

Lancashire County Council

Employment Committee

Monday, 7th September, 2020 at 2.00 pm, Virtual Meeting - Skype

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.	Constitution, Membership and Terms of Reference	(Pages 1 - 8)
----	--	---------------

4.	Minutes of the Meeting held on 6 July 2020	(Pages 9 - 12)
----	---	----------------

To be confirmed, and signed by the Chair.

5.	Delegation of Employment Committee Functions	(Pages 13 - 14)
----	---	-----------------

6.	Parental Bereavement Leave Policy and Procedure	(Pages 15 - 22)
----	--	-----------------

7.	Urgent Decisions Taken by the Director of Corporate Services in Consultation with the Chair and Deputy Chair of the Committee
----	--

The following urgent decision has been taken since the last meeting, by the Director of Corporate Services (Laura Sales), following consultation with the Chair and Deputy Chair of the committee, in accordance with Standing Order D15 (1):

- Variations to the Local Pensions Partnership's Pay Proposals

8. 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.

9. Date of Next Meeting

The next meeting of the committee will be held on Monday 12 October, 2020 at 10am (**please note change of time**). The method of conducting of meeting is to be confirmed.

10. Exclusion of Press and Public

The committee is asked to consider whether, under Section 100A(4) of the Local Government Act, 1972, it considers that the public should be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part 1 of Schedule 12A to the Local Government Act, 1972, as indicated against the heading to the item.

Part II (Not Open to Press and Public)

11. Lancashire Renewables Ltd Annual Pay Review, Terms & Conditions Alignment (Pages 23 - 28)

(Not for Publication – Exempt information as defined in Paragraphs 2, 3 and 4 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

12. Lancashire Renewables Ltd, Permanent Headcount Increase, Waste Processing Strategy Trials (Pages 29 - 36)

(Not for Publication – Exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

13. Winter Maintenance - Revised Collective Agreement (Pages 37 - 46)

(Not for Publication – Exempt information as defined in Paragraphs 3 and 4 of Part 1 of Schedule 12A to the Local Government Act, 1972. It is considered that in all the circumstances of the case the public interest in maintaining the exemption outweighs the public interests in disclosing the information).

L Sales
Director of Corporate Services

County Hall
Preston

Employment Committee

Meeting to be held on Monday, 7 September 2020

Electoral Division affected: None;

Constitution, Membership and Terms of Reference

(Appendix A refers)

Contact for further information:

Debra Jones, Tel: 01772 537996, Democratic Services Officer,

Debra.Jones@lancashire.gov.uk

Executive Summary

This report sets out the constitution, membership, Chair and Deputy Chair and terms of reference of the Employment Committee for the remainder of the municipal year 2020/21.

Recommendation

The Employment Committee is asked to note:

- (i) The appointment of County Councillors G Driver CBE and K Iddon as Chair and Deputy Chair respectively of the Employment Committee for the 2020/21 municipal year;
- (ii) The membership of the committee following the county council's annual meeting on 16 July 2020 and
- (iii) The terms of reference of the committee.

The county council at its annual meeting on 16 July 2020 agreed that the Employment Committee shall comprise eight county councillors (on the basis of five Conservative members and three Labour members).

The following county councillors have subsequently been nominated to serve on the Employment Committee for the following year:

County Councillors (eight):

A Ali	K Iddon
A Atkinson	T Martin
L Beavers	D O'Toole
G Driver CBE	A Vincent

Full Council appointed County Councillors G Driver CBE and K Iddon as Chair and Deputy Chair respectively of the Employment Committee for the 2020/21 municipal year.

A copy of the committee's terms of reference are attached at Appendix A.

Consultations

N/A

Implications:

This item has the following implications, as indicated:

Risk management

No significant risks have been identified.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A

Employment Committee

The Committee comprises eight County Councillors, chaired by the Leader of the Council and including an appropriate Cabinet Member or Lead Member depending upon the specific issue being dealt with.

Meetings are open to the public but they may be excluded where information of an exempt or confidential nature is being discussed – see Access to Information Procedure Rules set out at Appendix H to the Constitution.

The Committee shall discharge the following functions.

