


GWYNEDD COUNCIL CABINET



Date of Meeting:	7 May 2019
Cabinet Member:	Councillor Nia Jeffreys
Officer:	Iwan Evans – Head of Legal Services
Author	Sion Huws – Senior Solicitor
Title of Item:	Coroner's Pay Arrangements

Subject: Coroner's Pay Arrangements

1. Recommendation for the Decision:

(1) Authorise the Head of Legal Services, in consultation with the Head of Finance, to agree new arrangements for paying a salary to the Senior Coroner and a fee for the Assistant Coroner

2. The reason why a decision is required:

2.1 The Head of Legal Services was authorised by the Cabinet Member to agree new salary arrangements with the Senior Coroner on the basis of JNC Circulars 61 & 62. Following negotiations with the Senior Coroner an approach has been agreed which differs in some aspects from that set out in the Circulars.

3. General Background

3.1 Wales and England are divided into coroner areas, with the relevant local authorities funding the individual services. Each area has one Senior Coroner and at least one Assistant Coroner, who deals with cases when the Senior Coroner is unavailable or at other times with the Senior Coroner's agreement. Although all Coroners are appointed and paid by local authorities, the Coroner is not a Local Government Officer, but holds office under the Crown.

3.2 The North West Wales Coroner's Area includes Gwynedd and Anglesey, and the service is funded jointly with Anglesey Council. Gwynedd Council however is the lead authority. The area is served by a part-time Senior Coroner, Dewi Pritchard Jones and one Assistant Coroner (currently vacant).

4. Pay Arrangements –Relevant Considerations

4.1 The Coroners and Justice Act 2009 Act provides that senior coroners are entitled to a salary, while assistant coroners are paid a fee. Senior Coroners also have the right to a local government pension. Whilst these are a matter for each Senior Coroner and Assistant Coroner to agree with his/her relevant local authority, in practice pay scales have been negotiated by the Local Government Association Joint Negotiating Committee (JNC). The JNC consists of representatives from the Local Government Association on the management side and from the Coroners' Society.

4.2 As the 2009 Act brought about major changes in structure of the coroner service, a new basis was required for paying both senior and assistant coroners. Following protracted negotiations new pay guidance was published in Circulars 61 and 62, which replaced Circular 51, on which the current arrangements are based. The new guidance provides:

Part-time Senior Coroners

- Base salary of £20,000 (including statutory 'out of hours' work)
- Payments for each day worked – a daily rate of between £440 a £500, depending on the complexity of the area
- Earnings are capped at the level of a full-time senior coroner in a similarly complex area (£117,000 - £130,000)
- The current pension allowance of 5.5% is abolished
- Abolish the area supplement ('county loading')

Assistant Coroners

- Paid for work undertaken
- A daily rate from £375 to £454 depending on the complexity of the area
- Two grades, depending of the complexity of cases

Long Inquest Pay (payment for inquests that last more than a day)

- Abolished

5. Result of discussions with the Senior Coroner

5.1 Circular 62 states that the level of pay is to be determined locally, in line with the complexity of the coroner area, and identifies factors for carrying out such an assessment. The factors specified in the Circular are prisons or other institutions of state detention, mental health units, and hospitals with areas of specialism and complexity in the nature of the caseload.

5.2 These factors are not present in the North West Wales area, The area is therefore is considered to be at the lowest end of the scale for which the appropriate daily rate would be £440. However, the area does contain an international port at Holyhead. We consider that this does constitute an exceptional local factor that should be taken into account. Bearing in mind its comparative size we believe that a daily rate of £452 is appropriate.

5.3 Following discussions with the Senior Coroner, an agreement has been reached which would mean that the basis on which he will be paid will differ to the approach set out in the Circular. The approach that has been taken is to assess the likely number of days expected to be worked each year by the Senior Coroner, and to convert that into an annual figure which will also include the £20,000 fixed salary element. This approach would require a periodic review to check that it accurately reflects the level of cases.

