

Lancashire County Council

Employment Committee

Thursday 30th November 2023 at 2.00 pm in Committee Room 'B' - The Diamond Jubilee Room, County Hall, Preston

Agenda

Part I (Open to Press and Public)

No. Item

1. Apologies

2. Disclosure of Pecuniary and Non-Pecuniary Interests

Members are asked to consider any pecuniary and non-pecuniary interests they may have to disclose to the meeting in relation to matters under consideration on the agenda.

3. Minutes of the Meeting held on 11 July 2023 (Pages 1 - 2)

To be confirmed and signed by the Chair.

4. Review of Coroner Salaries and Fees 2023/24 (Pages 3 - 16)

5. Urgent Business

An item of urgent business may only be considered under this heading where, by reason of special circumstances to be recorded in the minutes, the Chair of the meeting is of the opinion that the item should be considered at the meeting as a matter of urgency. Wherever possible, the Chief Executive should be given advance warning of any member's intention to raise a matter under this heading.

6. Date of Next Meeting

The next meeting of the committee will be held on Thursday 25 January 2024 at 2.00 pm at County Hall, Preston.



H MacAndrew Director of Law and Governance

County Hall Preston





Lancashire County Council

Employment Committee

Minutes of the Meeting held on Tuesday 11th July 2023 at 1.00 pm in Committee Room 'C' - The Duke of Lancaster Room, County Hall, Preston

Present:

County Councillor Phillippa Williamson (Chair)

County Councillors

A Vincent	P Buckley
A Ali OBE	D O'Toole
L Beavers	A Riggott

1. Apologies

Apologies were received from County Councillor J Mein.

2. Constitution, Membership and Terms of Reference

The committee considered a report which set out the committee's membership, Chair and Deputy Chair, and Terms of Reference for the municipal year 2023-24.

Resolved: That the following be noted:

- i) The appointment of County Councillor P Williamson as Chair and County Councillor A Vincent as Deputy Chair of the Employment Committee for the 2023-24 municipal year;
- ii) The membership of the committee, following the county council's Annual Meeting held 25 May 2023; and
- iii) The Employment Committee Terms of Reference.

3. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

4. Minutes of the Meeting held on 9 March 2023

Resolved: That the minutes of the Employment Committee meeting held on 9 March 2023 be confirmed as an accurate record.



5. Travel and Expenses Policy and Procedure – 12 Month Review

Katie Dunne, Human Resources Service Manager presented the revised Travel and Expenses Policy and Procedure for approval, following a 12-month review of the policy.

It was highlighted that the amended policy made it easier for employees to understand the criteria for submitting mileage claims.

Resolved: That the amended Travel and Expenses Policy and Procedure, as set out, be approved.

6. Annual Leave Entitlement for Staff Not Covered by the National Joint Council Pay Agreement

Katie Dunne, Human Resources Service Manager presented a report which set out the impact of an additional day's annual leave on employee groups within the council who were not covered by the National Joint Council for Local Government Services 2022-23 pay award.

Resolved: That an additional day's annual leave be applied to county council staff on Soulbury conditions of service with effect from 1 April 2023, in order to retain parity with the National Joint Council for Local Government Services conditions of service.

7. Matters Arising under Urgent Business since the Last Meeting

The committee considered a report which summarised the decisions taken under the Employment Committee's Urgent Business procedure since its last meeting.

Resolved: That the matters arising under Urgent Business since the last meeting be noted.

8. Urgent Business

None.

9. Date of Next Meeting

It was noted that the next meeting of the Employment Committee would be held on Tuesday 12 September at 1.00 pm at County Hall, Preston.

H MacAndrew
Director of Law and Governance

County Hall Preston





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:

Ann Edwards, Coroner Services Manager, ann.edwards@lancashire.gov.uk

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
None		
Reason for inclusion i	n Part II, if appropriate	
N/A		



Appendix A

Management Side Secretary, Sarah Ward Local Government Association 18 Smith Square, London, SW1P 3HZ coroners.queries@local.gov.uk

JOINT NEGOTIATING COMMITTEE
FOR CORONERS

Officers' Side Secretary, Joanne Kearsley 2/3rd Floor, Newgate House Rochdale, OL16 1AT joanne.kearsley@rochdale.gov.uk

To: Chief Executives (London Boroughs, Metropolitan Districts, County Councils and Unitary Councils in England and Wales)

5 June 2023

CORONERS' CIRCULAR No 68

Dear Sir/Madam

JNC for Coroners - Pay 2023/24

We write to confirm that agreement has now been reached. With effect from 1st April 2023, local salaries and day rates for individuals derived from the JNC arrangements below should be increased by 3.5%.