A. Appointment and Dismissal of "Senior Officers" and Other Statutory Officers

1. Subject to paragraph 4 and paragraph 5 below, the Committee shall be responsible for the appointment and dismissal (including dismissal by reason of redundancy) of the Chief Executive (Head of the Paid Service), Executive Directors, the Monitoring Officer and the Chief Financial Officer (s.151 Officer), collectively referred to as "Senior Officers".
 - 1.1 The Committee shall also be responsible for the appointment of Directors who shall hold the following statutory responsibilities:
 - Children's Services;
 - Adult Services; and
 - Public Health.
2. In the case of appointments, subject to paragraphs 4 and 5 below, the Committee may, where appropriate, agree to make a permanent appointment of an existing member of staff by way of redeployment or agree to a temporary appointment for a fixed term of not normally more than 12 months.
3. Where an appointment is not made in accordance with paragraph 2 the Committee shall:
 - (a) Draw up a job description and person specification;
 - (b) Determine the arrangements for recruitment to the post including, where they consider it appropriate, the appointment of recruitment consultants and advertising;
 - (c) Make arrangements to interview such applicants for the post as they may determine.
4. Where the Committee is appointing or dismissing the Chief Executive, the Monitoring Officer or Chief Financial Officer, the Full Council must approve the appointment or dismissal before an offer of appointment is made or notice of dismissal is given, subject to paragraph 5 below.

5. In the case of paragraphs 1 and 1.1 above, no offer of appointment (including by way of an appointment pursuant to paragraph 2) and, in the case of paragraph 1, no notice of dismissal shall be made until the proposed action (including the name and any other particulars the Committee consider relevant) has been notified to every member of the Cabinet and that either:
 - (a) Within the period specified in the notification no objection has been made by the Leader on behalf of the Cabinet to the proposed action; or
 - (b) the Committee making the decision is satisfied that any objection made is not material or is not well founded; or
 - (c) the Leader has, within the period specified in the notification, notified the Committee that neither he/she nor any member of the Cabinet has any objections.

Conditions of Service

6. The Committee shall exercise all necessary functions required by the Joint Negotiating Committee (JNC) Conditions of Service including the exercise of any discretions or determining any issue in relation to those Conditions of Service.
7. The appraisal of Senior Officers and other statutory officers listed at paragraph 1.1 shall be carried out by the Chief Executive.

Disciplinary Action

8. The Committee may take any disciplinary action (including suspension) against the Chief Executive, the Monitoring Officer or Chief Financial Officer short of dismissal.
9. The Committee may approve the suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer for an initial period of up to two months to enable an investigation to be undertaken to help determine what disciplinary action, if any, is appropriate. The Committee may extend the period of suspension if it considers that to be necessary. Any suspension of the Chief Executive, the Monitoring Officer and the Chief Financial Officer shall be on full pay.
10. If an exceptional situation arises whereby allegations of misconduct by the Chief Executive, the Monitoring Officer and the Chief Financial Officer are such that his/her remaining presence at work poses a serious risk to the health and safety of others or the resources, information or reputation of the Council, then the power to suspend may be exercised by the Chair of the Committee (subject to a decision to suspend being ratified by the Employment Committee within seven days of the decision).
11. A proposal to dismiss the Chief Executive, the Monitoring Officer or the Chief Financial Officer must be taken by the Full Council having taken into account:
 - Any views submitted under paragraph 5;
 - Any advice, views or recommendations of an Independent Panel appointed by the Council under section 102(4) of the Local Government Act 1972 (d) for the purposes of advising the Council on matters relating to the dismissal of the named officers;

- The conclusions of any investigation into the proposed dismissal; and
 - Any representations from the relevant officer.
12. A decision to suspend an Executive Director shall be taken by the Chief Executive.
 13. Subject to paragraphs 8, 9 and 10 any disciplinary action in relation to a Senior Officer will be dealt with by the Committee in accordance with the appropriate Council's Disciplinary Procedure.
 14. Subject to paragraphs 8, 9 and 10 the Committee is authorised to take any disciplinary action in respect of a Senior Officer short of dismissal with no requirement to consult Cabinet Members in accordance with paragraph 5 above or to seek approval from the Full Council.
 15. Any appeal against action short of dismissal will be considered by an Appeals Committee established by the Full Council comprising five members of the Council who have not had any prior involvement in the case including at least one member of the Cabinet. The role of the Appeals Committee will be to review the case and the decision taken by the Employment Committee and either confirm the action taken or to award no sanction or a lesser sanction. The decision of the Appeals Committee will be final.
 16. In the event that the Committee's decision is to propose to dismiss the Chief Executive, Monitoring Officer or Chief Financial Officer the appeal stage will be fulfilled by the Full Council when they consider that proposal in accordance with paragraph 4.

