

**MINUTES OF THE 419<sup>th</sup> MEETING OF THE LABOUR RELATIONS AGENCY BOARD HELD AT  
10.00 am ON THURSDAY, 22<sup>nd</sup> SEPTEMBER 2016  
IN THE AGENCY'S OFFICES, GORDON STREET, BELFAST**

**Present:** Marie Mallon (Chair)  
Louise Crilly  
Deirdre Fitzpatrick  
Michelle McGinley  
Gary McMichael  
Alison Millar  
Albert Mills  
Daire Murphy  
Pauline Shepherd

**In Attendance:** Tom Evans Chief Executive, (CEO)  
Penny Holloway (Director, Conciliation & Arbitration, (DCA))  
David McGrath (Director, Advisory Services (DAS))  
Gerry O'Neill (Director, Corporate Services, (DCS))  
Alison Wolfe (Minutes Secretary)

**Action**

<p><b>1. Apologies</b></p> <p>An apology was received from Jill Minne.</p>	
<p><b>2. Conflicts of Interest</b></p> <p>There were no interests declared.</p>	
<p><b>3. Chair's Opening Remarks</b></p> <p>The Chair indicated that there were a number of matters arising from the previous two meetings which would be covered by today's agenda. Also that there would be a presentation at the end of the meeting to mark the retirement of the Director of Corporate Services.</p> <p>A revised agenda was tabled to include a new standard item of business 'Directors Update' as previously requested by Board members. The August meeting had included a Board workshop with two very informative presentations from both the Advisory and Conciliation sections and it was important that the Board continued to receive such information.</p> <p>Item 5.2 to be discussed by the Board and CEO immediately after the Board meeting.</p> <p>The Chair informed the Board that she had been invited by the Public Appointments Unit, through DfE, to provide some comments for an article on the importance of applying for public appointments. The purpose of the article, which will be published in the Belfast Telegraph on 30 August, is to encourage applications, particularly from females. The Chair took the opportunity in the article to promote the work of the Agency.</p>	

<p>The Chair also indicated that she will be speaking at the CIPFA Conference in October about delivering change through people. The Chair will again take the opportunity to promote the work of the Agency and the importance of good industrial/employment relations.</p>	<p><b>Chair</b></p>
<p>The Chair highlighted the very good programme of events organised by the Chairs' Forum, in particular the Leadership and Governance Conference in November which would be very useful particularly in light of PfG. It was agreed to re-issue the Chairs' Forum programme of events to Board members.</p>	<p><b>Sec</b></p>
<p><b>4. Minutes of 25 August and 23 June 2016 Meeting</b></p> <p>The minutes of the meeting held on 25 August 2016 were agreed as a true and accurate record of the meeting.</p> <p>The minutes of the meeting held on 23 June 2016 had already been approved at the August meeting; however there were a number of matters arising from the minutes for discussion as listed on the Agenda.</p>	<p><b>Secretary</b></p>
<p><b>5. Matters Arising from 23 June 2016 Minutes</b></p> <p><b>5.1 Mobile Application Presentation</b>  The Director Corporate Services advised the Board that a Project Team had been established to take forward the implementation of the mobile application. The Board stressed the importance of establishing a timescale to launch the app. It was agreed that a project plan should be prepared and that the option of staff trialling the app for a month before the launch should be considered.</p> <p><b>5.2 DCS Recruitment</b>  To be discussed in closed session.</p> <p><b>5.3 CIPFA Governance Standard</b>  The CEO reported to the Board on his discussions with one of the companies that had been part of the CIPFA Governance Standard pilot. This organisation was extremely positive about their experience of using the standard; CIPFA's public sector credibility was an influencing factor; also the assessment process was helpful in recognising positive governance practice as well highlighting development issues.</p> <p>The Chair emphasised the importance of applying best practice in relation to governance and boardroom leadership. The Board agreed that the CEO should follow up with the other participating organisation and also explore with CIPFA the potential to marry participation in the pilot with a workshop for all Board members on governance. The CEO agreed to bring a paper back to the Board</p> <p><b>5.4 CMRS Phase 2 Update</b>  The DCS reported that the residual Advisory functions are the focus of the Phase 2 project as the Helpline Service has already been included in Phase 1. The DCS explained that work on the business case for Phase 2 had been delayed due to the additional work required in revising the Early Conciliation (EC) business case in response to a range of DfE queries. The CEO and DCA will use the upcoming meeting with Departmental representatives to discuss the draft EC Regulations to emphasise that any further delay in approving the business case will impact on the implementation date.</p> <p>The CEO advised that the EC business case had yet to be presented to DFP for final approval but that a project plan will be signed off at the next formal SMT meeting highlighting work streams that can be progressed. The Board stressed</p>	<p style="text-align: center;"><b>CEO/DCS</b></p> <p style="text-align: center;"><b>CEO</b></p> <p style="text-align: center;"><b>CEO/DCA</b></p> <p style="text-align: center;"><b>SMT</b></p>

