



Report of the Chief Legal Officer and Strategic Human Resources & Organisational Development Manager

Cabinet – 17 January 2019

Coroner Pay Arrangements

Purpose:	To agree to adopt the JNC Framework in assisting decision making when determining and setting Coroner pay.
Policy Framework:	None
Consultation:	Finance, HR and Legal
Recommendation(s):	It is recommended that Cabinet: 1) Agrees to adopt the JNC framework and Pay Guidance for the purposes of setting coroner's pay; 2) Agrees that the Senior Coroner for the City and County of Swansea and Neath Port Talbot salary level is set at £127,000 gross pa; 3) That the pay award is backdated to 1 November 2017 when the JNC framework was published; 4) Agrees that the Assistant Coroners daily rate remains at £400 per day.
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1. Introduction

- 1.1 Coroners are independent judicial officers who are appointed and funded by local authorities. They are not employees of the council. The Authority budget and facilitate payment of the salary and provision of services commensurate to the post through internal budget management and payroll.

- 1.1 The Coroners and Justice Act 2009 places the responsibility for coroner salaries with local authorities. The amount of salary is whatever is from time to time agreed by the Senior Coroner and the relevant authority. If the Senior Coroner and the authority cannot agree a salary either of them may refer the matter to the Lord Chancellor who may determine the amount of the salary and the date on which it is to become payable.
- 1.2 Assistant Coroners do not attract a salary but are entitled to fees paid as a daily rate. The amount of the fees is to be whatever is from time to time agreed by the Assistant Coroners and the relevant authority. The Act is silent as to dispute resolution process.
- 1.3 The Coroners and Justice Act 2009 (Alteration of Coroner areas) Order 2013 formally amalgamated The City and County of Swansea with Neath Port Talbot council for the purposes of a single Coroner area. The cost of the service is split using a formula between the two authorities based on place of death. In effect this results in Neath Port Talbot council contributing 34.5% total budget costs. The percentage is reviewed annually with Swansea paying all the core team costs and recharging Neath Port Talbot quarterly.
- 1.4 City and County of Swansea is the “relevant authority” in law and is required to appoint and agree the remuneration of the Senior Coroner.

2. Joint Negotiating Committee (JNC) for Coroners

- 2.1 In light of a wide disparity as to Coroners pay the JNC for Coroners agreed to undertake a job evaluation exercise to assess the roles set out in the Coroners and Justice Act 2009. Having considered pay benchmarking data and the outcome of a technical evaluation exercise the JNC reached agreement on a new national pay framework and guidance for Coroners pay as set out in Circular No's 61 and 62 which are attached at Appendix 1.
- 2.2 The salary range for Senior Coroners is within a range of £117,000 to £130,000. The salary includes statutory out of hours work.

3. Joint Negotiating Committee (JNC) for Assistant Coroners

- 3.1 The daily rate for Assistant Coroners is within a range of £375 to £454 with a ceiling/floor mid-point for less complex/highly complex areas.
- 3.2 The level of pay is to be determined locally, in line with the complexity of the coroner area. In making the assessment of the relevant pay level to be applied it should be on the basis that all the duties and responsibilities are being performed at full capability.

4. Senior Coroner - Proposal

- 4.1 In deciding the appropriate salary, work has been undertaken to assess the complexity of work covered by the Swansea and Neath Port Talbot coroner area. Factors such as presence of institutions ie prisons and hospitals are considered and are set out in Appendix 2.
- 4.2 With around 2,350 – 2,600 reported deaths a year, 350 inquests a year of which 50 are complex, Swansea and Neath Port Talbot is a busy and complex coroner area and the pay of the Senior Coroner does not currently reflect this.
- 4.3 Some benchmarking has been undertaken with neighbouring coronial areas in relation to Senior Coroner salaries. Bristol City Council (covering Bath and North East Somerset, Bristol City, North Somerset and South Gloucestershire Council) remunerate their senior Coroner at £130,000 - the top of the pay range. Similar sized authorities to that of Swansea and Neath Port Talbot remunerate their Senior Coroner in the region of £125,000 - £130,000.
- 4.4 Discussions have been held with the present Acting Senior Coroner and an in principle agreement has been reached, subject to agreement by each Authority's respective Cabinet, to the new salary. It is proposed that the new salary should be set at £127,000 p.a.
- 4.5 In terms of backdating the award it is proposed to backdate the award to November 2017 which is the date the JNC published the Framework. Again, this has been agreed by the Acting Senior Coroner and is consistent with many other authority's approach to backdating.

5. Assistant Coroners - Proposal

- 5.1 There are presently two Assistant Coroners who provide cover for the Senior Coroner. They currently receive £400 per day. Whilst there should be a broad correlation between the pay of the Senior Coroner and the daily rate of the Assistant Coroners there is no proposal to increase the daily rate of pay for the Assistant Coroners.

6. Equality and Engagement Implications

- 6.1 There are no equality implications associated with the report.

7. Financial Implications

- 7.1 The Acting Senior Coroner is presently receiving a salary of £91,420. The additional cost to the authority if the proposed salary of £127,000 pa is agreed is as follows:

Additional Salary payment	£35,580
Additional National Insurance	£ 4,305
Additional Superannuation Costs	<u>£ 8,717</u>
Total	<u>£48,602</u>

The cost of the backdated amount from 1st November 2017 to 31st March 2018 amounts to £20,488

The total of the additional salary and on-costs to be met in 2018/19 totals £69,660. Neath Port Talbot will pay 34.5% share of this additional cost so the nett increase to Swansea's budget will be £45,100.

- 7.2 The additional pay award will be met from reserves.
- 7.3 During the financial year 2017-2018 a total amount of £31,000 was paid to the Assistant Coroners on the basis of a daily rate of £400 per day by the City and County of Swansea.

8. Legal Implications

- 8.1 There are no further legal implications associated with this report.

Background Papers: None.

Appendices:

Appendix 1 Senior Coroner Salary Considerations

Appendix 2 JNC Coroners Circulars 61 & 62