



Report of the Deputy Chief Legal Officer

Cabinet – 16 May 2024

Appointment of a Senior Coroner for Swansea and Neath Port Talbot

| | |
|-----------------------------------|---|
| Purpose: | To seek cabinet approval to proceed with a recruitment process leading to the appointment of a permanent Senior Coroner for the Swansea and Neath Port Talbot area. |
| Policy Framework: | None |
| Consultation: | Legal, Finance, Access to Services |
| Recommendation(s): | It is recommended that Cabinet: 1) Grants delegated authority to the Deputy Chief Legal Officer in consultation with the Cabinet Member for Economy, Finance and Strategy (the Leader): <ul style="list-style-type: none">• to prepare the job description, contractual terms and appointment process for the post of Senior Coroner and to make arrangements to suitably advertise the post;• to take all necessary steps to progress the appointment of a Senior Coroner;• in consultation with Neath Port Talbot County Borough Council and the Chief Coroner's officer, to establish a panel in order to draw up a short-list, interview applicants and to appoint the successful applicant as the Senior Coroner for Swansea and Neath Port Talbot. |
| Report Author: | Debbie Smith |
| Finance Officer: | Ben Smith |
| Legal Officer: | Stephanie Williams |
| Access to Services Officer | Rhian Millar |

1. Background

- 1.1 The Council has statutory duties in relation to the Coroner Service as provided for by the Coroner and Justice Act 2009.
- 1.2 The current interim Senior Coroner was appointed on the 31st of May 2014 when the previous Coroner resigned. There is normally a duty to appoint a Senior Coroner within three months, but due to further potential mergers of Coroner areas the Chief Coroner indicated that he wished to meet representatives from a number of authorities to discuss options.
- 1.3 The Chief Coroners Office has now confirmed it is appropriate that Swansea and Neath Port Talbot remain as a stand alone Coroner's area. The Councils are therefore in a position to proceed with the appointment of a permanent Senior Coroner.
- 1.4 H.M Coroner services are financed by local authorities and the service covering the Swansea and Neath Port Talbot areas is financed jointly with Neath Port Talbot. Swansea Council is the relevant authority for the area which means that there is a statutory duty on this Local Authority to meet the costs related to running this service. The relevant authority is also responsible for appointing the Senior Coroner and Assistant Coroners for the area notwithstanding that they will not be employees of the authority but rather independent judicial office holders. Each Council pays their own costs in relation to cases but the Core Team costs (salaries, case management system and other office costs incurred by staff in Swansea) are split between the two Councils with Neath Port Talbot paying 34%.
- 1.5 The arrangements for appointments are set by the Coroners and Justice Act 2009 and by the Chief Coroners Guidance. Every appointment will need to be approved by the Chief Coroner and the Lord Chancellor and it also a requirement that the Chief Coroner approves the appointment process to be followed and the shortlist drawn up in order to conduct interviews. The Chief Coroner has issued guidance on the appointment of coroners (Chief Coroner's Guidance Note 6 - Appointment of Coroners). The authority will need to form a panel to shortlist, conduct the interviews and decide on the appointment. The composition of the panel is a matter for the authority, but the Chief Coroner or representative may attend the interviews and will usually do so in the case of the appointment of a Senior Coroner.
- 1.6 The Deputy Chief Legal Officer will in consultation with Neath Port Talbot Council's Head of Legal make arrangements to set up the Panel and is seeking delegated powers to do this.
- 1.7 Once the panel has come to a decision, a report will need to be sent to the Chief Coroner (if he was not present in the interviews) describing the process followed and the reasons for proposing the successful applicant or applicants. The approval of the Lord Chancellor will also be sought. If the Coroner Area contains more than one authority then the relevant authority must consult with the other authority before appointing a Senior Coroner. The Head of Legal for

Neath Port Talbot Council is therefore being consulted and will be involved in the process as appropriate.

2. Integrated Assessment Implications

- 2.1 The Council is subject to the Equality Act (Public Sector Equality Duty and the socio-economic duty), the Well-being of Future Generations (Wales) Act 2015 and the Welsh Language (Wales) Measure, and must in the exercise of their functions, have due regard to the need to:
- Eliminate unlawful discrimination, harassment and victimisation and other conduct prohibited by the Acts.
 - Advance equality of opportunity between people who share a protected characteristic and those who do not.
 - Foster good relations between people who share a protected characteristic and those who do not.
 - Deliver better outcomes for those people who experience socio-economic disadvantage
 - Consider opportunities for people to use the Welsh language
 - Treat the Welsh language no less favourably than English.
 - Ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs.
- 2.2 The Well-being of Future Generations (Wales) Act 2015 mandates that public bodies in Wales must carry out sustainable development. Sustainable development means the process of improving the economic, social, environmental and cultural well-being of Wales by taking action, in accordance with the sustainable development principle, aimed at achieving the 'well-being goals'.
- 2.3 Our Integrated Impact Assessment (IIA) process ensures we have paid due regard to the above. It also takes into account other key issues and priorities, such as poverty and social exclusion, community cohesion, carers, the United Nations Convention on the Rights of the Child (UNCRC) and Welsh language.
- 2.4 An IIA Screening Form has been completed for this report with the agreed outcome that a full IIA report is not required as the purpose of this report is to seek delegated authority to progress a statutory appointment process.

3. Financial Implications

- 3.1 The salary for Senior Coroners is set with reference to the Joint Negotiating Committee's (JNC) pay range for senior Coroners. It is between £129,872 to £144,303 and will be for the individual LA to set the exact salary on appointment based on experience. The Act provides that a Senior Coroner is entitled to a salary and that salary is to be agreed between the Senior Coroner and the authority. Neath Port Talbot County Borough Council currently contribute approximately 34% to the costs of the H.M. Coroner Service.

3.2 The post will have to be advertised widely in accordance with the Guidance issued by the Chief Coroner.

4. Legal Implications

4.1 There are no additional legal implications to those set out in the body of the report. The Deputy Chief Legal Officer will ensure that all formalities are observed in selecting and appointing a permanent Senior Coroner.

Background Papers: None.

Appendices:

Appendix A: IIA