The new JNC figures are provided in the table below:

Senior coroner	1 st April 2023
Range	£129,872 to £144,303

Part-time senior 1 st April 2023	
coroner	
Base salary	£22,200
Daily rate	£489 to £555

Area coroner	1 st April 2023
Range	£96,572 to £111,002

Assistant coroner	1 st April 2023
Daily rate	£417 to £503

Detailed discussion will take place on potential terms of reference following on from the previous in principle JNC agreement that, subject to the terms of reference being agreed, there will be a joint update of the 2017 Korn Ferry Hay report. This would be with the intention of such work informing the pay negotiation for 2024.

Yours faithfully

SARAH WARD JOANNE KEARSLEY

Joint Secretaries

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Appendix B



Judicial Salaries by Salary Group (effective 1 April 2022)

Salary Group	Annual Full Time Salary
1	£275,534
1.1	£246,034
2	£237,639
3	£225,978
4	£198,459
5	£159,163
5.1	£153,285
5.2	£147,388
6	£138,759
7	£118,237
8	£93,954

The table above provides an overview of judicial salaries from 1 April 2022. The table below specifies which judicial offices fall within each group in the salary scale and where different salary arrangements are in place for individual judicial offices.

Judicial Salaries by Post (effective 1 April 2022)

Judge Title and Salary Group	Amount (£)
Salary Group 1	
Lord Chief Justice	275,534

Salary Group 1.1	
Lady Chief Justice of Northern Ireland	246,034
Lord President of the Court of Session (Scotland)	246,034
Master of the Rolls	246,034
President of the Supreme Court	246,034

Salary Group 2	
Chancellor of the High Court	237,639
Deputy President of the Supreme Court	237,639
Justices of the Supreme Court	237,639
Lord Justice Clerk (Scotland)	237,639
President of the Family Division	237,639
President of the King's Bench Division	237,639
Senior President of Tribunals	237,639

Salary Group 3	
Inner House Judges of the Court of Session (Scotland), including:	225,978
President of Scottish Tribunals	
Lords/Lady Justices of Appeal, including:	225,978
Senior Presiding Judge	
Deputy Senior Presiding Judge	
Deputy Head of Civil Justice	
Vice President of the Court of Appeal (Civil Division)	
Vice President King's Bench Division	
Lords/Lady Justices of Appeal (Northern Ireland)	225,978

Salary Group 4	
Puisne Judge of the High Court, including:	198,459
Presiding Judge	
Family Division Liaison Judge	
 Chancery Supervising Judge / Business & Property Courts Supervising Judge 	
President of the Employment Appeal Tribunal	
• President of the Upper Tribunal (Administrative Appeals, Immigration &	
Asylum, Tax & Chancery, Lands)	
Vice-Chancellor of the County Palatine of Lancaster	198,459
Puisne Judge of the High Court (Northern Ireland)	198,459
Outer House Judges of the Court of Session (Scotland)	198,459

Salary Group 5	
Chair of the Scottish Land Court / President, Lands Tribunal for Scotland	159,163
Chamber Presidents of First-tier Tribunals	159,163
Chief Social Security Commissioner and Child Support Commissioner	159,163
(Northern Ireland)	

Senior Circuit Judge, including:	159,163
SCJ at the Central Criminal Court in London (Old Bailey Judges)	
Specialist Circuit Judges, Chancery, Circuit Commercial, Patents (IPEC)	
& Technology & Construction Court ⁱ	
Designated Civil Judge	
Designated Family Judge	
Resident Judge	
Recorder of Liverpool	
Recorder of Manchester	
Judge Advocate General	159,163
Circuit Judge of the Employment Appeals Tribunal	159,163
President, Employment Tribunals (England & Wales)	159,163
President, Employment Tribunals (Scotland)	159,163
Recorder of Belfast ii (Northern Ireland)	159,163
Senior District Judge (Chief Magistrate)	159,163
Sheriffs Principal (Scotland)	159,163
Judges of the Business and Property Courts	159,163
Vice Presidents of the Upper Tribunal (Immigration and Asylum Chamber)	159,163
Deputy Chamber President, Upper Tribunal Lands	159,163

