

Lancashire County Council

Employment Committee

Monday 13th September 2021 at 2.00 pm in Cabinet Room 'C' - The Duke of Lancaster 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 7 June 2021** (Pages 1 - 4)
To be confirmed and signed by the Chair.

4. **Review of Assistant Coroner Fee Rates** (Pages 5 - 8)

5. **Review of Coroner Salaries and Fees 2021/22** (Pages 9 - 12)

6. **Proposed Re-Engagement Following Retirement Policy Statement for Members of the Local Government Pension Scheme (LGPS)** (Pages 13 - 14)

7. **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.

8. **Date of Next Meeting**

The next meeting of the committee will be held on Monday 11 October 2021 at 2.00pm, at County Hall, Preston.

County Hall
Preston

L Sales
Director of Corporate Services

Lancashire County Council

Employment Committee

**Minutes of the Meeting held on Monday 7th June 2021 at 2.00 pm in
Committee Room A - The Tudor Room, County Hall, Preston**

Present:

County Councillor Phillippa Williamson (Chair)

County Councillors

A Ali OBE	A Riggott
L Beavers	S Serridge
P Buckley	A Vincent
J Rear	

County Councillor Rear replaced County Councillor O'Toole and County Councillor Serridge replaced County Councillor Mein for this meeting only.

1. Apologies

Apologies were received from County Councillor O'Toole and County Councillor Mein.

2. Disclosure of Pecuniary and Non-Pecuniary Interests

It was noted that County Councillor Rear had a non-pecuniary interest in item 9.

3. Constitution, Membership and Terms of Reference

The committee considered a report detailing the membership, Chairmanship and Terms of Reference for the 2021/22 municipal year.

Resolved: That

- i) The appointment of County Councillor P Williamson as Chair and County Councillor A Vincent as Deputy Chair of the Employment Committee for the 2021/22 municipal year be noted;
- ii) The membership of the committee, following the county council's annual meeting on 27 May 2021 be noted; and
- iii) The Employment Committee Terms of Reference be noted.

4. Minutes of the Meeting held on 12 April 2021

Resolved: That the minutes of the meeting held on 12 April 2021 be confirmed as an accurate record and signed by the Chair.

5. Revised Travel & Expenses Policy and Procedure

The committee considered a report presented by Deborah Barrow, Head of Service Human Resources, which provided an update on the Human Resources policy review programme and the revised Travel & Expenses Policy and Procedure.

It was highlighted that the new policy was modernised and easier to understand; that the most significant change had been to the method of calculation for business mileage, which now aligned with HM Revenue and Customs rules; and that engagement with recognised trade unions had been positive.

The Chair welcomed the changes to make the policy clearer and more accessible.

In response to a question, it was confirmed that the Human Resources Service would share the timeline for the wider policy review, which itself was regularly reviewed, with the committee.

Resolved: That the revised Travel & Expenses Policy and Procedure, as presented, be approved.

6. Urgent Business

None.

7. Date of Next Meeting

It was noted that the next meeting of the committee would be held on Monday 5 July 2021 at 2.00pm at County Hall, Preston.

8. 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 12A 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.

9. Lancashire Renewables Ltd Annual Pay Review and Update to Employee Terms and Conditions

(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.)

The committee considered a private and confidential report presented by Paul Brindle, General Manager of Lancashire Renewables Limited, which outlined the company's proposals for the annual pay review and amendments to the employee terms and conditions of employment.

Resolved: That, in accordance with the company's Articles of Association,

- i) The implementation of the pay proposal as detailed within the report, effective from 1 January 2021, be approved; and
- i) The proposed changes to the employee terms and conditions of employment, as detailed within the report, be approved.

L Sales
Director of Corporate Services

County Hall
Preston

Employment Committee

Meeting to be held on Monday, 13 September 2021

Electoral Division affected: None

Review of Assistant Coroner Fee Rates

Contact for further information:

Janet Mather, Coroner Services Manager, Tel: 01772 531123,
janet.mather@lancashire.gov.uk

Executive Summary

In March 2018 the Committee agreed a revised fee for Assistant Coroners of £400.00 per day and £200.00 per half day and that the fee would rise by 2% in April 2019 and 2% in April 2020. This was on the basis that the Assistant Coroners did not undertake the more complex inquests and as such would not be placed at the top of the fee range.

However, some of our Assistant Coroners are now being asked to deal with Jury inquests and complex health inquests and as such the fee payable for these types of inquests should be £472.00 per day and £236.00 per half day.

Recommendation

The Committee is asked to consider the report and

- i) Approve that the fee paid to Assistant Coroners who deal with Jury inquests and complex mental health inquests will be £478.00 per day and £236.00 per half day; and
- ii) Approve that the fee paid to Assistant Coroners for all other inquests will remain at £416.00 per day and £208.00 per half day.

