

Coroners Pay Arrangments

Background Information:

Coroners in England and Wales are independent judicial officials who investigate the causes of death reported to them, thereby allowing these deaths to be registered. Although all Coroners are appointed and funded by local authorities, the Coroner is not a Local Government Officer, but holds office under the Crown.

It must be noted that although discussions now need to take place around the salary of the Coroner, many of the costs of the service are outside the Council's control because the majority result from decisions taken by the Coroner on the basis of his professional judgement. These costs include post mortems, laboratory fees, fees for expert witnesses, support for the bereaved and the level of public interest in some inquests. However despite the reactive nature of this service, both Pembrokeshire and Carmarthenshire look for opportunities to achieve economies of scale, particularly in respect of staffing and office costs.

The Coroners and Justice Act 2009 (Alteration of Coroner areas) Order 2013 formally amalgamated Pembrokeshire and Carmarthenshire. Pembrokeshire is the effective lead authority.

An Authority remains responsible for all Coroner appointments, and in turn the Coroner is entitled to a salary and pension.

Current Position:

Mr Mark Layton was appointed as a part time Coroner for Pembrokeshire on 1/1/2010, on 1/11/2011 the role was extended to cover Carmarthenshire and agreement was reached between the then Chief Executives that he be paid £45,000 pa as follows:

- Pembrokeshire caseload (600 deaths pa) £21,000 (21/45)
- Carmarthenshire caseload (760 deaths pa) £24,000 (24/45)
- Deputy Salary was set at 9% of coroner's salary
- Admin costs were set at £20,000 - Carmarthenshire £10,666 and Pembrokeshire £9,334 pa.

In addition to the pay structure as above, the Coroner also gets additional long inquest payments that forms part of his salary.

Further to paragraph 3 of Schedule 2 of the Coroners and Justice Act 2009, Coroners in post at the time this Act was brought into force became Senior Coroners. Therefore the incumbent Coroner, Mr Mark Layton is a Senior Coroner for Pembrokeshire and Carmarthenshire.

The salary of a Coroner up to now must be commensurate with national guidelines and the recommended salary set at a relevant point for the population of Carmarthenshire (the population bands and respective salaries were set out in the

Local Government Association's Coroner's Circular number 51) However it was always the desire of the Chief Coroner to move towards a standardized set of terms and conditions

From the perspective of those in post, the pay of Coroners has been an issue for some time. It has previously been negotiated at national level through the Joint Negotiating Committee for Coroners, which broke down. Fresh talks between the two sides started again in Autumn 2016, culminating in a decision to explore application of the Hay job evaluation. That exercise has created new model job profiles and has been able to take account of criteria relevant to both local authority and judicial contexts. Having considered the outcome of the technical evaluation exercise and looked at a wide range of potential pay benchmark data, the two sides have reached agreement on an approach.

In relation to part time senior Coroners the guidance set to assist local decision making in determining pay within an appropriate range is:

- a base salary of £20,000 and then a daily rate range of £440 to £500 with earning capped at the level of a full-time senior coroner in a similarly complex area. The 5.5% pension allowance provision would fall as would the abolition of long inquest payments. Legislation requires that all senior coroners are salaried which precludes falling back solely on a day rate for part-timers. A fixed salary will also cover the need for coroners to be available at all times even given they are notionally part-time. The proposed range of day rates is based on removing the suggested level of £20,000 from the senior coroner range and then dividing by 220 to achieve a range of daily rates which is transparent and equitable. The salary includes statutory out of hours work as set out in legislative provisions.

For Assistant Coroners:

- daily rate from £375 to £454 with a ceiling/floor mid-point for less complex / highly complex areas. This approach takes account of the 2 levels within the single role that Korn Ferry Hay identified in its job evaluation exercise. The 5.5% pension allowance would not be sought in addition should access to the LGPS be provided to Assistant Coroners.

Way Forward:

Remuneration is now a matter of agreement and to be resolved by Pembrokeshire and Carmarthenshire Councils. The Coroner wrote to both Authorities in January 2018 in which he accepts his jurisdiction is not of particular complexity and is therefore content to accept the lower figure of £440.00 per day as the appropriate rate.