Capability and Dismissal Procedures

17. Any issue regarding the capability of a Senior Officer shall be dealt with by the Committee in accordance with the Council's Disciplinary and Capability Procedures.
18. Any issue which is not appropriately dealt with under the Disciplinary or Capability Procedures but which may result in the dismissal of the Senior Officer will be dealt with by the Committee.

Appointment, Dismissal and Disciplinary Action

19. Subject to paragraphs 1-18 above, the functions of appointment, dismissal, and taking disciplinary action against any other employee must be discharged by the Chief Executive or by an officer(s) of the Council nominated by him and in accordance with such procedures as may be determined by the Committee as referred to at paragraph B1 below.
20. Subject to paragraphs 1-18 above, the Chief Executive and other Senior Officers may appoint, dismiss (including dismissal by reason of redundancy) and discipline all Directors in accordance with the Council's procedures. Appointments and dismissals can only proceed after all Cabinet Members have been notified by Democratic Services of the proposed appointment or dismissal. Agreed corporate processes must be followed in respect of all redundancy payments.

B. All Other Staff

Terms and Conditions of Employment

The Committee shall:

1. Determine the terms and conditions on which employees hold office including (but not limited to):
 - The Council's pay and grading structure;
 - Any fees, allowances or payments made to employees, including any relating to termination of employment;
 - Any policies, procedures and practices relating to employment including recruitment and selection;
(Any minor changes to these policies, procedures and practices to reflect legislative changes and improve working practices can be approved by the Head of Service for Human Resources under the Council's Scheme of Delegation arrangements);
 - Any collective agreements relating to the above;
 - To determine policy in relation to the release of pension benefits (Local Government Pension Scheme and Teachers Pension Scheme) where employer discretion/consent is required.
2. Consider, at the request of a recognised trade union, any disagreement regarding the matters referred to at paragraph 1 above (excluding issues relating to individual employees). In referring any such matter the trade union(s) concerned shall be entitled to make oral representations to the Committee to such extent as the Committee consider appropriate.
3. Determine the facilities to be provided to trade union representatives.
4. Recommend to Full Council for approval an Annual Pay Policy Statement as required by section 38 of the Localism Act 2011 for each financial year having regard to any guidance issued or approved by the Secretary of State.
5. Monitor the operation of the Statement of Ethical Standards for employees and the Register of Interests for employees.

C. Lancashire Renewables Limited

The Committee shall be responsible for determining the terms and conditions of service on which all employees of Lancashire Renewables Limited ("the Company") are engaged and approving the Company's proposals in respect of the same.

This shall include, but not be limited to the following:

1. Approving the Company's pay and grading structure.
2. Approving the payment of any bonuses and the performance objectives on which the payment of bonuses will be based.
3. Ensuring that all employees of the Company are paid a minimum of the living wage.

4. Approving the Company's employment policies, procedures and practices.
5. Determining the Company's pension arrangements, including all matters concerning admission to the Local Government Pension Scheme.

In discharging its obligations, the Committee shall ensure that, so far as is possible, the principles of equality are maintained vis-à-vis the terms and conditions of employees of the County Council in comparable positions.

D. Lancashire Coroners

The Committee shall be responsible for determining the pay, and terms and conditions of employment of the Senior Coroners, Area Coroners and Assistant Coroners.

E. Local Pensions Partnership Ltd (LPPL):

Approval of LPPL's Remuneration Policy

To approve the remuneration policy of the LPPL directors and staff, other than for LPPL Non-Executive Directors.

Changes to Directors' Remuneration Policy

To approve the payment of any fees, remuneration or other sums to or in respect of the services of any director or vary any such fees or remuneration other than in accordance with an agreed remuneration policy approved by both Lancashire County Council and London Pension Fund Authority. For the avoidance of doubt this will not apply to the payment or reimbursement of reasonable expenses properly incurred by any statutory director in the course of carrying out his duties in relation to LPPL nor to any payment under any indemnity by LPPL to which the statutory director is entitled under the Articles or under any relevant law.

Proposed Redundancies of any Group Employees

To approve any proposed programme of redundancies within LPPL or rationalisation of a group of employees

Proposed Relocation of any LPPL Employees

To approve any proposed programme of relocation of a group of employees outside Lancashire who were previously employees of Lancashire County Council.

