Manchester City Council
Report for Resolution

Report to: Personnel Committee – 13 February 2013
Subject: Her Majesty’s Coroner Manchester City District
Report of: Chief Executive and City Solicitor

Purpose of Report

A report to consider the remuneration package of her Majesty’s Coroner for Manchester and to ensure the quality provision of coronial services.

Recommendations:

To recommend to Council the revised remuneration package for the coroner as detailed in this report.

Financial Consequences for the Revenue and Capital Budgets

There will be a cost not exceeding £25,320 per annum (including on costs) and this is factored into the Democratic and Statutory services budget.

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Wards Affected: All

Implications for:

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<th>Anti poverty</th>
<th>Equal opportunities</th>
<th>Environment</th>
<th>Employment</th>
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<td>No</td>
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Background

The coroner is an independent judicial officer appointed by the local authority to investigate any death which is unnatural, sudden, unexplained or violent or occurs in prison. The Council is responsible for the provision of support to the coroner by way of staff and by law must meet the expenses that the coroner incurs.

There are 113 coronial districts across England & Wales. Within Greater Manchester:

- Manchester City district covers the geographical boundaries of Manchester City Council
- Manchester North district covers Bury, Rochdale & Oldham;
- Manchester South district covers Trafford, Stockport & Tameside; and
- Manchester West district covers Wigan, Bolton & Salford.

Whilst the other Greater Manchester coroners may cover a wider geographical area the particular features of the Manchester City District have a significant impact on the numbers and complexities of cases dealt with by HM Coroner for the Manchester City district.

This is reflected in the statistics published by the Ministry of Justice, which show that Manchester City district holds significantly more inquests in both percentage and absolute terms than the other Greater Manchester districts. The location in Manchester of major teaching hospitals, specialist hospitals such as Christie and the Manchester Children’s Hospital, universities, HM Prison Manchester, and Manchester Airport have a significant impact on the numbers and complexities of cases dealt with by HM Coroner for the Manchester City district. The MRI for instance is one of the biggest hospitals in the country. Manchester has the biggest children’s hospital in Europe and is also a centre of specialist paediatric pathology. HM Coroner for Manchester also does a lot of complex human rights related inquests which are becoming more frequent and lengthy. The law has been developing in this area and now can include voluntary non detained mental health patients in or out of hospital. Manchester also has large Jewish and Muslim communities with their own cultural and religious needs in this area. Arguably Manchester City is one of the most challenging coronial districts in the country.

When the current coroner was appointed in September 2006 he inherited a substantial backlog of inquests and Manchester was performing poorly in terms of the average time to complete an inquest, taking an average of 33 weeks. In view of the change of coroner, changes to personnel in the coroners office and a new senior management team it has been difficult to establish why these backlogs and delays occurred. However since 2008 a new senior management team has worked in close partnership with the coroner to transform the service provided in Manchester. The backlog has now been substantially eliminated and waiting times have improved. For the more straightforward cases (which are the majority) our figures are improving year on year. In 2010 the average waiting time was 29.6 weeks and in 2011 it was 26.6 weeks. The figures so far for 2012 suggest the average waiting time is likely to be 23.2 weeks.
The national statistics produced by MOJ show that for the last 4 consecutive years for which figures are available Manchester’s Coroner completed the 3rd highest number of inquests in England & Wales. (2011 – 745 inquests; 2010 - 715 inquests; 2009 - 783 inquests; 2008 - 743 inquests).

The council must by law meet the costs incurred by the coroner in carrying out his coronial functions. This includes the costs of post mortems, toxicology, medical reports, removal and storage of bodies, and the costs of holding inquests.

The coroner’s service has been allocated significant extra funding over the past 5 years in recognition that the previous budget allocation was not sufficient and to assist with clearing the backlog of cases.

The service is demand led and some costs can be difficult to forecast. It is clear the Coroner’s judicial discretion cannot be fettered by setting a budget within which he must deliver his coronial functions. However in the past few years the Coroner has appreciated the need to work more closely with the Council in supporting the efforts of officers to reduce costs and realise efficiency savings where possible, and work together to more accurately forecast expenditure so that any pressures on the allocated budget can be identified as soon as possible and dealt with appropriately.

