

Employment Committee

Meeting to be held on Thursday, 30 November 2023

Electoral Division affected:
N/A;

Review of Coroner Salaries and Fees 2023/24

(Appendices 'A' and 'B' refer)

Contact for further information:

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Brief Summary

The purpose of this report is to seek agreement from the committee to implement the pay award of 3.5% across the Senior, Area, and Assistant Coroner salaries. The committee is also asked to agree a revised salary for the two Area Coroners and backdated revised salary for one month for the former Area Coroner, who retired at the end of April 2023. The committee is also requested to extend the casual post of Case Examiner until the end of 2024 and until the Medical Examiner Service becomes statutory.

Recommendation

The Employment Committee is asked to agree that:

- (i) The salaries and fees paid to the Senior, Area and Assistant Coroners be increased by 3.5% as recommended in the Joint Negotiating Committee for Coroners, with effect from 1 April 2023;
- (ii) The Area Coroners' salaries be increased as set out in the report, with effect from 1 April 2023; and
- (iii) The casual Case Examiner role within the Coroner's Service be extended until the end of 2024, as set out in the report.

Detail

Coroners are independent judicial office holders under the jurisdiction of the Ministry of Justice and the Chief Coroner. The county council has a duty to provide all necessary resources to support the Coroner's Service and is responsible for the remuneration of all coroners within their administrative area.

The Lancashire and Blackburn with Darwen Coroner Area covers Lancaster, Wyre, Preston, South Ribble, West Lancashire, Chorley, Burnley, Pendle, Rossendale,

Blackburn with Darwen, Hyndburn and Ribble Valley (the whole of Lancashire excluding Blackpool and Fylde) and serves a population of 1.4 million. This jurisdiction is considered highly complex as it is home to four prisons, two large teaching hospitals, major road and rail networks, and is in the top four jurisdictions by size in England and Wales.

Lancashire and Blackburn with Darwen Coroner Area is held as a national benchmark for innovation amongst coroner areas, due to the implementation of CT scanning and being entirely paperless, from the police officer registering the death and throughout the whole inquest process. The television documentary 'Cause of Death' also gives the Lancashire Coroner's Service a high profile nationally.

Coroners' pay is set by agreement between the local authorities responsible for the coroner area (Lancashire County Council and Blackburn with Darwen Borough Council) with regard to the recommended national pay scales negotiated between the Coroner's Society for England and Wales and the Local Government Association.

The Joint Negotiating Committee (JNC) for Coroners issued Coroners' Circular No. 68 in relation to the coroners' pay agreement for 2023/24 recommending a pay award of 3.5%. This is less than the 3.88% agreed by the National Joint Council for local government services ('Green Book' employees) above spinal column point 44.

Senior Coroner

In March 2023, the Employment Committee agreed a salary of £163,338.24, an out of hours payment of £17,500 per annum, and a court suit allowance of £600 per annum for the Senior Coroner effective from 1 April 2022.

Coroners' Circular No. 68 has confirmed that the salary for a Senior Coroner should be increased by 3.5% with effect from 1 April 2023. The committee is therefore asked to confirm a total salary of £187,788.58 with effect from 1 April 2023. This includes an out of hours payment of £18,112.50 (relating to both legislative provisions and faith deaths) and a court suit allowance of £621 per annum.

Area Coroner

The Area Coroners have asked for a review of their salaries to bring it them in line with existing judicial roles of similar complexity and to reflect the particular challenges of the Lancashire and Blackburn with Darwen Coroner Areas. The Area Coroner salaries have not been reviewed, aside from annual pay awards, since 2018. Last year the Employment Committee agreed for an out of hours payment of £2,500 per annum to be paid to each of the Area Coroners and £600 for court suit allowances.

A comparison with other areas is provided below. Note that the salaries have been taken from job adverts and do not include pay awards for 2022/23 and 2023/34. These are basic salaries and therefore do not include out of hours or other locally negotiated allowances or payments:



Jurisdiction / Role	Advertised Area Coroner Salary	Reported deaths
Staffordshire	£105,854	2,404
Berkshire	£105,601	2,257
London North	£107,248	3,193
Cheshire	£106,500	3,107
Suffolk	£103,530	2,219
NE Kent	£105,600	1,340
West Yorkshire (East)	£105,600	2,308
Current Lancashire and Blackburn with Darwen	£109,825 (Plus £2,500 out of hours and £600 court suit allowances)	4,671
District Judges	£118,237	N/A
Proposed Lancashire and Blackburn with Darwen	£118,237 (Plus £2,500 out of hours and £600 court suit allowances)	4,671

It is important to recognise that Area Coroners are generally recruited from the same pool of lawyers as other senior positions in the judiciary. This can lead to recruitment difficulties as many of these positions, such as a criminal judge and circuit judge, command higher salaries. The role of Area Coroner is high profile, legally complex and carries substantial responsibilities and risks, both in legal terms and in respect of public confidence.

The recruitment of coroners is a national challenge, and this is a problem that has been experienced in Lancashire with very few suitable candidates applying in recent recruitment exercises.

The Judicial Conduct Investigations Office treat full time coroners as circuit judges, whose level of responsibility and complexity of work is certainly comparable. The annual salary of circuit judges in 2022/23 started at £147,388.

The Joint Negotiating Council for Coroners' recommended salary for Area Coroners (from 1 April 2023) is £96,572 – £111,002. However, the guidance also states that factors relating to where a Senior Coroner is placed on the pay scale should reflect equally to an Area Coroner.

