



<b>Scrutiny Committee:</b>	Adult Social Care and Communities Scrutiny Committee
<b>Date:</b>	12 September 2023
<b>Chair:</b>	Cllr Lisa Spivey
<b>Presenting Officer:</b>	Mark Preece: Chief Fire Officer
<b>Item Type:</b>	Overview
<b>Purpose of Report:</b>	To update the Adult Social Care and Communities Scrutiny Committee on the Coroners and Trading Standards Services
<b>Recommendations or Actions Sought:</b>	To note the report
<b>Background Documents:</b>	None
<b>Forthcoming Cabinet Decisions:</b>	None
<b>Appendices:</b>	None
<b>Contact Information (For information on the report)</b>	Louise Read (Gloucestershire Fire and Rescue Service) <a href="mailto:louise.read@glosfire.gov.uk">louise.read@glosfire.gov.uk</a>

## **Coroners**

### **Key ongoing challenges facing the Service:**

The long tail effects of Covid which include the following:

1. Exceptional winter pressures, which we faced this year have resulted and continue to exert significant pressure on mortuary capacity. This creates both physical stresses for staff with the movement and handling of the deceased and mental stress, i.e., the constant threat of running out of available space and managing bereaved peoples' expectations.
2. The chronic national shortage of Pathologists; Gloucestershire is no exception, which can cause significant delays for families before they receive post-mortem results.
3. The growth in uncertified deaths resulting from the reluctance of many medical practitioners to undertake death certification, causing more Coronial referrals.
4. This is all in the context of a significantly larger cohort of excess deaths in 2022. More than in any of the pandemic years. Emerging ONS figures suggest that registered deaths may have jumped to around 650,000, which would be the highest ever number of recorded deaths in England and Wales. As stated, this is higher than during the pandemic, but without the extra funding or resources (such as additional body storage) No one really knows why this is occurring. This trend looks set to continue for future years.
5. The removal of legislative easements (Corona Virus Act 2020) and the central government command and control that was available during the period of emergency has meant that officers have to make many more enquiries before reaching a decision on the way the referred death can be dealt with.
6. Increasing referrals above have resulted in growing caseloads for officers which in turn will mean the department will look to submit a future MTFS bid in 2023 for additional staff. Furthermore, cases are increasing in complexity, due to case law and involvement of multiple agencies.
7. The Court complex has equipment nearing the end of its working life which requires replacing and we will need to recognise the changing demands being placed upon the facilities by installing bariatric fridges. The facilities will need a refresh as the fabric of the building has not been updated since the Coroners was opened ten years ago.

## **Financial**

8. The budget for the Coroner Service has historically been set by reference to the death rate in the County and the number of deaths that are referred to the Service for further investigation. Clearly, the Coroner's Office has no control over this and even a short spike in referral rates can have a serious consequence on an already lean budget.
9. The budget has to date been shown as underspent for the last few years, primarily due to staff vacancy costs remaining unadvertised and thus

reabsorbed into the total, but in 2023/4 due to a number of cost factors this is predicated to force an overspend for the reasons stated above.

- 10 Funding was not secured in the last budget round for an additional Coroner's Officer and an apprentice Anatomical Pathology Technician. The service will continue to pursue relevant MTFS bids to ease this pressure and add additional funding to the baseline budget to cover what are mostly price-inelastic costs.
- 11 Funding was secured for an Area Coroner to support the Senior Coroner. However, this was a levelling up exercise to bring us on a par with other Coronial areas. We also secured additional budget to fund the increased costs in pathology and mortuary costs.
- 12 However, we have noticed over the last 12 months that the general cost of services (toxicology, pathology, mortuary consumables, office supplies etc.) is significantly rising and this puts additional pressure on the budget. Coupled with recent new technology rollout in line with Covid requirements (use of virtual services and the new CIVICA iCloud death recording system contract – go live June 2023). We continue to monitor this as it forms part of the Directorate's Financial Management Group reporting to the GFRS Finance & Compliance Manager.