Chief Executive

To approve the appointment or removal of the Chief Executive of LPPL or any subsidiary company.

Lancashire County Council

Employment Committee

**Minutes of the Meeting held on Monday, 6th July, 2020 at 1.30 pm.
Virtual Meeting held via Skype**

Present:

County Councillor Geoff Driver CBE (Chair)

County Councillors

A Ali	K Iddon
A Atkinson	T Martin
L Beavers	A Vincent
M Green (1)	

1. Apologies

(1) Replaced County Councillor David O'Toole for this meeting only.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

None.

3. Minutes of the Meeting held on 9 March 2020

Resolved: That the minutes of the meeting held 9 February 2020 be confirmed as a correct record.

4. Urgent Business

Laura Sales, Director of Corporate Services and Deborah Barrow, Head of Service, Human Resources, provided a verbal update to share the decisions taken under delegated authority agreed by the Corporate Management Team since the commencement of the Covid-19 pandemic lockdown.

It was explained that the process was initiated to facilitate timely human resource decisions, necessary to support the fast changing needs of Lancashire's residents in the initial stages of the pandemic, when face to face meetings could not be held. Any decisions that were likely to be contentious or cost a significant sum of money were made by the Director of Corporate Services (Laura Sales), following consultation with the Chairman and Deputy Chairman of Employment Committee, in accordance with the Committee's urgent business procedure and circulated to members of the Employment Committee. This was done on 9 April 2020 for 'Changes to Staff Terms and Conditions due to the present Coronavirus Emergency Circumstance'.

In response to changes to Government legislation, virtual meetings had been put in place and were working well. Therefore future decisions under the remit of Employment Committee would be conducted in the usual way.

The following decisions related to the Human Resources Service had been taken since the last meeting of Employment Committee under delegated authority and were in place until 31 August 2020:

- The overtime payments cap, in place for staff paid at grade 8/9, scale point 19 was removed to facilitate more flexible working for staff at all grades. Prior to this change staff at or above scale point 19 would be offered time off in lieu for additional hours worked. Individual business cases were agreed by Laura Sales and Deborah Barrow. As a result overtime payments had been made in Adult Services and a small number of staff in Facilities Management.
- The three year restriction on employing staff who had taken voluntary redundancy was waived to allow former staff to be approached to support critical roles. To date this had not been used.
- The flexible retirement policy was eased to allow staff to remain in post beyond the usual 12 months to enable necessary support to critical roles. To date this had been applied in a small number of cases.
- The flexi-time scheme was suspended as it was not compatible with home working. However managers could still be flexible with staff who had worked additional hours or for those who needed to work differently in order to home school.
- The scheme enabling the purchase of an additional five days leave without manager approval had been suspended, to prevent any impact on critical roles.
- The leave policy had been amended to ensure staff used their leave during the 2020/21 leave year. Staff were required to use 40% by 30 September 2020 and 60% by 31 December 2020. This was put in place to ensure staff took time to rest and to ensure that once restrictions were lifted, services could manage requests for leave and maintain effective operations.

It was noted that the service had engaged with the recognised trade unions, who had been supportive throughout.

The Chairman expressed thanks to the service for reacting quickly to support ongoing operational requirements.

In response to questions from members the following information was clarified:

- The amendments to the annual leave policy would be reviewed again in the event of a second peak of the pandemic. It was emphasised that the service would respond rapidly to changes in the situation.

Staff would not be penalised as a result of circumstances relating to guidelines issued by central Government.

- During the initial stages, staff had been moved away from non-essential services to front line work. As processes were now in place, the county council would in a better position to adapt to staffing issues presented by a second peak.
- Managers would be flexible in terms of requests for leave from staff who have had to reschedule pre-booked holidays. New holidays would be agreed dependent on business need. The policy change in annual leave aimed to balance supporting staff in taking the necessary rest and maintaining effective operations.

5. Date of Next Meeting

It was noted that the next meeting of the committee would be held virtually on Monday 7 September 2020 at 2pm.

6. Exclusion of Press and Public

Resolved: That the press and members of the public be excluded from the meeting during consideration of the following items of business on the grounds that there would be a likely disclosure of exempt information as defined in the appropriate paragraph of Part I of Schedule 12 A to the Local Government Act 1972.

