

# NEATH PORT TALBOT COUNTY BOROUGH COUNCIL

## CABINET

16 January 2019

### REPORT OF THE HEAD OF LEGAL SERVICES – MR C GRIFFITHS

#### Matter for Decision

Wards Affected: All

**Adoption of the JNC Framework in setting Coroner Pay and review of the financial contributions made to the Joint Coroner Service between Neath Port Talbot County Borough Council and City and County of Swansea**

#### Purpose of the Report

1. To seek approval from Members to increase the financial contributions made to the Joint Coroner Service between Neath Port Talbot County Borough Council and the City and County of Swansea as a result of the adoption of the JNC Framework for Coroners pay.

#### Background

2. The Coroners and Justice Act 2009 (Alteration of Coroner areas) Order 2013 formally amalgamated The City and County of Swansea (“Swansea”) with Neath Port Talbot County Borough Council (“NPT”) 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. City and County of Swansea is the “relevant authority” in law and is required to appoint and agree the remuneration of the Senior Coroner. Presently NPT contributes the sum of £248,030 in the financial year 2017/2018 and it was originally proposed the same amount would have been made in 2018/2019.
3. The budget for the amalgamated Coroners Services see NPT contribute the sum of 34.5% of the total budget costs. The percentage is based on the number of deaths registered in the areas of Swansea and NPT and is reviewed on an annual basis. Swansea pay all the core team costs and then recharge NPT on a quarterly basis based on the percentage split allocated.

NPT and Swansea each then pay all non-core team costs in relation to their respective cases

4. Coroners are independent judicial officers who are appointed and funded by local authorities. They are not employees of Swansea. Swansea budget and facilitate payment of the salary and provision of services commensurate to the post through their internal budget management and payroll.
5. 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. 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.
6. 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.
7. The salary range for Senior Coroners, in line with the JNC Guidance, is within a range of £117,000 to £130,000. The salary includes statutory out of hours work. Presently, the Acting Senior Coroner for the Swansea and Neath Port Talbot area has a salary of £91,420 per annum.
8. 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. 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. Swansea presently pay a £400 daily rate to Assistant Coroners and there is no proposal to amend this as it is felt that the figure of £400 is appropriate in line with the recommended rates suggested by the JNC.
9. In deciding the appropriate salary, work has been undertaken by Swansea in conjunction with the Head of Legal Services of NPT to assess complexity of work covered by the Swansea and Neath Port Talbot coroner area. Factors such as presence of institutions i.e. prisons and hospitals are considered and are set out in Appendix 2. With around 2,350 – 2,600 reported deaths a year, Swansea and Neath Port Talbot is considered a busy coroner area

10. 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.
11. Discussions have been held by Swansea with the present Acting Senior Coroner and an in principle agreement has been reached subject to resolution of each respective Cabinet to the new salary and NPT authorising the additional increase that it will require to be made to the Coroner's Service as a result of this proposed change. It is proposed that the new salary should be set at £127,000 per annum and will require backdating to the 1<sup>st</sup> November 2017 when the JNC Framework was first initially published. This represents an additional sum of £35,580 in salary costs per annum, with additional sums necessary to meet on-costs and pension contributions.
12. This will ultimately require the financial contribution that NPT makes to the Coroner Service to be increased in this financial year (2018/2019) in the sum of £26,059 to meet the backdating of costs, pension contributions and on costs. From April 2019, onwards our contribution to the Coroners Service will then increase in line with our 34.5% share of the increase in salary and on costs.

### **Financial Impact**

13. As indicated above, NPT contributes the sum of £248,030 to Swansea for the running and administration of the Coroners Service. The Acting Senior Coroner is presently receiving a salary of £91,420, with a proposal to increase the same to £127,000. The budget for the amalgamated Coroners Services sees NPT contribute the sum of 34.5% of the total budget costs. The percentage is based on the number of deaths registered in the areas of Swansea and NPT and is reviewed on an annual basis. This will ultimately require the financial contribution that NPT makes to the Coroner Service to be increased in this financial year (2018/2019) in the sum of £26,059 to meet the backdating of costs, pension contributions and on costs. From April 2019, onwards our contribution to the Coroners Service will then increase in line with our 34.5% share of the increase in salary.

### **Equality Impact Assessment**

14. There are no equality impacts associated with this report.

### **Workforce Impacts**

15. There are no immediate workforce impacts associated with this report.

## **Legal Impacts**

16. 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.

## **Consultation**

17. There is no requirement for external consultation on this matter though ongoing dialogue has taken place between NPT and Swansea to discuss this matter and to agree a suitable figure.

## **Recommendations**

18. It is recommended that
  - (a) Members endorse the decision by the City and County of Swansea to increase the annual salary of the Acting Senior Coroner from £91,420 to £127,000 (in line with JNC Guidance)
  - (b) Members authorise the additional sum of £26,059 (which comprises the pay award, back pay and pension contributions and which represents our 34.5% split of the cost) in this financial year (2018/2019) to be paid to the City and County of Swansea in respect of backdating costs of the revised salary to November 2017.
  - (c) Members note the additional financial increase that will be made to the amalgamated Coroner's Service in line with the current contribution rate of 34.5% contribution rate as a result of the change in salary from April 2019 onwards.

