

MINUTES OF THE 483rd MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD ON 29 MARCH 2023 AT 10.00AM
AT THE LABOUR RELATIONS AGENCY HEAD OFFICE,
JAMES HOUSE, 2-4 CROMAC AVENUE, BELFAST, BT7 2JA

Present: Gordon Milligan (Chair)
Geraldine Alexander
Deirdre Fitzpatrick
Kevin McCabe
Michelle McGinley
Daire Murphy
John Taylor
Lee Wilson

In Attendance: Don Leeson Chief Executive
Paul Lowe Director of Corporate Services
Mark McAllister Director of Employment Relations Services
Oliver Murray Executive Assistant
Tommy Wright Adviser (agenda item 6)

Apologies: Clare Duffield
Jill Minne

This was a hybrid meeting, with some Board members attending in person and others by videoconference.

Declarations of Interest: It was noted that the current and former employers of some Board members are impacted by agenda items 6 and 7; it was agreed that no conflicts of interest arise by their participation in those discussions.

1. Chair's Opening Remarks

- 1.1 It was noted that, given the continuing suspension of the NI Executive, the Department for the Economy is working with the Northern Ireland Office to prepare legislation to enable the Secretary of State to appoint new Board members and/or extend the appointments of current Board members. The Chair acknowledged the uncertainty this is causing those Board members whose appointments are due to end on 31 March 2023. The Board members were thanked for their forbearance. The Agency will continue to work with DfE regarding any governance implications that might arise from this hiatus.

Action: Chair/Chief Executive

- 1.2 Michelle McGinley was thanked for chairing the recent Audit and Risk Assurance Committee (ARAC) meeting, following the Committee Chair's recent accident. The report from the ARAC meeting is agenda item 10.
- 1.3 The Board acknowledged the work of John Simpson who was one of the Agency's Arbitrators, chairing many arbitration and independent appeal hearings. Sympathy was expressed to his family, friends and colleagues following his recent death.

2. Minutes of Previous Board Meetings

- 2.1 Minutes of the Board Meeting held on 26 January 2023 (paper BP01-03/23) were agreed as an accurate record of the meeting for publication on the Agency's website.

Action: Executive Assistant

- 2.2 Minutes of the Board Meeting held on 22 February 2023 (paper BP02-03/23) were agreed as an accurate record of the meeting for publication on the Agency's website.

Action: Executive Assistant

3. Action Points from Previous Board Meetings

- 3.1 The Chief Executive presented the progress report on actions from previous Board meetings (paper BP03-03/23), which was noted by the Board.

- 3.2 The Board noted that a revised draft Partnership Agreement is expected to be received from the Department for the Economy (DfE) within the next week or so. The Agency will then need time to consider the contents with DfE officials, before a final version is presented for Board approval.

Action: Chief Executive/Director of Corporate Services

- 3.3 The Board approved a change to Standing Orders to provide for 'in-camera' sessions at Board meetings, without staff present, at the request of the Chair or a Board member. The Standing Orders will be updated with the agreed wording.

Action: Chief Executive

4. Chief Executive's Report

- 4.1 The Chief Executive presented the report (paper BP04-03/23), which was noted by the Board.

- 4.2 The Chief Executive reported on a budget briefing provided by DfE to arm's length bodies in February 2023, which had been widely reported in the news media. DfE is scenario planning substantial budget cuts. Until the Agency's funding allocation for 2023-24 has been confirmed, vacant posts are not being filled on a permanent basis; temporary staffing arrangements are being rolled forward on a month-to-month basis. Once the allocation has been confirmed, a budget will be presented for Board approval.

Action: Chief Executive/Director of Corporate Services

- 4.3 The Board noted that the Agency has been unable to fill the additional IT Manager post at the available salary. Alternative arrangements are now being considered for providing additional capacity in this business-critical area.

Action: Chief Executive/Director of Corporate Services

- 4.4 The Director of Employment Relations Services provided an update on the number of collective conciliations currently being facilitated by the Agency to resolve industrial disputes. These continue to be at a high level.

- 4.5 The Director of Employment Relations Services briefed the Board on work with Belfast City Council to support the development and implementation of its good employment practice charter, the 'Belfast Business Promise'. The Board noted the Agency's intention to commit to the charter as an 'early adopter' employer.

Action: Directors

- 4.6 The Board noted the motion passed at the recent NASUWT conference regarding the Agency's role in respect of independent appeals (see agenda item 7).

- 4.7 The Chief Executive reported progress in finalising research on the business benefits of good employment practice. This includes two case studies, which are being finalised with the respective employers. The Board noted that one of these employers won the CIPD NI 'Employer Voice' award in 2022, which was sponsored by the Agency. Given the publicity generated for the Agency's work, sponsorship of this award will be continued in 2023.

Action: Chief Executive

- 4.8 The Board congratulated staff on the Agency's successful retention of the Customer Service Excellence Standard, following the recent annual assessment.