<p>the importance of clear communication between the Agency and OITFET on the EC project.</p> <p><b>5.5 Programme for Government (Paper 10/16)</b>  The CEO referred to the Agency’s response to the Executive’s consultation on the Programme for Government which was supportive of an outcomes-based approach.</p> <p>The Board agreed that the Agency needed to be pro-active in seeking a meeting with Colin Jack and Chris Stewart from DfE to discuss how the Agency can best contribute to PfG outcomes.</p> <p><b>5.6 Employment Bill – Early Conciliation Business Case</b>  Discussed under 5.4 above.</p> <p><b>5.7 2016-17 Business Plan</b>  The CEO reported that DfE were content with the 2016-17 Business Plan.</p> <p><b>5.8 NiBusinessinfo and NIDirect Statistics</b>  The DAS tabled a paper setting out the usage statistics from the employment and skills section of NiBusinessInfo.co.uk which demonstrates the close links which exist between the Agency and Invest NI and the Agency’s significant input to this business channel.</p> <p>The DAS also tabled information from NIDirect showing statistics for the Employment and Education themes and reported that many are accessing this service via mobile platforms emphasising the need for the Agency to make greater use of mobile platforms/social media.</p> <p>The DAS reported that INI has asked the Agency to update the employment section of an Employers Handbook for publication. The Board in recognising the significant amount of work involved expressed the view that the handbook should be available online. The DAS indicated that while it would not be available online much of the information was already available on the INI website.</p> <p>It was agreed that DfE should be made aware of the Agency’s involvement in the publication. Board members felt that the publication was of great value, particularly to small organisations.</p> <p><b>5.9 Executive Transformation Fund for ALBs (Paper 11/16)</b>  The CEO reported on the Agency’s response to the Utilisation of Transformation Fund by ALBs. As agreed at the August meeting the CEO had responded indicating that the Agency would want to seek funding if there was a reduction in core funding given that the majority of expenditure related to staff costs. The CEO confirmed that he had informed TUS.</p> <p>The Board expressed their concern that DfE may reduce any additional resource provided for Early Conciliation if the Agency’s core funding is cut.</p> <p>The CEO undertook to keep the Board updated on the issue.</p> <p><b>5.10 Telephone hacking incident (Paper 9/16 updated)</b>  The DCS updated the Board on progress with the telephone hacking incident and that the ARAC had been updated at their meeting on 20 September. The Agency had agreed with the Department that this was technically a fraud and following discussions the Agency had formally reported the incident to the PSNI. In terms of cost there were no disclosure issues. The Agency has taken all necessary actions</p>	<p>Chair/CEO</p> <p>SMT</p> <p>CEO</p> <p>CEO</p>
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<p>to mitigate the risk of any future incidents.</p> <p><b>5.11 IS Managed Services (Paper 12/16)</b>  The DCS advised the Board that the Agency had met with the IS Managed Services Provider to outline the legal, contractual and reputational implications of the proposal to deliver the service remotely and had come to a satisfactory arrangement which replicated the service already being provided. The service provider has already agreed to bear the cost of some interim contingency measures. The Agency will continue to monitor progress.</p> <p><b>5.12 Staff Conference</b>  The Chair advised the Board that the Staff Conference would be held on Wednesday, 19 October at The Mac. The conference will focus on Leadership and Innovation as a key driver for change. There would be three formal inputs from the Chair, Anne Sharp of Acas and Chris Stewart, DfE with two participative workshops. Invitations would be issued shortly and Board members were welcome to attend all or part of the conference.</p> <p><b>5.13 Workplace Relations Commission</b>  The CEO reported that Kieran Mulvey had now retired from his position as Chief Executive of the Workplace Relations Commission. He undertook to follow up with the new CEO regarding a joint meeting with the Board of the WRC probably in the first quarter of 2017 following the Board's corporate planning workshop. The CEO agreed to keep the Board informed of progress.</p>	<p><b>SMT</b></p> <p><b>CEO/Sec</b></p> <p><b>CEO</b></p>
<p><b>6. Board Member Training/Appraisals</b></p> <p>Alison Millar and Penny Holloway reported on their recent attendance at the TUC annual conference. Key themes included Brexit and the implications for workers as well the increased use of zero hour's contracts. The DCA added that there was significant discussion around collectivism and low pay issues. A huge task facing the trade union movement since Brexit was racism. The Chair mentioned that the Roundtable had discussed the issue of racism; this could also be discussed at the joint meeting with the Equality Commission as it was a serious issue for everyone.</p> <p>It was agreed that attendance at the TUC had been worthwhile.</p>	
<p><b>7. Update on Roundtable/other stakeholder meetings</b></p> <p><b>7.1 CEO letter to Paul Sweeney, Department for Education (Paper 13/16)</b></p> <p>The CEO referred to his letter to Paul Sweeney, Permanent Secretary for DE, setting out a range of proposals for working with the education sector. The CEO advised that he intended to follow up his letter offering to meet with the DE Senior Responsible Officer for PfG outcomes.</p> <p>The CEO reported on his recent meeting with Colin Fenwick from the ILO about potential research projects which resulted in an invite to speak at an ILO conference in Turin, 24-28 October 2016. The title of the conference is "Building effective labour dispute prevention and resolution systems". Representatives from the UK, Rol and South Africa will also be attending. The event will provide a further opportunity for networking and to source models of good practice that may inform the Board's consideration of an NI Employment Relations model.</p> <p>The Chair confirmed that we are seeking an early meeting of the Roundtable to establish a cycle of meetings that will allow for meetings with Senior Civil Servants from DfE and the Department for the Communities to be arranged.</p>	<p><b>CEO</b></p> <p><b>CEO</b></p> <p><b>Chair/CEO</b></p>

