

CORPORATE AFFAIRS COMMITTEE

WEDNESDAY 23rd DECEMBER 2009

ASSISTANT DEPUTY CORONER - REMUNERATION

1. PURPOSE OF REPORT

To present to Members a request from the Assistant Deputy Coroner to be paid when he sits as a Coroner.

2. RECOMMENDATION

Members are requested to decide whether or not a payment should be made, and if so, the level of that payment.

3. BACKGROUND

- (1) Middlesbrough Council acts as the Lead Authority, on behalf of Stockton and Redcar and Cleveland Councils, in respect of matters relating to the Coroner. The present Coroner (Mr M. Sheffield) earlier this year appointed an Assistant Deputy Coroner in addition to the Deputy Coroner previously appointed. That appointment was, in accordance with the legislation, approved by the Chair of the Council.
- (2) I have recently received from the Assistant Deputy Coroner a request that he should receive remuneration from the Councils in respect of those days that he sits as a Coroner. A copy of his submission, and a letter from the Deputy Coroner for South Yorkshire in support of his application is appended hereto. The Assistant Deputy Coroner has also requested that he is allowed to address Members at the Committee.
- (3) There are a number of issues contained in the Assistant Deputy's submission that I would particularly wish to comment on. Whilst the Chair

of the Council does approve the appointment of the Assistant Deputy Coroner, this is not as a result of an open recruitment exercise. It is custom and practice that the Coroner informs the Council of the person who he or she wishes to appoint and unless there are strong grounds for not approving the appointment, the appointment is approved. Furthermore, a Coroner may revoke the appointment of an Assistant Deputy Coroner, at any time without needing the approval of the Council.

- (4) As regards Doncaster, I would not accept that it is smaller than Teesside, and below is a table that compares Teesside with Doncaster, Derby and Manchester North.
- (5) Whilst I accept that the Government has issued guidance in respect of the possible flu pandemic it is clear that that particular situation will need to be monitored and appropriate measures taken at the proper time. However, the guidance does state that a death caused by flu, is indeed a death caused by natural causes and therefore, per se, does not require an inquest. Obviously, there may be other circumstances that need to be taken into account at the time.
- (6) In respect of salary, the Coroners Act 1988 states that a Coroner shall be paid by the relevant Council an annual salary at such rate as may be fixed by agreement between the Coroner and that Council. As regards the Deputy Coroner, there is a provision for payment of 11.5% of the annual salary of the Coroner to be paid by the authority to the Deputy Coroner. The basis for the 11.5% is that that percentage equates to six weeks per year, which is assumed to be the number of days a Coroner will be absent. As regards the Assistant Deputy Coroner, "Jervis on Coroners" the leading book on Coroners, states "Generally speaking, remuneration is entirely a matter of private arrangement between the Coroner and the Deputy or Assistant Deputy". The Assistant Deputy Coroner has referred to the provisions of the new Act, and there is no dispute as to those provisions, the only point I would make is that it is unlikely that that Act will be brought into force prior to 2012.
- (7) Clearly, there are varying practices around the country. The Assistant Deputy Coroner has referred to the practices in South Yorkshire, whereas in North Yorkshire the Coroner himself pays for any Assistant Deputy Coroner. In Hartlepool there is no Assistant Deputy and in Tyne and Wear there are varying practices.
- (8) In respect of Teesside, it is clear that the cost of the Coroner's Service has increased dramatically in recent years. In 2006/2007, the outturn was £570,460, in 2007/2008 it was £690,713, and last year it was £752,668, and that figure is expected to increase again this year.
- (9) The Assistant Deputy Coroner has made reference to the Doncaster area, and below is a table showing a number of comparisons between Teesside, South Yorkshire, Greater Manchester North and Derby.

	Teesside	South Yorkshire	Greater Manchester North	Derby
Size – Hectares	50,265	85,450	39,994	101,106
Population	468,300	544,500	608,900	514,600
Elderly living alone	26,727	32,396	35,090	28,900
Number of deaths investigated but no Inquest	2,246	2,388	2,232	2,429
Number of Inquests	313	334	346	284
Cost per 1,000 population:-				
(a) Employees	401	372	369	541
(b) Premises	74	461	26	168
(c) Post Mortems	788	410	242	493
(d) Jurors and witness expenses	81	14	16	6
(e) Support service costs	9	40	79	12
(f) Gross expenditure	1,487	1,480	1,041	1,296

- (10) There are contrasting views as to whether or not an Assistant Deputy Coroner should be paid and by whom, but Members must now consider the Assistant Deputy Coroner's request.

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BACKGROUND PAPERS Comparative statistics – Administration of Justice