Background and Advice

Coroners' pay is set by the local authority for the coronial area having regard to recommended national pay scales negotiated between the Coroner's Society for England and Wales (CSEW) and the Local Government Association (LGA). The Joint Negotiating Committee provided guidance and an update in Circular 63 in November 2018 indicating that with effect from 1 April 2020 the fee band would be between the range of £391.00 and £472.00.

The Committee agreed to a daily rate of £400.00 per day and £200.00 per day in March 2018 as this reflected the level of work that our Assistant Coroners were asked to deal with, and they were therefore not moved to the top of the range.

In March 2019 the Committee were asked to agree an uplift of 2% effective in April 2019 and April 2020, again on the basis that our Assistant Coroners were not asked to deal with the more complex cases.

During the last twelve months we have asked our Assistant Coroners to be responsible for both Jury inquests and more complex health inquests. These types of inquests should be paid at the top of the Assistant Coroner fee band, i.e. £472.00 per full day and £236.00 per half day. It has also been recognised that the service is being requested to undertake more and more complex inquests. Therefore, there will continue to be a need to have a higher rate available to offer our Assistant Coroners for such inquests.

The Senior Coroner will determine when an Assistant Coroner is asked to undertake the more complex inquests and it is intended that, where an Assistant Coroner is asked to undertake any other type of inquest, these will be paid at the lower rate.

Consultations

The Senior Coroner has been consulted on these proposals and fully supports them.

Implications:

This item has the following implications, as indicated:

Risk management

All Coroners can refer their proposed salary/fee to the Lord Chancellor who would make a final judgement. Whilst it is not known how long this would take and we cannot prejudge the Lord Chancellor's decision, it is believed that the Lord Chancellor would confirm the Assistant Coroner's fee for more complex cases at the top of the range, i.e. £472.00 per day.

Assistant Coroners, by their very nature, are casual members of staff who do not have to accept the work we offer them. If we do not pay the correct rate for these types of inquests, we may find ourselves in a position where we do not have enough Coroners to hear the more complex inquests.

Finance

The costs outlined in this report can be contained from within the existing Coroner Services budget. In addition, two of our Assistant Coroners will be supported by the Ministry of Justice in their role as Assistant Coroners and as such will no longer submit claims for this work to the Authority.

Local Government (Access to Information) Act 1985

List of Background Papers

Paper	Date	Contact/Tel
Coroners Circular No 63	Nov 2018	Janet Mather
Coroners Circular No 62	Jan 2018	Tel: 01772 531123

Reason for inclusion in Part II, if appropriate

N/A

Employment Committee

Meeting to be held on Monday, 13 September 2021

Electoral Division affected: None

Review of Coroner Salaries and Fees 2021/22

Contact for further information:

Janet Mather, Tel: 01772 531123, Coroner Services Manager,
janet.mather@lancashire.gov.uk

Executive Summary

Coroners' pay is set by the local authority for the coronial area having regard to recommended national pay scales negotiated between the Coroner's Society for England and Wales (CSEW) and the Local Government Association (LGA). The Joint Committee for Coroners in its Circular No 66, dated 10 August 2021, has confirmed that agreement has been reached on the pay award for 2021/22.

This report seeks agreement from the Committee to implement the pay award of 1.5% across the Coroner salaries and the fees paid to the Assistant Coroners.

Recommendation

The Committee is asked to consider the report and

- i) Agree the salary for the Senior Coroner and two Area Coroners as set out in the report, having regard to the guidance received from the Joint Negotiating Committee for Coroners, with effect from 1 April 2021; and
- ii) Agree that the fees currently paid to the Assistant Coroners be increased by 1.5% as set out in the report, with effect from 1 April 2021.

Background and Advice

The role of a coroner is to investigate deaths within their jurisdiction where the cause of death is unknown; or where the person died in custody; or where the death was violent or unnatural.

Coroners are independent judicial office holders under the jurisdiction of the Ministry of Justice and the Chief Coroner, but the council has a duty to provide all necessary resources to support the coroner service and is responsible for the remuneration of all coroners within their administrative area.

A governance agreement between Blackburn with Darwen Borough Council and Lancashire County Council was agreed in December 2017 whereby Blackburn with

Darwen Borough Council would be responsible for 23% of the salary costs associated with the Senior Coroner and one Area Coroner, 23% of the salary costs of the administrative team and also the Coroner Services Manager, together with 50% of the direct costs associated with running the service.

Coroners' pay is to be set by the local authority for the coronial area having regard to recommended national pay scales negotiated between the Coroner's Society for England and Wales (CSEW) and the Local Government Association (LGA). The Joint Negotiating Committee for Coroners issued Coroners' Circular 66 in August 2021 which gave guidance on Coroners' pay and provided an update to Circular 63, which was issued in November 2018 in relation to the Coroners' pay agreement for 2018-2020.