It was considered that in all the circumstances, the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

7. Payment of Market Supplements to Members of the ICT Solutions Architect Team

(Not for Publication – Exempt information as defined in Paragraphs 2 and 3 of Part 1 of Schedule 12A to the Local Government Act, 1972. It was considered that in all the circumstances of the case, the public interest in maintaining the exemption outweighed the public interests in disclosing the information).

The committee considered a report from Deborah Barrow, Head of Service for Human Resources, regarding the Payment of Market Supplements to Members of the ICT Solutions Architect Team.

It was confirmed that in order to remain competitive in the market for the required skills a longer term evaluation plan would be required.

Resolved: That having considered the officer advice and recommendations, as presented, the proposals with regard to market supplements to members of the ICT Solutions Architect Team be approved.

L Sales
Director of Corporate Services

County Hall
Preston

Employment Committee

Meeting to be held on Monday, 7 September 2020

Electoral Division affected: None;

Delegation of Employment Committee Functions

Contact for further information:

Debra Jones, Tel: 01772 537996, Democratic Services Officer,
Debra.Jones@lancashire.gov.uk

Executive Summary

The report sets out the need to continue to respond quickly to address potential emerging Human Resource issues as a result of the Coronavirus pandemic. To do so it is essential that the appropriate officers are able to make rapid decisions regarding working arrangements and staff terms and conditions. Therefore, it is proposed that the delegation to officers currently in place be extended to allow this.

Recommendation

Employment Committee are asked to approve that:

- (i) The powers to determine the terms and conditions on which employees hold office as set out in section B1 of the committee's terms of reference be delegated to the Chief Executive and Director of Resources, or the Head of Service for Human Resources, in consultation with the Monitoring Officer; and
- (ii) The delegation as set out above be in place until 31 January 2021, unless otherwise reviewed.

Background and Advice

On 9 April 2020 a decision was made in accordance with the urgent business procedure, to delegate powers regarding staff terms and conditions to the Chief Executive and Director of Resources, or the Head of Service for Human Resources, in consultation with the Monitoring Officer. The decision was made by the Director of Corporate Services, following consultation with the Chair and Deputy Chair of the Employment Committee and the authority was in place until 31 August 2020.

This decision enabled the council to respond quickly at the height of the pandemic to the rapidly developing situation and the subsequent demands on county council staffing resources. The delegation facilitated the continuation of essential services by allowing the working arrangements of staff to be adapted and terms and conditions and policies and procedures to be reviewed when required.

This ensured that the council was in the strongest position possible to deliver critical council functions and, where necessary, support partner organisations, such as districts and the NHS.

Whilst the situation has moved on, the situation remains serious, and the need for the council to be able to act quickly in the event of an outbreak remains. It is therefore suggested that the current delegation be extended to 31 January 2021.

The delegated powers will only be exercised where there is a clear need and only in response to situations arising as a result of the Coronavirus pandemic.

N/A

Implications:

This item has the following implications, as indicated:

Risk management

Failure to delegate powers to officers will impact on the council's ability to respond quickly to the developing pandemic and the needs of our communities.

**Local Government (Access to Information) Act 1985
List of Background Papers**

Paper	Date	Contact/Tel
-------	------	-------------

None

Reason for inclusion in Part II, if appropriate

N/A

Employment Committee

Meeting to be held on Monday, 7 September 2020

Electoral Division affected: N/A;

Parental Bereavement Leave Policy and Procedure

(Appendix A refers)

Contact for further information:

Deborah Barrow, (01772) 535805, Head of Service Human Resources,
deborah.barrow@lancashire.gov.uk

Executive Summary

Government regulations introduced the right to parental bereavement leave and statutory parental bereavement pay to employed parents in circumstances where a child died on or after 6 April 2020.

The council is required to comply with the new regulations and a policy, setting out the council's parental bereavement provisions for its employees and the arrangements for requesting such leave and pay, has been drafted.

The policy proposes to apply normal pay that employees receive during the parental bereavement leave period rather than apply the lesser statutory provisions set out in the regulations and the details and reasons for this are set out in the report.

Recommendation

The committee is asked to approve the proposed Parental Bereavement Leave Policy and Procedure, set out at Appendix A.

Background and Advice

The right to parental bereavement leave (that has been referred to as "Jack's Law") came into effect on 6 April 2020. Subject to meeting the qualifying criteria, it applies to bereaved parents if their child under the age of 18 dies, or is stillborn after 24 weeks of pregnancy, on or after this date.