Salary Group 5.1	
Senior Masters and Registrars, including:	153,285
Chief Insolvency and Companies Court Judge	
Chief Chancery Master	
Senior Master – King's Bench Division	
Senior Costs Judge	
Upper Tribunal Judge, including:	153,285
Administrative Appeals Chamber	
Immigration and Asylum Chamber	
Lands Chamber	
Tax and Chancery Chamber	
Surveyor Member, Upper Tribunal (Lands)	153,285
Social Security and Child Support Commissioner	153,285
(Northern Ireland)	
Deputy Chamber President, Health, Education & Social Care Chamber	153,285

Salary Group 5.2	
Circuit Judge, including:	147,388
Designated Civil Judge ⁱⁱⁱ	
Designated Family Judge ⁱⁱⁱ	
Resident Judge ⁱⁱⁱ	
County Court Judge (Northern Ireland)iv	159,163
Deputy Chair of the Scottish Land Court	147,388
Senior Judge of the Court of Protection	147,388
Regional Judge (First Tier Tribunal), including:	147,388
Regional Tribunal Judge Social Entitlement Chamber	
Resident Judge, Asylum and Immigration Chamber	
Regional Employment Judge	147,388
Registrar of Criminal Appeals	147,388
President, Appeal Tribunals (Northern Ireland)	147,388
President, Industrial Tribunals and Fair Employment Tribunal (Northern Ireland)	147,388

President, Lands Tribunal Northern Ireland ^v	147,388
Sheriffs (Scotland)	147,388
Vice-President, Employment Tribunal (Scotland)	147,388
President, Mental Health Review Tribunal (Wales)	147,388
Deputy Senior District Judge (Magistrates' Courts)	147,388
Masters and Cost Judges of the Senior Courts, including:	147,388
Master of the King's Bench Division	
Chancery Division	
Cost Judges of the Senior Courts (Taxing Masters)	
Insolvency and Company Court Judges (Formerly Bankruptcy Registrar)	147,388
Principal Judge, First-tier Tribunal, Property Chamber	147,388
Legal Member, Lands Tribunal for Scotland	147,388
Masters of the Court of Judicature (Northern Ireland)	147,388
Presiding Master of the Court of Judicature (Northern Ireland)	147,388
Surveyor Member, Lands Tribunal (Northern Ireland)	147,388

Salary Group 6	
Designated Judge, First Tier Tribunal, Immigration & Asylum Chamber	138,759
Surveyor Member, Lands Tribunal for Scotland	138,759
Vice-Judge Advocate General	138,759
Vice-President, Industrial Tribunals and Fair Employment Tribunal	138,759
(Northern Ireland)	
Regional Judge, First-tier Tribunal, Property Chamber	138,759
Presiding District Judge (Magistrates' Courts) (Northern Ireland)	138,759

Salary Group 7 ^{vi}	
Assistant Judge Advocate General	118,237
Employment Judge (Northern Ireland)	118,237
Chief Medical Member, First-tier Tribunal, including:	118,237
Social Entitlement Chamber	
Health, Education & Social Care Chamber	
Presiding Coroner (Northern Ireland) ^{vii}	118,237
Coroner (Northern Ireland)	118,237
District Judge	118,237
District Judge (Northern Ireland)	118,237
District Judge (Magistrates' Courts)	118,237
District Judge (Magistrates' Courts) (Northern Ireland)	118,237
Employment Judge (England and Wales, Scotland)	118,237
Judge of the First-tier Tribunal, including:	118,237
Deputy Regional Judge	
Regional Surveyor	
Presiding District Judge (Northern Ireland)	118,237
Full-time Salaried Legal Member of the Appeal Tribunals (Chair) (Northern Ireland)	118,237
Summary Sheriff (Scotland)	118,237

Salary Group 8	
Salaried (Regional) Medical Members, Social Entitlement Chamberviii	93,954

¹Chancery, Patents, Mercantile, and Technology and Construction Court Judges

[&]quot;The current post-holder receives a salary of 108% of Group 5

iii Post holders are paid an allowance of 4% of salary whilst performing this role (introduced October 2020)

iv Post holders are paid the salary for Group 5 so long as they are required to carry out significantly different work from their counterparts elsewhere in the UK

^v The office of President, Lands Tribunal (Northern Ireland) is situated in salary group 5.2; the post is currently held by a High Court Judge

vi Group 7 post-holders in London are paid an additional £2,000 salary lead and an additional £2,000 London allowance

vii The office of Presiding Coroner (Northern Ireland) is situated in salary group 7; the post is currently held by a High Court Judge.

viii Salaried medical members receive the full time equivalent of their daily fee rate

^{iX} Includes Deputy Regional Judge and Regional Surveyor in Property Chamber

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