The number of reported deaths for 2017 resulted in 656 reported from Pembrokeshire and 863 reported deaths for Carmarthenshire. Mr Layton currently works on the basis of 2 days per week on Carmarthenshire deaths and up to 2 days on Pembrokeshire deaths. In addition to the hours dedicated to each Council area, Mr Layton spends up to 33 days a year with ancillary obligations and responsibilities such as compulsory training, police officer training and mass fatality work.

Colleagues from Pembrokeshire and Carmarthenshire have met a number of times to discuss the Coroner's salary and have agreed in principle to the new salary as listed below. It was also agreed that this salary would be paid 50:50 by each authority. Listed below is the current salary implication for Carmarthenshire, the total new proposed salary with implication for Carmarthenshire:

Current Salary Calculation for Carmarthenshire:

Basic Salary	2000.00	per month	
5.5% superannuation	110.00	per month	
	2110.00	per month	
National Insurance at 13.8%	276.00	per month	
ER's at 17.7%	354.00	per month	
	32880.00	per annum	does not include long inquests

Proposed Salary Calculation in total:

Base salary	20000.00	per annum
178 days at £440/day	78320.00	per annum
Total including NI and ER's	128,227.00	
Apprentice levy	492.00	
Carmarthenshire contribution:	64,360.00	Per annum

The proposed salary is based on a 30 hour working week/4 days a week per annum (part-time post), which equates to 178 working days. Annual leave will be 24 days.

This figure is subject to no long inquest payments, superannuation or training days to be paid. The salary will be subject to annual enhancement in line with incremental pay increases relevant to the salary set. The JNCs pay ranges will be next reviewed in September 2018 with a view that any agreed changes would be implemented from 1 April 2019. The post of Coroner is covered by public indemnity insurance.

Question of back pay:

As a consequence of the failure of the JNC process to lead to a pay settlement until now, many Coroners approached their local authorities to consider a re-evaluation of their salary. Mr Layton requested this in writing to Pembrokeshire Council in 2015 but in the light of a pending national review, it was agreed to wait for the national outcome.

As a result of the publication of JNC 62, Mr Layton subsequently wrote to each respective council in January of this year and invited each council to consider backdating this pay award to December 2015 – to the date when he originally requested that his salary was reviewed. In this most recent request he has stated that any sums that he has received for long inquest payments would be naturally deducted

from this back payment plus he would not claim for work that he has undertaken on existing files.

Listed below is the financial implication for backdating to December 15.

Base Variance to December 2015	74,520	
Less long inquests paid but no longer valid	25,486	** Normally pay in year of completion so don't normally accrue
TOTAL DUE IF BACKDATED TO DEC 15	49,033	

Listed below is the financial implication for backdating to Nov 17

Base Variance to November 2017	13,307
Long inquests unpaid	27,020
Total Due if backdated to November 2017	40,328

*If we agree to back date to November 2017, then the Coroner will not waive a claim for work carried out before or after November 2017. There are currently 6 outstanding long inquest cases relevant to Carmarthenshire and it is unknown what further costs could be passed to Carmarthenshire County Council in relation to these cases, this could result in more that £9,000 costs (difference between back pay totals for December 2015 and November 2017). If we backdate to December 2015, then the Coroner will waive all further costs in connection with these long inquests.

Assistant Coroners

The current Assistant is currently paid 9% of the Coroner's salary (i.e. £2,160 for Carmarthenshire). JNC 62 recommends that Assistant Coroners will be paid a daily rate from £375-£454 with a ceiling/floor mid-point for less complex/highly complex areas. It is proposed to increase the Assistant Coroner's salary to the bottom of the range recommended by the JNC 62 to a daily rate of £375. To provide cover for the Coroner in his absence, this would equate to 7 weeks per year (4 days a week). Any additional hours/days worked would have to be time recorded and invoiced subject to the daily rate of £375 pro-rata. This equates to a cost of £10,500 per annum of which £5,250 is the Carmarthenshire element plus oncosts of £1.6k – total for Carmarthenshire of £6.9k (4 days x 7 weeks = 28 days @ £375 plus oncosts).