As noted Manchester has large Jewish and Muslim communities and the Coroner has been particularly successful in addressing the cultural and religious needs of both groups. He has gone far beyond the level of service generally offered by many coroners. In particular, he has along with another of the Greater Manchester coroners, pioneered the use of magnetic resonance imaging techniques (MRI scans) which can remove the need for an invasive post mortem. This service can only be offered out of hours, as the MRI equipment is not available for such cases during normal working hours. Additionally the Coroner will wherever possible seek to ensure that the deceased’s body is released within 24 hours so that the religious and cultural needs of these groups are met. To achieve this however the coroner makes himself available out side of normal working hours on a regular basis.

Moving forward the Coroner will be working closely with the Head of Democratic and Statutory Services and her officers to successfully implement the new medical examiner service and to ensure the system is robust and delivers for service users. The introduction of the new medical examiner service is likely based on the pilot evidence available to result in increased numbers of post mortems and inquests which will substantially increase the coroners workloads in the future.

By law the Coroner is required to be available at all times when his deputy or assistant deputy is not authorised and this requirement was reflected in the Job Description when the Coroner was recruited. However the reality is that the coroner has personally provided a comprehensive out of hours service to try and cater for the cultural and religious needs of certain groups of Manchester residents. It is believed that attention to such cultural and religious needs is greatly appreciated by the communities involved, is an important factor given Manchester’s diverse population and consistent with the objectives of the Council.

Remuneration
As noted a coroner is an independent judicial officer appointed by a local authority but not an employee. As such the Coroner's post does not fall within the scope of the Council's Pay Policy. The Council's Pay Policy states bonuses, performance related pay or earn back (withholding an element of base pay related to performance) are not operated as the Council believes that is has sufficiently strong performance management arrangements in place to ensure high performance from it Senior Officers. However where there are appointments that are outside of the Pay Policy and the Council’s normal performance management arrangements it is appropriate that the Council considers alternative arrangements to ensure high performance.

HM Coroner for Manchester has made representations that his salary is inconsistent with the salaries of his coronial colleagues particularly in the light of the substantial out of hours service that he provides. He has asked that the Council review his salary in the light of these anomalies. The salary of each coroner is a matter of discretion for the local authority who appoints the coroner.

The Joint Negotiating Committee for Coroners (part of Local Government Employers ‘LGE’) sets salaries for coroners based on the levels of population within their jurisdiction. The figures set by the JNC are guidelines only and it is apparent that other local authorities pay in excess of the recommended bands. The latest JNC award was in 2011 which was backdated to April 2010 and is reflected in the table below:

<table>
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<th>Population band:</th>
<th>Salary</th>
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<tr>
<td>400,000-700,000</td>
<td>£91,420</td>
</tr>
<tr>
<td>700,000-1,000,000</td>
<td>£95,346</td>
</tr>
<tr>
<td>Over 1,000,000</td>
<td>£99,664</td>
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There is also an additional payment of 5.5% salary supplement to coroners joining the Local Government Pension Scheme.

In March 2004 a report was brought to Personnel Committee to consider the remuneration package to be attached to the role of HM Coroner for Manchester, in preparation for recruitment of a new coroner, which took place in 2005. Personnel Committee agreed to set the salary for Manchester’s Coroner at a level normally payable to coroners with jurisdictions in the top band (of the figures set by the JNC) in recognition of the additional pressures of the Manchester jurisdiction mentioned above even though based solely on population the applicable band would be a lower band.

Consequently the salary for HM Coroner for Manchester is currently £99,664 with an additional payment of 5.5% salary supplement. However the Manchester Coroner is now paid approximately £20K per annum less than the highest paid of the Greater Manchester coroners, despite that fact that significantly more inquests are held in Manchester and the complexity of the coronial district.
For the reasons set out in this report it is suggested that notwithstanding the current economic position there is substantial and substantive added value to the service, over and above normal expectations, which would justify a revised remuneration package particularly if this can be linked against a set of service standards which continue to ensure the highest performance standards of coronial services.

Should the current Coroner resign it would be very difficult to attract a candidate of the same calibre and with the same willingness to provide a service to meet the needs of Manchester residents on the current salary given the disparity of pay.