### **Staffing Issues**

- 13 There are currently 5 Coroner's Officers and we are looking to appoint additional Assistant Coroners as currently there is only one. Anatomical Pathology Technicians (APTs) currently three, but establishment of 4 since 2012.
- 14 There is also no Mortuary Manager, in title, although the Senior APT carries out this role. (regrading application underway)
- 15 It is clear that the Mortuary department is quickly becoming overwhelmed with the significant increase in the number of deaths now coming to us. It is also apparent that the deceased are becoming increasingly more bariatric putting increased physical pressure on staff re sheer volumes.
- 16 The mortuary department has a current performance target to deliver the number of autopsies with the number of mortuary staff we have within a 7-working day target and in compliance with safe COVID-19 working practices. This is becoming an increasingly difficult target to meet.
- 17 Similarly, for Coroner Officers, where the workload due to staff shortages has increased significantly alongside the Nationally acknowledged increase in death rates across the UK and the subsequent increase in referral to the Coroner as a result. We are continuing to work towards the requirements of the C&JA 2009 regarding all relevant cases being prepared for inquest and completed within 6 months of referral.

## Risks

- 18 Lack of duty pathologists available to undertake Coronial post-mortem work remains the largest risk to the service. This is a national problem, and the Chief Coroner for England & Wales is actively engaged with the Royal College of Pathologists to identify solutions. The Senior APT continues to work with duty pathologists to ensure her team are flexible to the needs and availability of pathologists.
- 19 An HTA reportable incident leading to suspension of service, reputational damage, closure of complex authority to conduct post-mortems removed.
- 20 Mortuary Equipment failure, injury to staff and reduced ability to move deceased around complex.
- 21 Lack of Mortuary staff due to injury, or prolonged sickness. Involved with manual handling c.2500 deceased p.a.
- 22 Understaffing of Coroner's officers. As above re stressors
- 23 Unforeseen staff retirement / MH sickness.
- 24 Ongoing risk to GCC of incurring significant legal costs if, or when the Senior or Area Coroner's judicial decisions are ever challenged. *(To date no successful challenge made)*
- 25 Risk of a mass fatalities incident occurring in the County. Whilst all costs would fall outside the Coronial budget, there would inevitably be a significant knock-on effect on Coronial resourcing.
- 26 No capital investment in the Complex since it opened in 2012. Although a new-build in 2012, a lack of capital investment is now identified as a requirement to safeguard and re-future proof the building.

## Trading Standards

### **Matters arising from previous meeting**

27. No matters arising

### **Resources and Succession Planning**

28. This report builds on the summary of key themes of the Council's Trading Standards Service provided at the July meeting.

### **Context, Finances and Staffing**

29. Without prejudice to budget decisions made since 2011 and appreciating that savings were required across all Services, the following background information may be of assistance.

Net budget since 2010 (start of austerity measures across GCC)

Year	savings process	Net budget (£k)	Number of Employees
2009/2010		£2,221	52
2010/2011	<b>BOF</b>	£2,076	52

2011/2012	<b>Meeting The Challenge (MTC)1 Yr. 1</b>	£1,717	46
2012/2013	<b>MTC1 Yr. 2</b>	£1,270	36
2013/2014	<b>MTC1 Yr. 3</b>	£1,100	32
2014/2015		£1,020	32
2015/2016	<b>MTC2 Yr. 1</b>	£836	26
2016/2017	<b>MTC2 Yr. 2</b>	£801	24
2017/2018	<b>MTC2 Yr. 3</b>		24
2018/2019		£789	21
2019/2020		£809	16
2020/2021		£851	18
2021/2022		£872	18 (plus 2 temp staff)
2022/2023		£921	18(plus 2 temp staff)
2023/2024		£996	20(plus 1 temp staff)