Senior Coroner

In March 2018 the Committee agreed a salary of £154,735 for the Senior Coroner effective from 1 April 2020. Circular 66 has confirmed that the salary for the Senior Coroner should be increased by 1.5% with effect from 1 April 2021. The Committee is therefore asked to confirm a salary of £157,056 for the Senior Coroner with effect from 1 April 2021. The revised salary would be inclusive of an out of hours (OOHs) payment relating to both legislative provisions and faith deaths.

Area Coroners

In March 2018 the committee agreed a salary of £104,040 for both Area Coroners, effective from 1 April 2020. Circular 66 has confirmed that the salary for the Area Coroners should be increased by 1.5% with effect from 1 April 2021. The Committee is therefore asked to confirm a salary of £105,601 with effect from 1 April 2021. The revised salary would be inclusive of an out of hours (OOHs) payment relating to both legislative provision and faith deaths.

Assistant Coroners

The guidance issued in Circular 66 suggested a daily rate payable to Assistant Coroners of between £397 and £479. The Committee have been asked to agree a two-tier system of fees payable to Assistant Coroners dependant on the complexity of the inquest being heard.

The Committee is therefore asked to confirm a fee of £397 per day payable to Assistant Coroners dealing with simple inquests and a fee of £479 per day for Assistant Coroners dealing with jury and complex health inquests.

Consultations

Blackburn with Darwen Borough Council have been consulted on these proposals and support the proposed increase.

Implications:

This item has the following implications, as indicated:

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 we cannot prejudge the Lord Chancellor's decision, it is believed that the Lord Chancellor would confirm that the pay award for 2021/22 should be implemented.

Finance

The costs outlined in this report will be met from within the Coroner Services budget. In addition, 23% of the salary costs of the Senior Coroner and one Area Coroner will be met by Blackburn with Darwen Borough Council under the terms of a Governance Agreement between the county council and Blackburn with Darwen Borough Council. The figure of 23% is based on the population of the former jurisdiction as a percentage of the overall population of the new jurisdiction.

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

Paper	Date	Contact/Tel
Coroners Circular 66	August 2021	Janet Mather 01772 531123

Reason for inclusion in Part II, if appropriate

N/A

Employment Committee

Meeting to be held on Monday, 13 September 2021

Electoral Division affected: None;

Proposed Re-Engagement Following Retirement Policy Statement for Members of the Local Government Pension Scheme (LGPS)

Contact for further information:

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

Executive Summary

As part of the Human Resources policy review programme, a draft policy statement has been produced to clarify the county council's position on the re-engagement of former employees who choose to retire and then wish to re-apply for jobs with, or undertake work for, the council after they have accessed their Local Government Pension Scheme benefits. The policy statement does not propose that former employees be prevented from obtaining re-employment with the council but stipulates that there must be a mandatory break in service of at least four weeks and clarifies that retired employees would normally be required to apply and be assessed for vacancies in line with the council's recruitment and selection policy.

Recommendation

The committee is asked to approve the Re-Engagement Following Retirement Policy Statement for Members of the Local Government Pension Scheme (LGPS), as set out in the report.

Background and Advice

The Human Resources Policy Review Group has received input from stakeholders that raise concerns about the potential misuse of the Local Government Pension Scheme to allow employees to retire and return to the same or similar role/work when they have retired without any or a reasonable break in employment, or, the need to undergo a competitive recruitment process to gain re-employment/re-engagement.

It is not proposed that former council employees, who choose to retire and access their Local Government Pension Scheme pension be prevented from applying for council jobs/work after retirement, but that specific criteria must be met in such circumstances. This is set out below as a policy statement.

Re-Engagement Following Retirement Policy Statement for Members of the Local Government Pension Scheme (LGPS)

Your employment with the council will end at the point that you choose to retire. You are not prevented from applying for jobs with, or working for, the council after you have retired but any future employment (or engagement as a casual worker) is subject to you:

- Having at least four weeks break from the date of your retirement to the start date of your new contract/casual work assignment; and*
- Applying for any vacancies and being assessed for these in the same way as other candidates in line with the council's recruitment policies and procedures. There may be exceptional circumstances when the council may wish to re-engage former retired employees; in these circumstances separate recruitment arrangements could apply.*

Please note there are separate policy provisions in place should your employment end due to voluntary redundancy

You should always seek advice from the [Local Pensions Partnership Administration \(LPPA\)](#) in order to understand the potential impact that working after retirement may have on your pension benefits.

Consultations

The recognised trade unions have been consulted on the proposed policy statement and support the principles.

Implications:

This item has the following implications, as indicated:

Risk management

The proposed policy statement provides for an equitable approach to managing retirement and recruitment to council job/work roles.

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		