

17th January 2008

(Agenda Item 6 - 21 November 2007 Budget Scrutiny Task Group)

CORONER SERVICE AND IMPACT OF MILITARY INQUESTS

Background

1. The last meeting of the Scrutiny Task Group asked for a report on the Coroner service budget and especially on any financial impact from the decision to use RAF Lyneham for the repatriation of the bodies of service personnel killed in Iraq and Afghanistan.

Coroner Service Budget 2007-08

2. The approved budget for the Coroner Service in the current financial year is £735,000. The service is responsible for the area covered by Swindon Borough Council as well as the County Council. Costs are split on a formula related to population so that 29.6% of costs are charged to the Borough Council. The resulting net budget falling to the County Council in 2007-08 is £518,000.
3. The budget is not easy to control as it is partly demand led. Approximately 50% of deaths in the County are referred to the Coroner and the costs involved include:
 - Post mortem fees
 - Use of mortuary facilities at hospitals
 - Transportation of bodies to mortuaries

Inquests

4. The more complex cases may also require inquests. The cost of the inquest will vary depending on its length. Long Inquests are defined as those which take longer than one day in court and they attract a higher rate of remuneration for the Coroner.
5. Recently, the County Council was involved in the Porton Down Inquest for which, despite requests, it received no additional funding from either the Ministry of Justice (MOJ) or Ministry of Defence (MOD). The costs of this Inquest included:
 - Coroner's time
 - Deputy coroners' time covering 'normal' workload
 - Payments to the Police
 - Jurors' costs
 - Witnesses expenses
 - Cost of venueIn total, costs amounted to nearly £800,000 over the period 2003-06.

Military Inquests

6. Until recently, RAF Brize Norton in Oxfordshire received the repatriated bodies of deceased servicemen from theatres of operation abroad. However, in April of this year, Brize Norton was closed for major repairs and the Hercules that carry the bodies now come into RAF Lyneham.
7. As the reception jurisdiction, it is for the Coroner in Wiltshire to receive the bodies. In the case of individual deaths, he is encouraging home coroners to take jurisdiction of the inquest. However, he cannot hand over jurisdiction in the case of any death involving Commonwealth, Scottish or multiple fatalities. That, in practice, is at least half of the cases and often the most difficult ones.

Costs of Military Inquests

8. Initially the MOJ provided very little financial support to Oxfordshire with the additional costs involved with these inquests. As a consequence, the Coroner there had no additional time or resources and the cases developed into a backlog. The backlog attracted substantial adverse criticism for both the MOJ and the County Council.
9. As a result the MOJ provided approximately £100,000 per year which enabled the employment of two part-time Deputy coroners who worked exclusively on the military cases. The Oxfordshire Coroner was able to concentrate on the 'normal' workload.
10. A meeting was held on 18 September between the Wiltshire Coroner (David Masters), Stephen Gerrard and officials from the MOJ to discuss the funding issues in Wiltshire. The meeting proposed that the MOJ should fund the following:

Detail	Part Year 2007-08 £000	Full Year £000	Notes
Costs to Police Authority			
Extra Coroner's Officer	20	30	This post is employed by the Constabulary. No costs fall to WCC
Costs to Coroner Service			
Use of Trowbridge Town Hall as a Court			
•One Off Set Up	6		
•Digital Recording Equip	7		
•Running Costs	15	36	Only Reimbursed when used for military inquests
•Security	8	18	Maximum of £100 per day when sitting
Additional Deputy Coroners	40	96	To cover 'normal' coroner work so that Mr Masters can do military work
Additional Admin Support	9	17	
Total Coroner Costs	85	167	

11. There are a number of other expenditure heads where costs may be incurred in relation to military inquests. The meeting agreed that these would be funded provided that there was appropriate justification. They are:
 - Jurors' expenses
 - Expert witnesses
 - Specialist post mortems
 - Mortuary storage fees
12. There would be a facility for the County Council to approach the MOJ in the case of other expenses in respect of military inquests and a decision would be taken whether these should be funded centrally or locally.
13. The MOJ has asked the County Council whether it finds the proposals put forward at the meeting of 18 September acceptable. Stephen Gerrard replied on 5 October expressing general approval but raising one specific issue.

Long Inquest Payments to Part Time Coroners

14. Mr Masters is designated as a part time Coroner because the caseload is not deemed sufficient to justify full time status. However, he spends the majority of his time on Coroner work and receives a salary not far short of that which would be payable to a full time Coroner.
15. The regulations around the remuneration of part time Coroners mean that they are paid 'Long Inquest Payments' for inquests that take more than one day in court. The Long Inquest Payments cover every hour the Coroner spends, either in court or preparing for the case.
16. Essentially, therefore, when a part time Coroner is dealing with a long inquest, there are three areas of cost involved:
 - a) The normal salary of the part time Coroner
 - b) Additional Long Inquest Payments for every hour worked on the long inquest case
 - c) Additional payments to the Deputy Coroners to undertake the routine day to day work to release the Coroner to undertake the long inquest work.
17. The proposed reimbursement from the MOJ deals with 16 c) but not 16 b). Stephen Gerrard's response to the MOJ on their proposed funding arrangements (copied to Mr Masters) stated that it would be helpful if Mr Masters could confirm that he does not think Long Inquest payments should be made to himself in respect of these military inquests. No response has yet been received.

Conclusion

18. Overall, the Coroner's budget both this year and next year should remain in control subject to finalising a reasonable arrangement with the MOJ for additional funding.

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