

Agenda Item No. 7 (e)

DERBYSHIRE COUNTY COUNCIL

CABINET

14 June 2016

Report of the Strategic Director - Economy, Transport and Communities

THE COUNCIL'S ROLE IN SUPPORTING HM CORONER WHEN DEALING WITH A MASS FATALITIES EMERGENCY (HEALTH AND COMMUNITIES)

(1) **Purpose of Report** To advise Cabinet of the Council's role in supporting the Coroner in the event of a mass fatalities emergency, and to seek authority to apply for and act as Corporate Licence Holder for an emergency mortuary licence to be issued by the Human Tissue Authority (HTA), should this be required.

(2) **Information and Analysis**

Background and context

Derbyshire County Council is a Category 1 responder as defined by the Civil Contingencies Act 2004. The Council's Emergency Planning Team works in close collaboration with other responders, particularly the emergency services, to maintain a range of contingency plans and to develop the capabilities to deal with the most serious consequences of emergencies, one being mass fatalities.

Mass fatalities events are rare, regardless of the cause. However, recent events including the Paris terrorists' attacks have led to the Local Resilience Forum (LRF) making mass fatality planning a current priority. A test exercise held on 22 February 2016 also highlighted a number of issues to be addressed.

How mass fatality incidents are managed

In the first instance (other than a natural disaster), all mass fatality incidents would be treated as a potential crime and scene of crime. HM Coroner for the area where the fatalities have occurred is required to convene and chair a Mass Fatalities Co-ordinating Group to ensure facilities and resources are put in place to aid the investigation and particularly to identify the dead. Disaster victim identification (DVI) can be a lengthy and complicated process often taking many weeks to cross match ante-mortem data (dental records, finger prints and DNA) to post-mortem data.

For this reason, it becomes necessary to establish an emergency temporary mortuary, completely separate from day to day mortuary provision at hospitals.

Mortuary licensing

All mortuaries, including emergency mortuaries, must work within the statutory framework, imposed by the Human Tissue Act 2004. The Act requires a licence to be issued by the HTA. Key requirements of this licence include a suitable named designated individual (DI) to manage the mortuary. The Mortuary Manager from Chesterfield Royal Hospital has agreed to undertake this role. There must also be a licence holder which can be a corporate entity. As Derbyshire County Council is the relevant authority which funds and supports coroner services, it is suggested that the Council becomes the Corporate Licence Holder, with the Chief Executive being the signatory to the licence application. The licence cannot be issued in advance by the HTA, only when the facility has been established. However, an application can be prepared and signed in advance to avoid any unnecessary delays in very difficult circumstances. The Coroner has indicated his expectation that a licensed mortuary would be required within 24-48 hours of the incident occurring. Derbyshire Constabulary has agreed to provide premises for adaptation within that timeframe.

The UK Central Assistance Programme and National Emergency Mortuary Arrangements (NEMA)

After the 7/7 London bombings of 2005, the Government put in place a stockpile of equipment, including a complete demountable emergency mortuary, known as NEMA. NEMA can be requested from the Home Office by any Mass Fatalities Co-ordinating Group, but costs must be met (in the first instance) by the relevant local authority that supports coroner services in the area where fatalities have occurred. Costs for a full deployment can be high (in excess of £5 million) and the Home Office requires written confirmation from the local authority of its agreement to meet these costs (see later note on the Bellwin Scheme for cost recovery), prior to the release of any resources from the Central Assistance Programme stock pile. Other resources include refrigerated body storage units and post-mortem consumable equipment. Once again, the decision to request central resources and authorise the meeting of costs, would be an urgent one.

It is therefore proposed that the letter of authority required by the Home Office to release resources from the Central Assistance Programme is drafted in advance, which would enable the Council to support the Coroner without delay, in exercising his duties in the event of a mass fatality incident. The letter would be signed by the Chief Executive, and dated and issued at the time of the incident at the request of the Coroner.

(3) **Financial Considerations** The current arrangements with Derby City Council are that routine day to day costs of the Coroners service are shared, proportionate to the populations of the two authorities. However, in the event of a mass fatalities incident, an alternative proposal has been put to the City Council that the Authority where the incident occurs should meet the full costs (a response is still awaited from the City Council). This would be more cost effective overall, as just one authority would be required to exceed their threshold under the Bellwin scheme, which deals with cost recovery from Central Government for major incidents. A successful claim can recover 100% of the eligible expenditure over and above the scheme's limit, which was £0.964m for the County in 2015/16.

(4) **Legal Considerations** Under the Coroners and Justice Act 2009, local authorities are responsible for funding local coroner services. Where a coronial area spans more than one local authority, one of those authorities will be designated as the relevant authority but each local authority is responsible for the costs of the Coroners Service attributable to its area. The Derby and Derbyshire Coroner spans both the County and City council areas but the County Council is the relevant authority.

The Human Tissue Act 2004 requires any temporary mortuary to be licensed and provides for a corporate entity to be a licence holder.

The Civil Contingencies Act 2004 identifies the County Council as a Category 1 responder with the duty to carry out appropriate emergency planning.

The Local Government and Housing Act 1989 provides the Bellwin Scheme of emergency financial assistance to local authorities.

In preparing this report the relevance of the following factors has been considered: prevention of crime and disorder, equality and diversity, human resources, environmental, health, property, social value and transport considerations.

(5) **Key Decision** No.

(6) **Call-In** Is it required that call-in be waived in respect of the decisions proposed in the report? No.

(7) **Background Papers** Held on file within the Economy, Transport and Communities Department. Officer contact details – Nick Elliott, extension 38361.

- (8) **OFFICER'S RECOMMENDATIONS** That Cabinet:
- 8.1 Notes the legal and financial implications for this Authority of a mass fatalities incident occurring in Derbyshire.
 - 8.2 Agrees that the Council should be the Corporate Licence Holder for a temporary mortuary, under provisions of the Human Tissue Act 2004, in the event of a mass fatalities incident occurring in Derbyshire and that the licence application be signed by the Chief Executive.
 - 8.3 Approves the preparation of a letter of authority to request resources from the Home Office Central Assistance Programme, including the National Emergency Mortuary Arrangements (NEMA), to be used as necessary.

Mike Ashworth
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