


SURREY

People, Performance and Development Committee

8 March 2018

Coroners Pay Arrangements

Purpose of the report:

This reports sets out details of a new national pay framework and guidance for Coroners issued by the Joint Negotiating Committee for Coroners (the JNC).

It recommends that members of the People, Performance and Development Committee (PPDC) agree to adopt the framework set by the NJC and agrees the process set out for determining the specific salary level within this framework for the current Senior Coroner, Area Coroner and Assistant Coroners.

Recommendations:

It is recommended that members of the People, Performance and Development Committee:

1. Agrees to adopt the JNC framework and guidance for the purposes of setting coroners pay.
2. Agrees to the recommended approach to determining each coroners pay as detailed in this report.
3. Agrees that changes to the pay policy statement should be made to incorporate these arrangements into pay policy.

Introduction and Background

1. Coroners are independent judicial officers who are appointed and funded by local authorities. They inquire into deaths reported to them which appear to be violent, unnatural or of sudden and unknown causes. Coroners are required to be judicially independent of local authorities - they are therefore not employees of the council.
2. In Surrey, the following coroners are currently appointed:

- Senior Coroner – Richard Travers
 - Area Coroner – Simon Wickens
 - Assistant Coroners – x 8
3. The Coroners and Justice Act 2009 (the 2009 Act) sets out the statutory arrangements for coroner's remuneration as follows:
 - Senior and Area Coroners are entitled to a salary. The amount of the salary is to be whatever is from time to time agreed by the Senior Coroner and the relevant authority for the area. If the Senior coroner and the relevant authority cannot agree about an alteration in the amount of the 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 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 each Assistant Coroner and the relevant authority for the area. However the 2009 Act is silent as to a referral to the Lord Chancellor where the Assistant Coroner and the relevant authority cannot agree an alteration in the amount of the fee.
 4. Due to the wide ranging disparity of coronial pay nationally, the JNC agreed to undertake a job evaluation (JE) exercise to assess the roles set out in the Coroners and Justice Act 2009.
 5. They commissioned Korn Ferry Hay Group to conduct a job analysis and evaluation exercise to enable the JNC to develop a grading arrangement based on broader criteria than the population based approach taken in the past.
 6. That exercise has created new model role profiles and has been able to take account of criteria relevant to both local authority and judicial contexts. It has also been the first opportunity to consider through the JNC pay recommendations with regards to Area and Assistant Coroners.
 7. Having considered the outcome of the technical evaluation exercise and looked at a wide range of potential pay benchmark data, the JNC has reached agreement on a new national pay framework and guidance for coroners pay. These have now been issued by the JNC as Circular No's 61 and 62 – Coroners Pay Guidance (**Annex 1**).
 8. It is now a matter for individual local authorities and coroners to decide, on a case by case basis, if they wish to adopt this new national pay framework and guidance.

Summary of the new pay framework

9. The guidance provided by the JNC is intended to provide assistance to local authorities on the factors to be taken into consideration in order to arrive at a balanced over-arching picture of a coroner area's complexity. This then allows the authority to determine on a local evidential basis the appropriate level of pay within the ranges.
10. The factors apply to both Senior and Area Coroners and the JNC anticipates them being placed at the same point within the appropriate range for the coronial area. This means if the Senior Coroner is appointed at the top of the range, the Area Coroner would also be appointed to the top of their respective range.
11. Full time Senior Coroners will be paid a spot salary within the range of £117,000-£130,000. The spot salary will be determined through a discussion between the local authority and the Senior Coroner around

Allowance / Supplement	Monthly / Annual amount	Payment period
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the complexity and caseload factors of the area taking account of the guidance set out in JNC Circular No 62.

12. Area Coroners will be paid an all-inclusive spot salary within the range of £87,000-£100,000. The factors agreed in respect of the Senior Coroner would equally apply to the Area Coroner and the expectation is that Area Coroners would be placed at the same point within the appropriate range for the coroner area.
13. Assistant Coroners will be paid a daily rate from £375-£454 with a ceiling/floor mid-point for less complex/highly complex areas.

Implementation

14. The JNC guidance was published on 8 January 2018. The Principal Advisor at the JNC has advised that the JNC had deliberately remained silent about the date of implementation so as to provide room for local negotiation. He did, however, note that he expected to see implementations being agreed somewhere between January – April 2018.