<p>The Chair reminded Board members that the joint LRA/ECNI meeting would take place on the afternoon of the November Board meeting requiring an all-day commitment. It was agreed that a single item agenda may be more effective and the Programme for Government could be an appropriate theme for this meeting. The CEO will take forward the arrangements.</p>	<b>Board/CEO</b>
<p><b>8. Board Sub-Committees</b></p> <p>The Chair of the Audit &amp; Risk Assurance Committee tabled a paper setting out the main outcomes from the 20 September; draft minutes to issue within 2 weeks; A-Z of Governance documents to be updated; TOR for internal audit agreed and a workshop to be held on 6 December to review the Risk Register. The Committee had also discussed the recruitment of the DCS in terms of how priorities would be addressed in the period before a new DCS is in post.</p> <p>The Chair of the Board thanked the Chair and members of the Audit &amp; Risk Assurance Committee for their work.</p> <p>It was also agreed that an early meeting of the Board Sub-Committee to consider the development of a NI Employment Relations model should be arranged.</p>	<b>ER Sub-Cttee</b>
<p><b>9. Finance Issues</b></p> <p><b>9.1 Budget update (Paper 7/16 updated)</b></p> <p>The DCS presented the finance report which set out a profile of expenditure up to 31 August 2016. The Board noted the current financial position. The CEO confirmed that he meets regularly with the DCS and Finance Officer and also with TUS to monitor the budget situation. The Board will be kept informed of budget progress.</p>	<b>CEO</b>
<p><b>10. HR Issues (Paper 3/16 updated)</b></p> <p>Following comments received at the Board meeting in August the HR Manager presented an updated People Strategy linking the key themes to the strategic objectives of the Agency and including a Gantt chart for implementation. As discussed a metrics paper was also included indicating absence levels. The revised paper also aligned key themes with lIP.</p> <p>The Chair commented that the revised strategy was very comprehensive and ambitious in terms of the objectives. Health and well-being engagement could include users of the Agency's services; this could also be referred to in staff training and development. It was also agreed to include a Mission Statement at the beginning of the document. The Board endorsed the content of the People Strategy but suggested that there should be an introductory paragraph setting the strategy in its proper context.</p> <p>The HR Manager then took the Board through the HR update paper. The Board expressed its appreciation for the range of projects that are being progressed.</p>	
<p><b>11. Business Plan Performance Report for 2016/17 (Paper 8/16 updated)</b></p> <p>The CEO reported that the majority of service delivery targets were either on target or had been exceeded.</p> <p>The Agency is continuing to refine the early conciliation model in light of discussions with Acas and a project manager had been appointed to work alongside the DCA.</p>	<b>SMT</b>