As detailed the Manchester City jurisdiction places particular demands on the Coroner of a different scale and nature to other jurisdictions and will continue to do so. We want to ensure that moving forward the role of HM Coroner Manchester continues to evolve to meet the changing demands of the residents of Manchester for greater levels of service provision and increased communication between the coroner and communities in Manchester. We would also like to see the Coronial Service operating within a performance management framework where the service standards that bereaved people, witnesses and others should expect to receive is clearly documented and performance is measured against those standards.

In summary the coroners terms and conditions do not compare favourably to those of other coroners and the City Council would struggle to recruit a Coroner of the same calibre should the current coroner resign. Within this context the Coroner has asked for his salary to be reviewed. Additionally any change to the coroner’s terms and conditions provides an opportunity to deliver the ‘added value’ set out above. Despite the current economic position there is a clear rationale for reviewing the coroner’s current salary package and therefore it is recommended that the remuneration arrangements for HM Coroner should be reviewed and revised in accordance with the proposals set out in this report.

Set out in Appendix 1 are a set of broad draft service standards which will assist the Council in ensuring that the coronial service is delivered in a way that meets the Council’s objectives. It is suggested that any increase in remuneration should be payable annually and linked with the delivery of service standards to achieve the outcomes set out above. Further work is needed to translate these broad service standards into a performance metrics providing specific, measurable, attainable, realistic and time-sensitive criteria so that it is clear whether the service standards have been met.

It is recommended that any additional payment should be an annual payment payable only where HM Coroner can demonstrate on an annual basis that these service standards have been met.

The package being proposed is that the coroners remuneration package is revised to provide for an annual payment (on top of the existing salary) of up to a maximum of £20,000 (plus the 5.5% pension enhancement). It is also suggested that the payment is staggered i.e. £10,000 in year one, £15,000 in year two and £20,000 thereafter but any payment being conditional on demonstrably meeting the service standards.
An agreement with HM coroner along these lines would it is understood be the first arrangement of its kind in the country. The proposed submission of an annual report to the council by the coroner would also be unique as far as we are aware and will provide clear evidence of achievement.

There will be a cost not exceeding £25,320 per annum (including on costs), which will need to met from Democratic & Statutory Service’s revenue budget. However, it is anticipated that some savings could be achieved by collaborative working with H M Coroner to reduce overall costs.

If the Committee agrees in principle to the additional remuneration it is suggested that there are two options with regard to its practical operation.

Firstly each year in February / March (commencing in 2013) the Coroner would submit a formal written report to this Committee supported by the Council’s senior management team (via the City Solicitor) outlining how the service had met the agreed standards set out in the appendix. The City Solicitor would then report to this committee with a recommendation as to whether in her view the standards had been met. The committee would then determine whether the full payment should be made each year and if so instruct the City Solicitor to make the necessary arrangements. Alternatively in February / March each year the Coroner would submit a formal written report to the Chief Executive (via the City solicitor) outlining how the service had met the agreed standards set out in the appendix. The Chief Executive would then, in consultation with the Executive Member for Finance & Human Resources, determine whether the full payment should be made each year and if so instruct the City Solicitor to make the necessary arrangements. Provided the Committee agrees in principle to the additional remuneration the Committee is asked which of the two options with regard to its practical operation should be recommended to Council.

It may be necessary to develop arbitration arrangements should a dispute emerge as to whether the agreed standards had been met or not.

**Conclusion & recommendations**

The Coroner has made significant progress over the last five years in clearing the large backlog of cases and dealing with a number of high profile jury inquests. The proposed increase in remuneration will ensure parity with other coroners providing a similar level of service, and will recompense the coroner for the out of hours services he provides to Manchester’s diverse population, which is ‘over and above’ that provided by many other coroners. The proposed increase recognises that the coroner often goes beyond the legal obligations of HM Coroner in order to provide Manchester residents with the high levels of service detailed in this report.

The Coroner works closely and constructively with the Head of Democratic and Statutory services and her senior officers. There is now close collaboration between senior council officers and HM coroner which moving forward should enable us to continue to ensure better value for money and a higher standard of service. The proposed submission of an annual report by the coroner is, we believe, unique and will provide clear evidence of achievement.
The additional payment would be based on results and on the committee or the Chief Executive (in consultation with Executive Member for Finance & Human Resources) being satisfied that the required services standards have been met.