The regulations set out a right to two weeks' parental bereavement leave that can be taken as a single block of two weeks, or as two separate blocks of one week at a time, within 56 weeks of the date of the child's death. The right to take parental bereavement leave is a 'day one' right, meaning that an employee does not need to have a continuous period of service with their employer in order to be entitled to this leave. The two weeks will reflect the employee's normal contracted working hours and days.

The government provisions in respect of parental bereavement pay are more complex. These require employees to have at least 26 weeks' continuous employment with their employer and meet weekly earnings over a set period, which exceed the lower earnings limit for national insurance contributions. The employee would then qualify for statutory parental bereavement pay of £151.20 (or 90% of an employee's weekly earnings where this is lower than the government's set weekly rate) for each week of leave that is taken. Where an employee does not meet the eligibility criteria to qualify for statutory parental bereavement pay, the parental bereavement leave they take will be unpaid.

Proposed Parental Bereavement Leave Policy and Procedure

In order to comply with the new regulations a proposed policy and procedure has been drafted for approval.

The proposed policy and procedure aligns to the statutory provisions in terms of the amount of parental bereavement leave that can be taken, and how this can be taken, but the timescales for cancelling a period of leave is more flexible than is set out within the regulations.

However, it is proposed that the council's policy in respect of what an employee be paid during parental bereavement leave be more generous than the statutory provisions allow. The council policy allows for employees to be paid their normal pay for both weeks' leave, with no minimum service criteria applying to qualify for payment, instead of receiving statutory parental bereavement pay (at the rate set out above) that requires employees to evidence they have continuously worked for their employer for at least 26 weeks in order to qualify for payment. As a compassionate employer, wanting to support its employees through a devastating life event, it is considered that these proposals would encourage, rather than dissuade, employees to take the leave at the time that is right for them.

In addition, it would be administratively less burdensome and remove the need to verify service and calculate average pay over the required pay period.

Consultations

The proposed Parental Bereavement Leave Policy and Procedure will be shared with the recognised trade unions at the Joint Negotiating and Consultative Forum on 20 August 2020 and any comments will be reported orally to the committee.

Implications:

This item has the following implications, as indicated:

Risk management

The council is legally required to ensure that its parental Human Resources policy complies with current employment legislation. The council has no choice about whether or not it chooses to act on these regulations. The only choice is whether the council decides to apply the more generous proposal or to adopt the statutory pay

provisions including the continuous service criteria to qualify for parental bereavement pay.

Financial

The financial implications of these regulatory changes are not expected to be material to the authority as a whole and will be managed within service budgets.

Local Government (Access to Information) Act 1985 List of Background Papers

Paper	Date	Contact/Tel
-------	------	-------------

N/A

Reason for inclusion in Part II, if appropriate

N/A

Parental Bereavement Leave Policy and Procedure

Policy Statement

At Lancashire County Council, we understand that dealing with any bereavement is difficult but recognise that dealing with the death of a child is amongst one of the most devastating events that an employee can ever face.

We are committed to supporting you through your grief by ensuring that you can take up to two weeks' parental bereavement leave, at a time of your choosing, and that you are also able to access other resources that we are able to offer to help you as you try to come to terms with your loss.

The purpose of this policy is to ensure that you are aware that parental bereavement leave is available to you, if you suffer the loss of a child, to allow you time away from work in order to grieve or to remember your child at a special time that is right for you.

The Parental Bereavement Leave and Parental Bereavement Pay sections below set out what you will receive in terms of leave and pay.

Please also refer to the Procedure section for information on how to request parental bereavement leave.

Scope

This procedure applies to all council employees, excluding teaching and non-teaching employees in schools and employees who transferred to the council in accordance with TUPE regulations and who remain on their previous terms and conditions of employment.

Definitions

Parental bereavement leave is a new leave entitlement that applies to employees who have suffered the loss of a child under the age of 18 (or a stillbirth after 24 weeks of pregnancy), on or after 6 April 2020.

