

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL CABINET

DATE OF DECISION 16 May 2018

DATE DECISION PUBLISHED 18 May 2018

DATE DECISION WILL COME INTO FORCE and implemented,
unless the decision is called in, in accordance with section 7.25 of
the Gwynedd Council Constitution 25 May 2018

Cabinet Member: Councillor Nia Jeffreys, Cabinet Member Corporate Support

SUBJECT : Bringing the North West Wales Area Senior Coroner Service In-house

DECISION: Please see attached report for arrangements regarding bringing the North West Wales Area Senior Coroner Service In-house

REASON WHY THE DECISION IS NEEDED

Please see attached report

DECLARATIONS OF PERSONAL INTEREST AND ANY RELEVANT DISPENSATIONS APPROVED BY THE COUNCIL'S STANDARDS COMMITTEE

None

ANY CONSULTATIONS UNDERTAKEN PRIOR TO MAKING THE DECISION

Consultation with
Gwynedd Council Statutory Officers
Isle of Anglesy County Council Officers

The results of the consultations are reported upon in the attached report

DECISION NOTICE OF AN INDIVIDUAL MEMBER OF GWYNEDD COUNCIL'S CABINET – OFFICER'S REPORT

Name and Title of Cabinet Member/s:	Cllr Nia Jeffreys, Corporate Support, Corporate Governance Cabinet Member
Name and Title of the Report's Author:	Siôn Huws, Senior Solicitor (Corporate)
Date of Decision:	16 - May - 18.
Cabinet Member/s Signature:	

Subject: Bringing the North West Wales Area Senior Coroner Service In-house

Recommendation for the Decision:

- (1) Transfer the North West Wales Area Senior Coroner Support Service to be provided directly by the Council in its offices.
- (2) Transfer the post of the Coroner's Clerk to the Council's employment
- (2) Authorise thr Head of Legal Services, in consultation with the Head of Finance, to agree new arrangements for paying a salary to the Senior Coroner and a fee for the Assistant Coroner

The reason why a decision is required:

Recent developments have highlighted the need to review the current arrangements, which means that it is possible to undertake a review of the administration of the Coroner's system and to strengthen the provision in a generally cost neutral way

General Background

Wales and England are divided into coroner areas, with the relevant local authorities funding the individual services. The North West Wales Coroner's Area includes Gwynedd and Anglesey, and the service is funded jointly with Anglesey Council.

Gwynedd Council is the lead authority, which means that we have a statutory duty to meet the associated costs of running the service. This includes ensuring that the Senior Coroner has staff and offices that enables him deliver his functions. The service is, in essence, a local service, with the specific arrangements to be agreed between each local authority and their Senior Coroners.

The Senior Coroner in this area runs his service from a solicitors' company's office in Caernarfon, where he worked as a solicitor until his recent retirement. There is also one **Assistant Coroner** serving the area, dealing with cases when the Senior Coroner is unavailable or at other times with the Senior Coroner's agreement.

(1) PROVISION OF OFFICES AND STAFF FOR THE CORONER

Current Arrangements

It is a matter for each lead authority and the Senior Coroner to agree the exact nature of the arrangements between them. In this area, an allowance is paid to him, to reimburse the costs of paying for his office and staff. The current allowance is £28,188 per annum. The allowance was agreed following the last review in 2004. Inflation was added annually to the sum until 2011/12.

The Senior Coroner uses this allowance to rent office space and to employ a clerk who works for him on a full-time basis. He is responsible for arranging any relief staff and any additional administrative support that is required.

Further administrative support is provided by Gwynedd Council staff, mainly in relation to processing and paying bills. He receives support from other services as required.

Recent Developments

Following the Senior Coroner's recent retirement as a solicitor, it became evident that the allowance was not sufficient to meet the accommodation and staff costs. The Council received a request from the Senior Coroner to increase the allowance to meet these costs. The allowance has therefore been increased on a temporary basis while the arrangements between him and the Council are reviewed. This means that a monthly sum of £3,626 is paid, which is the equivalent of an annual sum of £43,512

There are also wider considerations which mean that it is timely to review the arrangement:

- The need to reflect the structural changes to the coroners system resulting from the Coroners and Justice Act 2009
- The increasing emphasis on locating the coroner's service under one roof as far as practically possible.

