report agreed by Cabinet on 16 February 2022, the Ministry of Justice will prepare laying of the statutory instrument for the legal process, subject to Cabinet approval and a similar resolution at Stoke on Trent City Council.

### **Resource and Value for Money Implications**

21. Under the current financial arrangements Staffordshire County Council fund 100% of the costs of the Staffordshire South coroner area and 49% of the North Staffordshire coroner area with Stoke-on-Trent City Council funding 51% of the North Staffordshire coroner area.
22. The funding arrangements for the North Staffordshire coroner area were established within the 1998 Joint Agreement and are based upon the percentage population of Newcastle and Moorlands Districts compared to the overall population of the Stoke on Trent and North Staffs area.
23. As set out within the Financial Protocol (Appendix 2) it is therefore proposed that 64.5% of costs of the newly merged Staffordshire and Stoke-on-Trent coroner area will be funded by Staffordshire County Council and 35.5% by Stoke-on-Trent City Council. This is subject to periodic reviews.
24. The proposed joint service will operate within the current budget envelope of Staffordshire County Council and Stoke on Trent City Council. The joint service will enable processes and procedures to be standardised across the merged jurisdiction which will then enable efficiencies to be delivered.

### **Climate Change Implications**

25. The proposed joint service will not have any short-term impacts on climate change. The longer-term proposal to create a centre of excellence for mortuary facilities, will rationalise the amount of travel required therefore reducing costs and petrol usage. New mortuary facilities will be required to meet the latest environmental standards, and we will, therefore, ensure that they operate as efficiently as possible.

### **List of Background Documents/Appendices:**

Appendix 1 - Heads of Terms – Legal Framework

Appendix 2 - Financial Protocol

Appendix 3 - Business Case – Final version agreed by Ministry of Justice and Chief Coroner’s office.

Community Impact Assessment

## **Contact Details**

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