Principles

Whatever your length of service, you will qualify for parental bereavement leave if you have parental responsibility for a child who passes away. You may be the:

- parent of the child; or
- partner of the child's parent (where you live in an enduring family relationship with the child who has passed away with their parent); or
- "parent in fact" of the child who has passed away (meaning that for a continuous period of at least four weeks before the child died, you have been living with the child and had "day-to-day responsibility" for the child but you have not been paid to look after the child – foster payments excepted); or
- "intended parent" of the child who has passed away (for example, a parent using a surrogate); or
- "natural parent" of the child who has passed away who is named in a court order (for example, where a court orders some contact for an adopted child's birth parent); or
- adopter of the child who has passed away.

In practice, this means that most employees with parental responsibility for a child who passes away will qualify for parental bereavement leave.

When to Use the Parental Bereavement Procedure

If you have suffered the loss of a child that you have parental responsibility for, on or after 6 April 2020.

When Not to Use the Parental Bereavement Procedure

If you have suffered a bereavement but are unsure if you qualify for parental bereavement leave, you should contact Corporate HR for clarification.

Parental Bereavement Leave

Length of Leave

You can take **one or two weeks'** parental bereavement leave. A week is the same number of days that you would normally work in a week (for example, a week would be two days if you work Mondays and Tuesdays).

The leave entitlement applies to each child.

Parental bereavement leave can only be taken in blocks of a week. It cannot be taken as individual days.

Timing of Leave

You are able to take the leave as:

- a single block of two weeks; or
- two separate blocks of one week at different times.

You will need to take the leave within 56 weeks of the child's death.

This lengthy period recognises that, as a bereaved parent, you may need some flexibility as to when you take this leave. For example, you may:

- prefer to take the leave around the first anniversary of your child's death or at another particular time that is special for you, such as your child's birthday; or
- want the leave to follow on from another type of leave you may be taking, for example sickness absence.

Parental Bereavement Pay

We recognise the need to provide bereaved parents with ongoing support at a difficult time in their lives and will continue to pay you your normal pay during parental bereavement leave. This applies to all council employees regardless of your length of service.

Rights During Parental Bereavement Leave

All your contractual terms and conditions of employment will continue during parental bereavement leave, including your normal pay.

Procedure

This procedure sets out the process you should follow when requesting parental bereavement leave.

Submitting a Request

You should contact your manager (by phone or email) to let them know that you wish to take parental bereavement leave.

When notifying your manager of your intention to take parental bereavement leave you will also need to provide them with the following information:

- the date when your child died (or was stillborn);
- the date on which you want to start your leave; and
- whether you intend to take one week or two weeks' leave.

Notice Periods

If you want to take parental bereavement leave within the first 8 weeks (56 days) after your child's death, you can take the leave straight away and do not need to provide your manager with any notice. This means that you can begin your parental bereavement leave by letting your manager know no later than when you are due to start work or, if that is not feasible, as soon as is reasonably practicable.

If you would prefer to take parental bereavement leave more than 8 weeks (56 days) after the date of your child's death, you should give your manager at least one week's notice of your intention to take parental bereavement leave.

Cancellations

You can cancel your parental bereavement leave as long as you let your manager know before you would have been due to start work on the first day of your leave.

It is not possible for you to cancel any week of parental bereavement leave that has already begun.

Additional Support

We recognise that dealing with any bereavement can be stressful but that having to initially deal with, and cope longer term, with the death of a child is life changing. If you have any questions, please speak with your line manager in the first instance who will be able to support you at this difficult time. If at any point you feel worried or upset, you may also wish to contact the Employee Support team on 01772 538333, who can provide an impartial listening ear and practical help if have work-related or personal problems or concerns. Alternatively, you can contact your trade union, if you are a member.

You may also wish to reach out to the various support networks within the council, which include the [Disabled Workers Forum](#), the [Forum of Asian and Black Employees \(FABE\)](#) and the [LGBT Employee Network](#), if you feel that their support could be helpful to you at this difficult time.

Policy Version Control

Version	Date	Change
1	TBC	New policy and procedure

Agenda Item 11

(NOT FOR PUBLICATION: By virtue of paragraph(s) 2, 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted

Agenda Item 12

(NOT FOR PUBLICATION: By virtue of paragraph(s) 3, 4 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted

Agenda Item 13

(NOT FOR PUBLICATION: By virtue of paragraph(s) 3,4 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted

(NOT FOR PUBLICATION: By virtue of paragraph(s) 3,4 of Part 1 of Schedule 12A of the Local Government Act 1972. It is considered that all the circumstances of the case the public interest in maintaining the exemption outweighs the public interest in disclosing the information)

Document is Restricted