5.4 In order to inform the management side position in national pay negotiations, the LGA conducted the survey of local authorities responsible for the pay of coroners. The results showed that, of the seven part-time coroner authorities who replied, four had chosen to follow this particular approach. The LGA's view was that this was a reasonable approach, subject to the need for a periodic review.

Fixed Salary Element

5.5 The £20,000 fixed salary covers the need to be available at all times even given the role is notionally part-time, and includes statutory out of hours work and also holiday and sickness pay

Daily Rate Element

5.6 The average caseload in the North West Wales Area remains constant at around 1000. This is half the number of cases that is generally recognised as the threshold for the appointment of a full-time coroner.

5.7 If the number of working days (i.e. less weekends, bank holidays and annual leave entitlement) expected from a full time senior coroner is 220 days a year then

the Coroner would be expected, in this area, to devote half that number, i.e. 110 days, to Coronial business. This would be the equivalent of 2.5 days per week.

This would lead to the following calculation:

Converted daily rate figure of 110 days at £452	£49,720
Fixed Salary Element	<u>£20,000</u>
Total	<u>£69,720</u>

5.8 This approach would provide a ceiling on expenditure based on realistic assessment of the Coroner's workload. Paying a daily rate on the basis of work undertaken (as recommended in the Circulars), would not, on the other hand, provide any certainty or financial control other than an overall cap, which in this case would be £119,600.

5.9 There will be an annual review of the situation to consider whether the arrangements accurately reflect the level of case load. Any changes will be based such evidence as satisfies the requirements of prudent management of public funds.

5.10 Circular 63, issued on 28 November 2018, sets out revised rates which will come into effect from 1 April 2019 and on 1 April 2020. The rates will be increased in accordance with these provisions.

Back pay

5.11 As the Circular has been place for some time it is considered reasonable that back-pay will extend to 1 April 2018.

6. The Assistant Coroner

6.1 Under the Act an Assistant Coroner is entitled to fees, the amount of which is to be agreed from time to time by the AC and the relevant authority. Our proposed approach will be as follows:

6.2 On the basis that there should be a correlation between the pay of a Senior Coroner and the daily rate for Assistant Coroners working in that same area, the same approach is taken to the assessment of local factors affecting complexity. Consequently, the daily rate for the Assistant Coroner would be £390.

6.3 A maximum number of annual days of Assistant Coroner cover will be agreed with the Senior Coroner. This will be based on the need for cover in the absence of the Senior Coroner and the envisaged caseload. If the Senior Coroner believes

that this figure will be exceeded in any one year, he shall inform the local authority as soon as possible. Any increase in the number of days above the maximum must be agreed beforehand with the local authority.

6.4 When the SC is not available the AC would be responsible for providing the out of hours cover for which he/she would be paid on the same basis. Whilst there is no provision for it in the circulars, it is felt that there should be recognition of the need for the AC to be available at all times on those occasions. To this end an on-call allowance can be built into the Assistant Coroner's remuneration arrangement. These will be based on current Gwynedd Council arrangements for being "on call" They will be agreed for cover in relation to periods when the Senior Coroner is on formal leave. Call outs if required will be at the rates in the Circular.

7. Anglesey Council's opinion

7.1 These plans have been discussed with Anglesey Council at officer level, and they had no objections. We will continue to communicate with the authority as the plans progress.

8. Any consultations undertaken prior to making the Decision:

Monitoring Officer –

Report prepared by Legal Services.

Head of Finance –

While other costs associated with death inquests can be significant and difficult to estimate annually, I confirm that there is appropriate budget in place to pay Coroner and the Assistant Coroner's salary (with Anglesey Council contributing 36.9%). I support the recommendation submitted, and the principle of paying an annual fee, rather than a daily rate, and to review that after a suitable period.

Background Documents

JNC – for Coroners Circulars 61 and 62