<p>There were a number of areas where the Agency did not have total assurance but in the main these are targets which are dependent on third party intervention.</p>	
<p><b>12. Directors' Update</b></p> <p>The DCA reported a substantial increase in the number of cases received this year compared to last year. The section has been experiencing pressure due to reduced staffing but was still managing to meet targets. Staff also concerned about the uncertainty around the implementation of Early Conciliation. The section is working towards a 'paper light' office environment, storing as much information electronically as possible. The new case management system will enhance our ability to measure volumes and outcomes.</p> <p>The DAS reported on a number of staffing pressures which are being managed. The Events Programme has been well received with an increase in the number of people registering to attend events. 30% of customers are first-time customers. In-company training is in high demand and the section is meeting most targets. There is also uncertainty around early conciliation. The upward trend in terms of demand for seminars continues.</p> <p>The Board agreed that the Department should be made aware of the increase in demand for all of our frontline services. The DCS reported that some areas such as HR were progressing well. There was some backlog with IT issues.</p>	
<p><b>13. Annual Public Meeting and Public Lecture</b></p> <p>A draft agenda for the Public Meeting and Public Lecture was tabled for information. As it was also the 40<sup>th</sup> anniversary of the Agency it was hoped to have a member of Brendan Harkin's family provide some reflections on his term as the first Chairman of the Agency. When the programme is finalised it will be circulated to Board members. The DAS is working on a short publication charting the history of the Agency, structure of the Board, the Chairs and significant milestones.</p> <p>The SMT will be reviewing staff suggestions for memorabilia for the 40<sup>th</sup> anniversary.</p>	<p><b>Ch/SMT/Sec</b></p>
<p><b>14. Any Other Business</b></p> <p>A list of proposed dates for 2017 had been drawn up and would be emailed to Board members for consideration.</p>	
<p><b>15. Date of Next Meeting</b></p> <p>The next meeting of the <b>Agency Board</b> will take place on <b>Thursday, 20<sup>th</sup> October 2016 at 9.30 am in The Mac, Exchange Street, Belfast.</b></p>	<p><b>Secretariat</b></p>

Following the meeting there was a presentation to Gerry O'Neill to mark his retirement as Director Corporate Services.

The Chair on behalf of the Board thanked Gerry