Implications for each coroner

Senior Coroner - Richard Travers

15. Richard was appointed on 1 July 2011 on a salary of **£99,664**. He also receives the following additional payments which total £20, 336 making his annual salary **£120,000**. He has not received a salary increase since his appointment in 2011 although a market supplement of £13,026.36 was agreed in 2012 by the Chief Executive.

Extra Duty	£106.10 / £1,273.20	From 01/07/2011 and ongoing
Area Allowance	£46.25 / £555.00	From 01/11/2011 and ongoing
Market Supplement	£1,085.53 / £13,026.36	From 01/04/2012 and ongoing
Special Allowance (pension supplement)	£456.79 / £5,481.48	From 01/10/2012 and ongoing

16. The new pay range set by the NJC for Senior Coroners is **£117,000-£130,000**.

17. The new pay ranges are intended to provide an all-inclusive salary. It is therefore expected that the current allowances will be incorporated into the new salary point.

Area Coroner - Simon Wickens

18. Simon was appointed on 1 May 2015 on a salary of **£85, 000**. He does not receive any additional allowances. He has not received a salary increase since he was appointed in 2015.

19. The new pay range set by the NJC for Area Coroners is **£87,000-£100,000**.

Assistant Coroners

20. Assistant Coroners are currently paid a daily rate of **£440** per day.

21. The new daily rate set by the NJC for Assistant Coroners is **£375-£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 were identified in the job evaluation exercise.

Determining Pay Levels

22. In order to inform negotiations regarding an appropriate new spot salary, an exercise is being undertaken to review the factors listed in the JNC guidance (such as number and type of prisons, hospitals and mental health facilities) in order to make an assessment on the level of complexity. In addition, benchmarking research is being undertaken to understand how other local authorities are approaching the pay review.

23. Discussions are being held with colleagues locally and nationally to ensure the benchmarking data includes comparable coronial areas (a comparable area being one that has similar number of reported deaths, population size and level of complexity)

24. It is proposed that a further paper is brought to PPDC in April setting out a recommended new salary for both the Senior, Area and Assistant

Coroners once the above research has been completed. It will also set out in detail the current pay arrangements and the proposed changes to these, including any allowances currently paid to the coroners.

Conclusions:

25. The JNC for Coroners has introduced a new grading structure for the roles of Senior Coroner, Area Coroner and Assistant Coroner. It is proposed that SCC formally adopt these new arrangements and that a further paper is brought to PPDC recommending salary levels once we have been able to establish benchmarking information and our proposed negotiating strategy based on the factors listed in the NJC guidance.

Financial and value for money implications

26. The estimated financial impact of the recommended pay review will be in the range of £17,000 to £32,000 per year. This would cause a budget pressure for the current Coroner Service budget. Once salary levels have been determined this cost can be calculated more accurately.

Equalities and Diversity Implications

27. Adopting the national framework for determining coroner's rewards will ensure that Surrey is treating coronial staff fairly and consistently with similar staff.

Risk Management Implications

28. Should SCC decide not to adopt the new framework, and the coroner does not agree with any proposed salary level, coroners have the option to refer their salary discussion to the Lord Chancellor. Further advice from the NJC has been sought regarding this who confirmed that the Ministry of Justice's intention is that the new framework will see a single coherent pay structure for coroners. As such their view is that any appeals to the Lord Chancellor are likely to result in a decision that pay should be determined in line with the JNC agreement.

Next steps:

29. HR to continue with benchmarking discussions to understand the approach being taken locally and nationally, to inform negotiating strategy. Negotiating strategy to be created in conjunction with Strategic Director Environment & Infrastructure, Trevor Pugh who has strategic responsibility for Coroners.
30. An updated paper is brought to PPDC in April setting out the proposed salary level for each Coroner.

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31. Once approved, coroners pay is to be included in the Surrey Pay policy in order to ensure coronial pay is subject to an annual review consistent with Surrey Pay.
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Annexes:

Annex 1 – Coroners' Circular No. 62

Sources/background papers:

- JNC Circular 61 and 62
- A copy of any background papers which have not previously been published should be supplied to Democratic Services with your draft report.