Lancashire's Area Coroners are currently paid £109,825 with an out of hours allowance of £2,500 per annum and court suit allowance of £600 per annum.

Following consultation with both Area Coroners, it is proposed that the salary for each Area Coroner should be increased to the same salary as district judges: £118,237, plus the out of hours payment (for both legislative provisions and faith deaths) and court suit allowance.

The committee is asked to agree the uplifted Area Coroners' salary plus the 3.5% pay award for 2023/24, both with effect from 1 April 2023. This would give a total salary for Area Coroners of £125,583.80, which includes an out of hours payment of



£2,587.50 (relating to both legislative provisions and faith deaths) and a court suit allowance of £621 per annum.

Assistant Coroners

In September 2021 the Employment Committee agreed to a two-tier rate for the Assistant Coroners:

1. A fee per day for simple inquests with no jury or complex issues to consider; and
2. A fee per day for those hearing the more complex inquests often lasting several days and with a jury.

The Assistant Coroner fees were increased in 2022/23 in line with coroners' pay award (1.56%) to £429 and £486 respectively.

The committee is now asked to agree that the Assistant Coroner fees are increased by 3.5% in line with 2023/24 pay award, to £444 for simple inquests and £503 for complex inquests.

Case Examiner

Due to a change in the law in July 2022, HM Senior Coroner reconsidered the approach to deaths where a doctor cannot provide a cause of death. Initially HM Senior Coroner was reviewing each of the cases due to his medical background and 18 years of reviewing causes of death. In approximately 80% of the cases considered, this approach has provided a cause of death that is accepted by the family and by the Registrar of Births, Marriages and Deaths. This has allowed funerals to take place, possibly slightly quicker than if a post-mortem CT scan had been required and caused less inconvenience for families.

The Senior Coroner for Lancashire and Blackburn with Darwen is one of three Coroners in England and Wales able to use this system due to their medical background. However, reviewing the medical records takes up most of his time and is unsustainable.

This is a time limited problem. Once the Medical Examiners take on the scrutiny of community deaths, the Medical Examiners should take on the role of reviewing all deaths where the doctor is unwilling to offer a cause of death before a referral to the Coroner. The original time frame for this was expected to be Autumn 2023 but is now April 2024, although the Department of Health has not formally outlined the date which remains flexible. In the meantime, a retired GP, employed as a Case Examiner in March 2023, has been undertaking the review of cases where the GP is unwilling to provide a cause of death. This allows HM Senior Coroner to focus on the remainder of his significant workload.

The Case Examiner reviews around 8 cases per day which takes approximately 2 hours. They receive £50 per hour, which is equivalent to Director level salary within Lancashire County Council.



As the statutory legislation for the Medical Examiner has not yet been written, the Case Examiner is continuing to assist in reviewing the cases where a GP is unwilling to offer a cause of death. The casual Case Examiner role was previously approved until the end of 2023. The committee is therefore asked to approve the extension of the casual Case Examiner role until the end of 2024.

Appendices

Appendices 'A' and 'B' are attached to this report. For clarification they are summarised below and referenced at relevant points within this report.

Appendix	Title
Appendix 'A'	Coroners Circular No. 68
Appendix 'B'	Judicial Salaries by Salary Group

Consultations

Blackburn with Darwen Borough Council have been consulted on these proposals.

The Senior Coroner and Area Coroners have been consulted on these proposals and have confirmed their agreement to them.

Implications:

This item has the following implications, as indicated:

Financial Implications

Under the terms of a Governance Agreement between the county council and Blackburn with Darwen Borough Council, 23% of the salary costs of the Senior Coroner and one of the Area Coroners will be met by Blackburn with Darwen Borough Council. 23% is based on the population of the former jurisdiction as a percentage of the overall population of the new larger jurisdiction.

The county council's share of the increased cost of this proposal will need to be factored into the next update of the Medium-Term Financial Strategy, resulting in an additional pressure of circa £43,000.

The casual Case Examiner post covers its costs by generating a saving from the number of non-invasive post-mortems that are avoided.

The increased costs, including oncosts are:

	No of Posts	Current total cost	Proposed total cost	Total increase	Increase to Lancashire County Council	Increase to Blackburn with Darwen Borough Council
Senior Coroner	1	£234,795	£243,058	£8,263	£6,363	£1,900



Area Coroners	2	£291,319	£324,258	£32,939	£29,151	£3,788
Assistant Coroner	*	£204,038	£211,224	£7,186	£7,186	£0
Total		£730,152	£778,540	£48,388	£42,700	£5,688

*Assistant Coroner costs are based on an hourly rate.

Risk management

All Coroners can refer their proposed salary to the Lord Chancellor who would make a final judgement. Whilst it is not known how long this would take and Lord Chancellor's decision cannot be prejudged, it is believed that the Lord Chancellor would confirm the proposed Area Coroner's salary due to the complexities of the jurisdiction and Senior Coroner's salary.

If the Case Examiner post is not approved for a further period until the Medical Examiner becomes statutory (expected in April 2024) this would result in a significant and unsustainable increase in the workload of the Senior Coroner alone, due to his medical background. A poorer service would be provided to bereaved families and unnecessary post-mortem CT scans would continue to be authorised when the Senior Coroner is unable to review the cases due to other duties.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
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None

Reason for inclusion in Part II, if appropriate

N/A