30. As you can see the GCC net budget for Trading Standards has reduced by 55% (not accounting for inflation).
31. The service continues to seek income generation opportunities but these are limited to areas where income generation activities do not prejudice the role as regulator.
32. Income generated through Primary Authority Partnerships, paid for business advice, licencing petroleum and explosives and calibration/verification of trader weights and measures is relatively stable at £45,000. This is factored into forecasting and helps support current levels of employment.
33. Income generated through recovery of costs involved in legal proceedings and through the incentivisation scheme associated with Asset confiscation under Proceeds of Crime legislation is less stable, the sum awarded and the rate of payment is at the discretion of the Courts. Prudent budget management dictates this money cannot be included until it is received so cannot be reliably factored into expenditure on salaries.
34. Proceeds of Crime incentivisation money is used to enhance law enforcement, it is currently used to support product testing/analysis and for temporary staff to deliver distinct project work.
35. Number of staff employed in the team has reduced by 62% (although some of these did perform a consumer advice service that is now a central government funded provision).
36. Salary payments account for the majority of the Trading Standards budget so budget costs translate directly to staffing reduction. Other than staffing losses due to budget cuts; staff employed by GCC Trading Standards tend to stay with the Service.

37. During that time the range of enforcement or regulatory demand on the Service has continued to grow as new legislation is introduced. In particular the Service is required to consider new legislation concerning tackling climate change (single use plastics etc.), tackling health (food calorie labelling, allergen labelling and promotion of high fat, salt and sugar foods) and legislation protecting the monies handed over by tenants in rental property.
38. Until the successful 22/23 MTFS budget award that lack of staff turnover meant there was no capacity to bring in new recruits and address staff succession concerns arising from an aging staff profile.

Current age profile of the Service

Age bracket	20 – 29	30 – 39	40 - 49	50- 54	55 – 59	60 +
Number of employees	4	-	7	7 (50, 53, 54, 53, 53, 50, 50)	2	1

39. Before 2023, for over 10 years, the only route to obtaining a professional qualification was through the Chartered Institute of Trading Standards (CTSI) which effectively meant Local Authority employment. Every Trading Standards Service across the country faced similar budgetary challenges so there has been a 10-year blockage in that route to qualification.
40. Over the same period officers made redundant across the country have shifted to self-employed, consultant status with recruitment through specialist agencies at rates much higher than GCC pay scales.
41. As a consequence, there is a nationally recognised shortage of qualified professions which limits opportunities to recruit into post. Use of contractors can fill short term gaps but is not financially viable in the longer term.
42. Since 2023 a level 6 apprenticeship has become available alongside the CTSI qualification route. Both take 3 years to qualification; the apprenticeship route requires additional qualifications if the newly trained officer is to work in the areas of food standards or weights and measures. Although these additional papers may be available concurrently.
43. Officers completing either of the qualification routes can be qualified in 3 years but will take another 12 months to develop competency, especially in their specialist area. Therefore, new recruits have a 4-year lead in period from joining GCC to independently managing their own workload with minimal support from colleagues.
44. Succession planning must take this lead-in period into account.

**Additional concerns regarding food law enforcement**

45. Under a national MOU, The Food Standards Agency (FSA) demands a level of food standards enforcement by this Service, this can only be delivered by officers holding a specialist food law qualification.

46. Twice yearly reports are required by the FSA against their required levels of activity.
47. There are currently 3 officers qualified and competent to deliver this level of activity, this is insufficient to meet the level of inspection demanded.
48. For the reasons given above there has not been capacity to recruit new food officers to replace those who have left the service since 2010.
49. The shortfall in capacity is currently addressed by temporary staff using Proceeds of Crime Act (POCA) incentivisation money; this is not sustainable beyond the short-term.
50. The succession planning identified below addresses recruitment and development of food law competent officers in particular.

### **Next steps**

51. The service currently has apprentices working towards professional qualification, this requires support from colleagues and does have a short-term impact on existing team members. Of the current batch, 2 are expected to qualify in 25/26 and 3 in 26/27.
52. Taking into account the size of the team it was felt that pushing for further recruitment in 23/24 would significantly impact the ability to deliver an effective service. Future staffing bids are proposed for 2 new recruits in 25/26 and a further 2 in 26/27.
53. It is expected that current apprentices will emerge as qualified and competent officers just as the current establishment of officers begins to reduce due to retirement or natural loss.
54. Beyond this, it is anticipated that future succession can be managed by business as usual recruitment to fill positions as they become vacant.
55. The continued support of this committee and the Director is appreciated in this matter.