

# Brighton & Hove City Council

## Policy & Resources Committee

## Agenda Item 91

**Subject:** Transfer of Coroner's Officers

**Date of meeting:** 1<sup>st</sup> December 2022

**Report of:** Executive Director Health & Adult Social Care

**Contact Officer:** Name: Elizabeth Culbert  
Tel: 01273 291515  
Email: elizabeth.culbert@brighton-hove .gov.uk

**Ward(s) affected:** All

### For general release

#### 1. Purpose of the report and policy context

- 1.1 This report explains the proposed transfer of Coroner's Officers from Sussex Police to the Council, in line with legislative requirements.
- 1.2 The report seeks agreement to the principles for the transfer and recommends that power is delegated to the Executive Director for Health and Adult Social Care to implement the proposals.

#### 2. Recommendations

- 2.1 That Committee agrees the transfer of Coroner's Officer staff in accordance with the principles set out at paragraph 3.7, subject to the outcome of a staff consultation process;
- 2.2 That Committee delegates power to the Executive Director Health & Adult Social Care to enter into an agreement with West Sussex County Council to place WSCC Coroner's Officers at the disposal of BHCC and the Senior Coroner for Brighton & Hove, and to take all steps necessary to give effect to the recommendations in this report;
- 2.3 That Committee notes the financial implications of the three-year financial tapering arrangement proposed by Sussex Police (indicative cost to BHCC of £224k per annum by 2025/26).

#### 3. Context and background information

- 3.1 Coroners are independent judicial officers appointed and funded by local authorities. The provision of Coroner's Officers is a local authority responsibility under Section 24 of the Coroners and Justice Act 2009. In Sussex, the provision of the Coroner's Service is currently split between Sussex Police and the local authorities (Brighton & Hove, West Sussex and

East Sussex). Sussex Police currently employ Coroner's Officers whilst the local authorities employ other support staff.

- 3.2 Sussex Police have requested the transfer of Coroner's Officers to local authorities in line with all other forces in the South East. This would mean the transfer of 6 Coroner's Officers posts to the responsibility of Brighton & Hove City Council, subject to the outcome of staff consultation.
- 3.3 As set out above, the proposed transfer is in line with what has happened in other authorities and there is no legal basis for objecting to the transfer as it is a local authority function where the Police are no longer providing the Officers.
- 3.4 The resourcing of the service will also transfer to the local authorities with effect from 1<sup>st</sup> April 2023. Sussex Police have agreed to taper the funding withdrawal over a period of three years and this Council's provisional contribution would be £75k in year 1, £150k in year 2 and £224k in year three, which is the full amount.
- 3.5 The Coroner's Officer role and pay will remain unchanged. As this is a transfer of a function between departments in the public sector the Cabinet Office Statement of Practice (CSoP) would be applied to protect their rights.
- 3.6 A Project Board has been established with the following objectives:-
  - To transfer the employment of Coroner's Officers in Sussex to the local authorities, who hold the relevant statutory responsibility for their provision, on 1<sup>st</sup> April 2023.
  - To provide an unchanged and consistent support to the Coroners.
  - To ensure a smooth transition of the service for bereaved families, the coroners, affected staff and local authorities.
  - To ensure that the Cabinet Office Statement of Practice (CSoP) is adhered to and that the rights of those employees' who transfer are protected.
  - To develop clear operating principles between all parties (police, coroners and local authorities), setting out ongoing expectations and obligations, to ensure that we work together to provide an effective coronial service to Sussex communities.
- 3.7 The Project Board will be overseeing the implementation of the transfer and the agreement of practical issues such as office accommodation and location. The following draft principles have been agreed by the Project Board:-
  - The coroner's officers should be transferred from Sussex Police to West Sussex County Council as the employing authority on behalf of all 3 authorities, with the statutory authority remaining with each local authority.
  - Arrangements for the provision of IT infrastructure and support for the coroner's officers post transfer will be made.

- The coroner's officers will be co-located with the Coroners in local authority premises. This may not be achievable in time for the 1.4.23 in all locations.
- The current coronial service will be transferred 'as is' and will continue to operate to the same budget.
- The transfer of budgetary responsibility for the coronial service from Sussex Police to the 3 authorities will be the subject of a tapering arrangement.

#### **4. Analysis and consideration of alternative options**

- 4.1 As set out in the report, the proposed transfer is in line with legislative responsibilities and the provision of support to the Coroner is a Council function. There are therefore no alternative options in relation to the principle of the transfer. There has been negotiation to ensure the timescales are manageable and the funding withdrawal is tapered.
- 4.2 West Sussex and Brighton and Hove jurisdictions are in the formal process of merging into one jurisdiction. Given this, it is appropriate for WSCC to take the lead as employing authority on behalf of the local authorities, being the larger employer.

#### **5. Community engagement and consultation**

- 5.1 A consultation process is underway with affected staff, led by Sussex Police. Subject to the outcome of the consultation, staff would receive statutory transfer notices on 7 January 2023 and would transfer to WSCC employment on 1 April 2023.

#### **6. Conclusion**

- 6.1 BHCC has a statutory responsibility to provide resources for the Senior Coroner to carry out her function. Sussex Police have historically employed and funded Coroner's Officers in East Sussex but this is not a core policing function.
- 6.2 It is proposed that BHCC enter into a s113 agreement with WSCC for WSCC to place Coroner's Officers at the disposal of ESCC and the East Sussex Senior Coroner. The aim will be for the Coroner's Officers to be co-located with the Senior Coroner providing better opportunities for team-working and increased service resilience.

#### **7. Financial implications**

- 7.1 The transfer of the Coroner's Officers from Sussex Police to individual Local Authorities will create a financial pressure. For Brighton & Hove City Council it is estimated to equate to £0.224m. As per the main body of the report, Sussex Police have agreed to taper their funding over 3 financial years starting from 1<sup>st</sup> April 2023. The table below summarises the change in funding from Sussex Police:

	Current	Year 1	Year 2	Year 3
Sussex Police	£968k	£645k	£322k	£0k
ESCC	£0k	£119k	£238k	£358k
BHCC	£0k	£75k	£150k	£224k
WSCC	£0k	£129k	£258k	£386k

Brighton & Hove City Council's provisional contribution increases by £0.075m each year with £0.075m in year 1, £0.150m in year 2 and £0.224m in year 3.

Name of finance officer consulted: Sophie Warburton Date consulted : 14/11/22

## 8. Legal implications

- 8.1 A Coroner is an independent judicial office holder, appointed and paid for by the relevant local authority. The local authority has a statutory responsibility for the coronial service in its area, including the provision of sufficient Coroner's Officers and staff to enable them to fulfil their statutory duties, as set out in s.24 of the Coroners and Justice Act 2009.

Name of lawyer consulted: Elizabeth Culbert Date consulted 071122

## 9. Equalities implications

- 9.1 The Council has a public sector equality duty under s149 of the Equality Act 2010. In the exercise of its functions the Council must have due regard to the need to eliminate unlawful discrimination, harassment and victimisation; advance equality of opportunity and foster good relations between persons who share a relevant protected characteristic and those that do not. The Council's public sector equality duty has been considered by officers and the proposals of this report have been assessed for their equalities impact. The transfer proposals do not have an adverse impact on those with protected characteristics. One of the objectives of the project is to ensure the smooth transition of the service without impacting on the service for bereaved families.

## 10. Sustainability implications

- 10.1 None