## **Appendices**

19. JNC Coroners Circulars 61 and 62
20. JNC Senior Salary Considerations

## **List of Background Papers**

21. None

## **Officer Contact**

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## Appendix 1

**SENIOR CORONER SALARY CONSIDERATIONS**

THE LEVEL OF PAY IS TO BE DETERMINED LOCALLY IN LINE WITH THE COMPLEXITY OF THE CORONER AREA.

FACTORS TO BE CONSIDERED INCLUDE:

<b>Factor</b>	<b>Consideration</b>	<b>Comments</b>
Prison and other institutions of state detention	Are there any? Type of institution/s – where more vulnerable people are detained eg local prisons, young offender institutions, female prisons and/or immigration detention centres. Number of institutions?	HMP Swansea  Hillside Secure Unit
Mental Health Unit(s)	Are there any? Type of such units ie in-patients Number of units.	<u>Adult Mental Health</u> Acute assessment & admission – provided at Cefn Coed Hospital (CCH), Neath Port Talbot Hospital (NPTH)  <u>Older Mental Health Services</u>  Assessment & admission – provided at Cefn Coed Hospital (CCH), Neath Port Talbot Hospital (NPTH), Tonna Hospital, Ystradgynlais Community Hospital Continuing Care and Respite – provided at Cefn Coed Hospital (CCH), Garngoch Hospital, Neath Port Talbot Hospital (NPTH), Tonna Hospital,  New £18 million Ysbryd y Coed unit for patients with dementia, built in the grounds of Cefn Coed Hospital. It is a 60-bed unit with three wards of ensuite bedrooms, and purpose built for patients with dementia.

<p>Hospitals with areas of specialism</p>	<p>Type of such hospitals eg tertiary hospital (tertiary characterised by offering specialised consultative care, usually on referral from primary or secondary medical care personnel, by specialists working in a centre that has personnel and facilities for special investigation and treatment., hospitals with specialist units eg neurological, stroke, neo-natal units. Number of such hospitals.</p>	<p><b>Morrison Hospital</b> is one of the largest in Wales, and has around 750 beds. It provides acute general medical / care of the elderly beds, (including medical sub-specialties) facilities; it has a well developed trauma and orthopaedic service and a range of surgical / urological specialties. Morrison also has one of the busiest Emergency Department (A&amp;E) in Wales. It is also home to the Welsh Centre for Burns and Plastic Surgery, and provides the bariatric (obesity surgery) service for Wales. The hospital is currently undergoing a massive £100m-plus redevelopment with brand new buildings replacing pre-war estate.</p> <p>The range of specialist tertiary services provided at Morrison Hospital includes renal medicine, neurology, oral and maxillofacial Surgery, and the regional tertiary cleft service for children and adults. The hospital offers one of two cardiac centres in Wales (pictured right). Rheumatology and palliative medicine are also provided to a wide catchment area. These services are supported by critical care facilities.</p> <p>Morrison Hospital is also the site of the major Emergency Department (A&amp;E) for Swansea and, with its accessibility to the South West Wales population, is recognised as the major trauma centre for South West Wales.</p> <p>The hospital also a paediatric unit with two teams caring for children undergoing plastic surgery, maxillofacial surgery, orthopaedics, trauma and general medical paediatrics. The unit has a 4-bedded HDU caring for children with complex needs and there also an outpatients department. In August 2009, the</p>

		<p>children's wards and paediatric Assessment Unit at Singleton Hospital moved to Morriston Hospital. A full range of high quality diagnostic and therapeutic services are also provided at Morriston Hospital.</p> <p><b>Singleton Hospital</b>, with 550 beds, provides acute general medical services, care of the elderly, surgical, ophthalmology, ENT and radiotherapy services. It also offers a High Dependency Unit and obstetric and gynaecological departments. A number of these departments provide sub-regional services as well as secondary care services (e.g. ophthalmology, ENT, dermatology). These services are supported by intensive care and high dependency beds, and a range of high quality therapeutic and diagnostic services.</p> <p>The hospital provides specialist regional oncology services as well as complex cancer cases within the other specialties onsite (e.g. oral maxillofacial, ENT, colorectal, upper GI). The South West Wales Cancer Institute and a separate Chemotherapy Day Unit are also at Singleton</p> <p><b>Gorseinon Hospital</b> has a total of 44 beds which provide assessment and rehabilitation for the elderly.</p> <p><b>Neath Port Talbot Hospital</b> has 270 beds and provides a range of inpatient, outpatient and day case services for the people of Neath and Port Talbot</p>
Caseload	Caseload of the	2,350 – 2,600 reported deaths a year with a

	<p>respective coroner. It should be noted that it may be possible for a coroner to have a low but quite complex caseload due to a number of factors of complexity and that would need to be taken into account in determining the local pay point. Conversely, it may be possible for a coroner to have a high case load of low complexity.</p>	<p>high percentage of complex inquests including Jury cases. The Acting Senior Coroner has been tackling and reducing a back log of inherited complex legacy cases over 12 months. He has limited support from 2 part time assistant coroners</p>
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Other factors	Exceptional local factor	Waterfront location including a Marina adding to potential complexity
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