Rationale and justification for reaching the Decision:

(1) Offices and Staff

Due to the fact that continuing with the current arrangements permanently would mean increasing the expenditure on the service, there is a need to review the nature of the arrangements and consider any other possible options.

It is considered that there are two practical options available:

(1) To continue with the current arrangement on a permanent basis. A variation of this option would be for the Council to reach a direct agreement with the solicitors company, or to search for another property to be rented.

(2) A change to the arrangement, whereby offices would be provided within the Council's buildings. This would be a model along the following lines:

- Provision of offices for the Senior Coroner, the Assistant Coroner and the Coroner's Clerk
- The Clerk would transfer to be employed by the Council as a member of staff
- Use existing staff within the Legal Service undertake the role in the absence of the Clerk
- Professional line management for the Clerk provided by the Senior Coroner
- Employer line management for the Clerk provided by the Legal Service
- Office Services and IT Services provided by the Council in the same manner as any other service (IT equipment and support, printers, support services, post etc.)
- The status of the Senior Coroner and the Assistant Coroner would not change - they would be appointed and paid by the authority, but they would be function holders and not employees. The change therefore only involves the location and support staff.

Assessment of the Options

Financial Implications

As a result of the increase in office costs, the cost to the Council of fulfilling its statutory duty through the current arrangements has increased substantially. A change to an arrangements whereby offices are provided within the Council's own buildings would be cost neutral compared with the service's current budget. A breakdown of the comparative costs can be found in the Appendix to this report (exempt document).

Office Costs

Following a discussion with the Council's Property Service, it was confirmed that locating the service within the offices identified by the Council would involve a cost to the service's budget (to be transferred to the Property Service) on the grounds that the Council would otherwise lose an opportunity to rent the offices to an external company or agency. This cost would correspond to the cost paid for the current offices, but it would be funding paid to the Council rather than external expenditure.

Staff Costs

An evaluation of the Coroner's Clerk post shows that the cost to the Council of employing the Clerk on the Council's salary scale including pension payments and national insurance would be slightly higher than under the existing arrangement.

Any potential redundancy payments in future must be taken into consideration as the Clerk's period of service would also transfer.

Other Costs

An approximate analysis of the other office costs (paper, photocopying etc.) shows a small saving if the service was brought within the Council. However, it is considered that further savings would become apparent over time as a result of integration with the Council's systems.

The costs of preparing the office and moving would be one-off costs.

When comparing the cost of increasing the allowance to maintain the existing office with the cost of bringing the service in-house, the overall impact of bringing the service in-house would be cost neutral.

Other considerations

(1) Continuing with the current arrangement

The option of continuing with the current arrangement, and increasing the allowance, would be the easiest option to deliver in the short-term.

However, it is considered that this option has disadvantages:

- Being dependent upon a location that is owned by, and under the control of, an external company, would not give the Council (nor Anglesey Council) any certainty in relation to the service's long-term location and costs.
- Uncertainty about the situation following the present Senior Coroner's retirement. The current location is the result of a historic situation. The arrangements that are recommended provide a more secure and modern foundation for the Coroner's service if a wider review of the Service was conducted e.g. based on a regional provision.

(2) Locating the service within the Council's offices

It is anticipated that locating the service within the Council's offices would lead to the following advantages:

- There are suitable rooms available – in the former Wales Audit offices
- Provision of a specific established office that would facilitate the Coroner's service, and would be more suitable for families when they have to visit
- Offices would be located close to the births and deaths registrars - more accessible for families and would facilitate the working links between both offices
- Inquests will be held from now onwards in Dafydd Orwig Chamber which is more suitable than the Arfon Chamber in Penrallt where they are currently held. This will also assist the Council's arrangements by releasing the rooms of Glyder Fawr and Glyder Fach that are often used as additional

rooms. Locating the service next door to the Chamber would complement this arrangement, and would improve and facilitate the provision for everybody on the day of an inquest.