4.9 The Board noted that the Agency was a finalist in the recent Women in Business Awards for 'Advancing Diversity in the Workplace' in both the individual and company categories. The Equity, Diversity and Inclusion Manager was congratulated on this achievement.

4.10 The Chief Executive reported that the Agency's former Head Office premises were handed back to the Landlord, following lease expiry on 28 February 2023. The Board expressed their appreciation for the work of Accommodation Project Manager in successfully exiting the lease. Negotiations regarding the Agency's dilapidations liability will now commence.

Action: Chief Executive

5. Reflections on the Employment Relations Conference held on 23 February 2023 and Next Steps

5.1 The Board reflected on the Agency's Employment Relations Conference, which was held on 23 February 2023. Board members agreed that the event was a success; well organised, with high quality speakers. Appreciation was expressed to everyone involved in its organisation and delivery. An evaluation report is being prepared and will be shared with Board members in due course.

Action: Chief Executive

5.2 It was noted that videos of the keynote speeches, presentation material, and photographs from the conference will be published on the Agency's website.

Action: Executive Assistant

5.3 The Chief Executive reported that focus now turns to the development of a good employment charter to support delivery of DfE's 10X economic vision. Furthermore, material from discussions at the conference will help inspire future thought leadership work by the Agency. These will be progressed in the context of the Agency's Business Plan for 2023-24 (agenda item 8)

6. Article 86 Review of Collective Bargaining Arrangements in Local Government – Emerging Findings

6.1 Former staff member Tommy Wright, who is acting as an Adviser to the Agency, was welcomed to the meeting. The Board was briefed on emerging findings from the Article 86 review of collective bargaining arrangements in local government, which he is undertaking.

- 6.2 The Board was content with the insights provided and the recommendations likely to emanate from the review. A draft report will now be prepared. Following fact-checking with key stakeholders, the report will be finalised for presentation to the June 2023 Board meeting.

Action: Chief Executive/Director of Employment Relations Services

7. Review of the Independent Appeals Service – Legal Advice and Next Steps

- 7.1 The Chief Executive presented the summary of legal advice received in respect of the Independent Appeals Service (paper BP05-03/23).

- 7.2 A recommendation to seek nominations from stakeholders to form a working group to agree a governance framework for the conduct of independent appeals was approved by the Board. It was agreed that, when seeking the nominations, the Agency requests an end to its role in facilitating independent appeals from the collective agreements, which give rights to such appeals, when they are next reviewed.

Action: Chief Executive

- 7.3 With the Independent Appeal Service continuing for the foreseeable future, the Board noted the need to conduct a recruitment exercise to refresh the panel of Arbitrators, which the Agency engages to chair appeal hearings.

Action: Director of Employment Relations Services

8. Draft Business Plan for 2023-24

- 8.1 The draft Business Plan for 2023-24 (paper BP06 03/23) was agreed by the Board. The Plan will be submitted to DfE for formal approval.

Action: Chief Executive

9. Finance and Personnel Committee – Report on Meeting held on 7 February 2023

- 9.1 The report of the Finance and Personnel Committee meeting held on 7 February 2023 (paper BP07-03/23) was noted by the Board.

10. Audit and Risk Assurance Committee – Report on Meeting held on 6 March 2023

- 10.1 The report of the ARAC meeting held on 6 March 2023 (paper BP08-03/23) was noted by the Board.

11. Business Plan Performance Report for the Period Ended 28 February 2023

11.1 The Business Plan Performance Report for the period ended 28 February 2023 (paper BP09-03/23) was noted by the Board.

11.2 The Board also noted that the Performance Report and the Accountability Report, which form the key narrative sections of the Annual Report and Accounts for 2022-23, will be presented to the May 2023 Board meeting.

Action: Chief Executive

12. Management Accounts for the Period Ended 28 February 2023

12.1 The Management Accounts for the period ended 28 February 2023 (paper BP10-03/23) were noted by the Board.

12.2 The Director of Corporate Services reported that an initial audit of the Agency's expenditure in 2022-3 is underway. The Financial Statements, which form part of the Annual Report and Accounts for 2022-23, will be prepared for audit in May, and then presented to ARAC and the Board in June 2023.

Action: Director of Corporate Services

13. Arrangements for Board Effectiveness Self-Assessment

13.1 In line with recommended practice, Board members will be invited to complete the annual Board Effectiveness Self-Assessment questionnaire. They will also be asked to update the register of interests and review their biographical details. The aggregated Board Effectiveness results will be considered at the May 2023 Board meeting.

Action: Executive Assistant/Board members

14. New Board Member Induction Arrangements

14.1 Induction arrangements for new Board members, when appointed, were approved (paper BP11-03/23).

15. Review of the Meeting

15.1 Board members confirmed they were content with the papers, discussions and decisions taken at the meeting.

16. Any Other Business

16.1 There was no other business.

17. Dates of Next Meeting

17.1 The next Board meeting will be on 19 May 2023.

Action: Executive Assistant

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