

# HR Committee

2<sup>nd</sup> February 2017



**Report of:** Interim Service Director Human Resources, Change and Communications

**Title:** Pay of the Senior Coroner

**Ward:** N/A

**Officer Presenting Report:** Mark Williams (HR Business Partner)

**Contact Telephone Number:** (0117) 92 24838

## Recommendation

That a Market Pay Supplement of £15,336 backdated to 1<sup>st</sup> April 2016 to be paid to the Senior Coroner for a period of up to three years pending completion of current discussions in the Joint Negotiating Committee for Coroners.

## Summary

The report informs the Committee of the current situation regarding the pay of the Senior Coroner and seeks approval for payment of a Market Pay Supplement whilst the outcome of national discussions is awaited.

## The significant issues in the report are:

- The pay of Coroners has previously been negotiated at national level through the Joint Negotiating Committee for Coroners, but that has broken down in recent years. Fresh talks between the two sides started in Autumn 2016, culminating in a decision to explore application of the HAY job evaluation scheme, which is currently underway.
- The role of the Senior Coroner changed significantly on the implementation of the Coroners and Justice Act 2009 in July 2013, resulting in an increased and more complex workload. However, the Senior Coroner has not received a pay award of any kind since her appointment in 2011.
- With around 5,000 cases, 1,700 post mortem examinations and 1,000 inquests held each year, Avon is one of the largest and busiest coroner areas in the UK. The pay of the Senior Coroner does not currently reflect this.
- The costs of the service are split using a formula between Bath and North East Somerset, Bristol City, North Somerset and South Gloucestershire Councils. Bristol City Council is the "relevant authority" in law and is required to appoint and agree the remuneration of the Senior Coroner.

## Policy

1. Historically the remuneration of coroners has been set by the Joint Negotiating Committee (JNC) for Coroners, which is made up of representatives of the Local Government Association and the Coroners' Society of England and Wales.
2. When Avon County Council was abolished on 31<sup>st</sup> March 1996, The Avon (Coroners) Order 1996 created a single coroner's district in Avon, comprised of the areas of the four constituent local authorities (Bath and North East Somerset, Bristol City, North Somerset and South Gloucestershire Councils). The same Order made Bristol City Council the "relevant council" for the purposes of appointing coroners (following consultation with the other councils within the district), paying a coroner's salary in an amount to be agreed with the coroner (or as fixed by the Secretary of State if no agreement could be reached). In addition, there was a requirement to meet the expenses incurred by the coronial service and any indemnity provided to the coroner of a district in respect of legal costs and damages, subject to a right to recover a portion of that expenditure from the other councils in the district in such proportions as they agreed (or the Secretary of State determined).
3. Maria Voisin was appointed as coroner for the Avon district in 2011 on a salary of £99,664 plus a 5.5% supplement agreed through the JNC in 1978 for whole-time coroners who join the Local Government Pension Scheme. The Coroners and Justice Act 2009 replaced the Coroners Act 1988 with effect from 25<sup>th</sup> July 2013. Bristol City Council automatically became the "relevant authority" under the 2009 Act and its responsibilities remained largely as under the previous legislative arrangements. Responsibility for the appointment of the Coroner is not delegated and is therefore a matter for the Full Council.
4. Though not formally documented, historically the four councils within the coroner area have contributed to the outlay on the coronial service on a formula basis.
5. In law the Council must agree any alteration in the Senior Coroner's salary with her. In default, the Lord Chancellor may step in. There is no express statutory obligation resting on the Council to obtain the consent of, or to consult, the other authorities in the area before reaching agreement with the Senior Coroner.

## Consultation

6. **Internal**  
The Senior Coroner.
7. **External**  
Paul Stagg (Barrister, 1 Chancery Lane)  
The Honorary Secretary of the Coroners' Society of England and Wales (submission attached at Appendix A)

## Context

8. The JNC for Coroners has broken down in recent years, which led the Coroners' Society to commission and pay the consultancy firm PWC to develop a job evaluation scheme for coroners. Both sides have since requested the Secretary of State for Justice to take responsibility for

coroners' salaries, but this has been declined. Meetings between representatives of the LGA and the Coroners' Society have recommenced, and the two sides have agreed to explore the option of using the HAY job evaluation scheme.