- A closer and more regular link between the Council and the Senior Coroner
- More control and assurance for the Council in relation to costs
- Likely savings - administrative support, procurement, Council's systems, etc.
- Provides a robustness to the service – relief staff and other support as required
- Ensure a suitable long-term location in North West Wales.
- Allows a smooth transition following the present Senior Coroner's retirement
- In-keeping with the general direction of modernisation across England and Wales
- Enables a more detailed supervision by the authority that will become necessary following the proposed changes to the arrangements for paying Coroners (see part 2 of this report for details)

Implication for the Legal Services

The Legal Services are already responsible for the Council's duties as a Lead Authority. An arrangement such as the one described above would facilitate this work and enable the Council to extend its overview and establish a closer working relationship with the Senior Coroner.

There would be implications in relation to the work load, due to the provision of administrative support:

- (1) Occasional administrative support
- (2) Act in the short-term absence of the Clerk (a day or two)
- (3) 'Long' absences (illness or holidays) - undertake the duties that are necessary for the operation of the service

It is anticipated that these requirements can be addressed by using existing staff within the legal services.

(2) PAYMENT

The 2009 Act includes provision that senior coroners have the right to a salary, while assistant coroners have the right to a fee. Senior Coroners also have the right to a local government pension.

The Act makes the provision that it is a matter for the Senior Coroner and the local authority to agree the payment (with the right to refer the matter to the Lord Chancellor in the event of a dispute). However in practice the Local Government Association Joint Negotiating Committee set the pay scales. The Joint Committee includes representatives from the local authorities and the coroners. The current agreement was set by Circular 51, published in 2011, which reflects the situation prior to the changes that came into force as a result of the Act. Although both sides are eager to update the arrangements, the process of reaching an agreement has been long and arduous.

Neither the Senior Coroner nor the Assistant Coroner are employed by the authority and as a result it is not possible to establish a formal contract of employment. However, the Act makes a provision that the Coroner will hold the post based on the terms that are agreed periodically between the authority and the Coroner.

Currently, there is no formal agreement between the Senior Coroner, the Assistant Coroner and the Authority in relation to the types of matters that would be encompassed by an employment agreement e.g. working terms, annual leave arrangements, sickness etc. There are such agreements in place in other Coroner areas.

THE NEW ARRANGEMENTS

In an attempt to forge an agreement, the Joint Committee commissioned the Korn Ferry Hay Group to evaluate the various posts under the 2009 Act and to consider the pay arrangements. On 2 November 2017, Circular 61 was published by the Joint Committee, stating that both sides had agreed in principle on new arrangements for paying coroners. On 8 January 2018, circular 62 was published, which provides more detailed guidance. This would involve:

Part-time Senior Coroners

- Base salary of £20,000 (including statutory 'out of hours' work)
- Payments for each day worked – a daily rate of between £440 a £500, depending on the complexity of the area
- Earnings are capped at the level of a full-time senior coroner in a similarly complex area (£117,000 - £130,000)

- The current pension allowance of 5.5% is abolished
- Abolish the area supplement ('county loading')

Assistant Coroners

- Paid for work undertaken
- A daily rate from £375 to £454 depending on the complexity of the area
- Two grades, depending of the complexity of cases

Long Inquest Pay

- Abolished

Implications

The pay level (apart from the Senior Coroner's base salary) will be determined locally, in accordance with the complexity of the particular area.

We will need to reach a conclusion, on the level of these complexities, based on evidence and by considering a number of factors, including those noted in Circular 62 (number and type of cases, presence of prisons and similar institutions, hospitals, mental health units).

The next step will be to open the discussion with the Senior Coroner on how we will establish and operate the new arrangements. Discussions could be held with other similar areas to see whether it is possible to deal with these matters in a consistent way.

Anglesey Council's opinion

These plans have been discussed with Anglesey Council at officer level, and they had no objections. We will continue to communicate with the authority as the plans progress.

Any consultations undertaken prior to making the Decision:

Chief Finance Officer – I am supportive of the recommendation to integrate elements of the Coroner's service and to adapt other aspects of the current system. I confirm the financial implications set out in the report, that the change would be generally cost-neutral compared to the current service budget, and will assist in avoiding spending above the budget level.

Monitoring Officer – Co-author of report