The proposed arrangements reflect the principles of the Council's Pay Policy in terms of transparency and accountability. The proposed linkage between an element of basic pay and performance introduces strong performance arrangements which reflect the particular operation of the office of Coroner and its relationship to the Council and City.

The Chief Executive and City Solicitor therefore recommend to this committee the remuneration package for HM Coroner as set out above. The decision on whether to approve the revised remuneration package is one reserved to full council. Committee are therefore asked to make a recommendation to full Council on whether the revised remuneration package for the coroner as detailed in this report should be approved.

Provided the Committee agrees in principle to the additional remuneration the Committee is also asked to recommend to Council which of the two options (page 7) with regard to its practical operation should be adopted.
APPENDIX 1

Service outline agreed between Her Majesty’s Coroner - Manchester City District and Manchester City Council

Her Majesty’s Coroner for the Manchester City District (the Coroner) will:

- Efficiently, effectively and economically carry out the duties of HM coroner to deliver a high quality coronial service to the people of Manchester in accordance with the highest standards of probity and public service.

- Investigate the circumstances of the deaths of all persons within the Manchester City District jurisdiction where he/she has reason to believe that the death was violent, unnatural or of unknown causes.

- Decide whether a post mortem examination is necessary for the purpose of the investigation and, if so, to give directions to an appropriate medical practitioner.

- Hold an inquest as soon as practicable, with or without a jury, where satisfied that one is required in accordance with the relevant legislation.

- Notify the Registrar of Deaths of the findings of the inquest, or, if no inquest is held, of the fact that the death reported does not need to be subject to an inquest.

- Pay the relevant fees and allowances to witnesses and jurors (in accordance with any schedule of fees provided for in law or where the law does not provide for such a schedule in accordance with a schedule of fees and allowances agreed by the Council) and to submit accounts to Manchester City Council.

- Make timely annual returns to the Secretary of State in connection with the inquests held and deaths the Coroner has enquired into.

- Determine treasure finds.

- Appoint a Deputy Coroner, and, if required, Assistant Deputy Coroners in accordance with the Council’s Recruitment and Selection policy and seek local authority approval for the appointment.

- Maintain a list of Deputy / Assistant Deputy Coroners whose appointment has been approved by Council and to ensure that no other person save those on the list undertake coronial work.

- Provide an extended out of hours service (together with the Deputy/Assistant Deputy Coroners) to cover the cultural and religious needs of bereaved relatives, such cover to be provided at agreed times on Saturday, Sundays
and Bank Holidays to work alongside the out of hours services provided by the Registration Service and publicised to relevant stakeholders. Such arrangements to be reviewed and revised regularly to meet the changing needs of Manchester residents.

- Ensure that the Deputy Coroner/Assistant Deputy Coroners receive appropriate training, undertake continuing professional development and provide proactive mentoring of the Deputy and assistant deputies so that they are able to act fully for the Coroner in the Coroner’s absence.

- be available at all times when the Deputy coroner or an assistant deputy coroner is not formally authorised to act

- ensure that in all cases where the Coroner is unavailable e.g. as a result of illness, leave or other commitments that the Deputy Coroner or one of the Assistant Deputy coroners is formally authorised in writing to act fully for the coroner during that period of absence / unavailability and a copy of that formal authorisation is made available to the relevant Council officers.

- Demonstrably work in partnership with the council to ensure that goods/services (including appointment of counsel) required in the course of his/her duties are procured in the most cost effective way and, where beneficial to utilise the procurement contracts entered into by the council.

- Undertake regular meetings with appropriate council officers to proactively assist with business planning and budget monitoring for the service.

- Ensure that all fees payable to the coroner in the execution of their duties (including but not limited to fees due for copies of documents) are paid to the City Council.

- Ensure compliance with any national Coroners Charter issued by the Ministry of Justice.

- Issue reports under Rule 43 Coroners Rules 1984 to any person or body who has power to take steps to prevent a future death and supply copies of all such reports to the local authority if requested but also to the ministry of justice so they can be published periodically.

- To produce annually in conjunction with the City Solicitor / Head of Democratic and statutory Services a report in relation to the coronial service in the Manchester District. The content of the report to be agreed between the Coroner and City solicitor / Head of Democratic and Statutory Services from time to time.