9. In April 2015, the senior coroner requested a re-evaluation in line with the PWC/Coroners' Society scheme, which would increase her salary to £124,445 including the 5.5% supplement (back-dated to the date of her request) – ie, an increase of £19,300 per annum.
10. As a consequence of the failure of the JNC process to lead any pay settlements, salaries in other coroner areas have tended to drift from the previously agreed national framework. For coroners automatically appointed under the 2009 Act, there has been no national pay award since 1<sup>st</sup> April 2009. In recognition of this, the LGA conducted a survey of relevant authorities in Summer 2016 to establish the picture of current coroner remuneration across the country. The results of this indicate that (at £99,664) the Avon Senior Coroner is paid substantially less than her peers for whom the most recent data shows average gross pay of £113,005 per year.
11. Some coroners have referred the matter of their individual salaries to the Lord Chancellor (as permitted by the 2009 Act), who has stayed them pending further discussions through the JNC.
12. Senior Coroner vacancies are rare, the most recent (late 2016) being for the Cheshire area where advertised remuneration was £115k plus the 5.5% supplement. In terms of size and business, the Cheshire area most recently dealt with 5,224 reported deaths and 795 inquests. With around 5,000 cases, 1,700 post mortem examinations and 1,000 inquests held each year, Avon is one of the largest and busiest coroner areas in the UK. The pay of the Senior Coroner does not currently reflect this.

## Proposal

13. That a Market Pay Supplement of £15,336 backdated to 1<sup>st</sup> April 2016 be paid to the Senior Coroner pending completion of current discussions in the Joint Negotiating Committee for Coroners. This would bring total remuneration in line with that recently offered for the Cheshire coroner area.
14. Including Employers' Local Government Pension Scheme and National Insurance Contributions the cost of this proposal is £22,020 per year, which is apportioned between the four local authorities as per the existing arrangement:
  - 14.1. Bath and North East Somerset Council (16.45%) – £3,622
  - 14.2. Bristol City Council (40.03%) – £8,817
  - 14.3. North Somerset Council (18.94%) – £4,171
  - 14.4. South Gloucestershire Council (24.57%) - £5,410

## Other Options Considered

15. To agree the Senior Coroner's request for a local re-evaluation. This could have national implications in terms of setting a precedent, and could undermine the current JNC discussions. It would also increase the cost of the service significantly.
16. To peg the salary of the Senior Coroner to that of an appropriate member of the judiciary (eg,

the Senior Coroner for Northern Ireland), who is covered by the Senior Salaries Review Body. This would equate to a salary of £117,810 plus the 5.5% supplement, which is higher than the level recommended above.

17. To continue to await the outcome of the JNC discussions. It is uncertain whether the current national discussions will result in any progress or agreement in both the short and medium term. It is clear that the Senior Coroner role is paid well below the market rate. Therefore, if the Council were not to make any form of interim award, this would risk inflicting serious damage to the current positive relations between the Senior Coroner and the authority.

### **Risk Assessment**

18. These are identified throughout the report.

### **Public Sector Equality Duties**

- 19a) Before making a decision, section 149 Equality Act 2010 requires that each decision-maker considers the need to promote equality for persons with the following “protected characteristics”: age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation. Each decision-maker must, therefore, have due regard to the need to:
- i) Eliminate discrimination, harassment, victimisation and any other conduct prohibited under the Equality Act 2010.
  - ii) Advance equality of opportunity between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to --
    - remove or minimise disadvantage suffered by persons who share a relevant protected characteristic;
    - take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of people who do not share it (in relation to disabled people, this includes, in particular, steps to take account of disabled persons' disabilities);
    - encourage persons who share a protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
  - iii) Foster good relations between persons who share a relevant protected characteristic and those who do not share it. This involves having due regard, in particular, to the need to –
    - tackle prejudice; and
    - promote understanding.
- 19b) No equality impact assessment has been undertaken because this report concerns one individual.

### **Legal and Resource Implications**

**Legal**

“Legal issues are addressed within the report”.

Advice provided by Eric Andrews (Senior Solicitor), 23<sup>rd</sup> January 2017.

**Financial****(a) Revenue**

It is proposed in the report that a back-dated market supplement of £15,336 is paid to the Senior Coroner from 1st April 2016, with on costs this will total £22,020.

The Bristol contribution to this amount of £8,817 will need to be managed within existing resources (either within the service budget or through a call on the Council’s Corporate Contingency). Necessary action should be taken to seek recovery of the remaining £13,203 of this cost from the other partner authorities in the Avon Coroner Area.

**(b) Capital**

Not applicable.

Advice provided by Kevin Lock (Finance Business Partner Resources), 24th January 2017

**Land**

Not applicable.

**Personnel**

Personnel implications are identified throughout the report.

**Appendices:**

A – Letter from the Honorary Secretary of the Coroners’ Society of England and Wales

**LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985****Background Papers:**

None.