

MINUTES OF THE 464th MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD AT 10.00 am ON THURSDAY 13 MAY 2021
VIA VIDEOCONFERENCE

Present: Gordon Milligan (Chair)
Geraldine Alexander
Louise Crilly
Clare Duffield
Deirdre Fitzpatrick
Kevin McCabe
Michelle McGinley
Jill Minne
Daire Murphy
Lee Wilson

In Attendance: Don Leeson Chief Executive
Paul Lowe Director of Corporate Services
Mark McAllister Director of Employment Relations Services
Alison Wolfe Minute Secretary
Sarah Livingstone Boardroom Apprentice

Apologies: None

This was the first meeting for the Chair, Gordon Milligan, and new Board members Geraldine Alexander, Clare Duffield, Kevin McCabe, and Lee Wilson who were appointed to the Board with effect from 1 May 2021.

Board members met 'in-camera' prior to the formal commencement of the meeting. The key points from this discussion are recorded at agenda item 1.

Declarations of Interest: it was noted that some Board members have a possible interest in topics likely to be reported on during the meeting, such as holiday pay conciliation. It was agreed that briefings will be given with an appropriate level of detail in order to minimise potential conflicts of interest and that members will absent themselves from discussions where these arise.

1. Chair's Opening Remarks

- 1.1 The Chair welcomed everyone to the meeting and expressed his pleasure at being given the honour to chair the Agency. He acknowledged the tremendous contribution of the previous Chair and Board members whose terms of office ended on 30 April 2021.

- 1.2 Everyone present introduced themselves. New Board members reported that their induction has been very good, particularly the 'buddying' arrangements with the continuing Board members.
- 1.3 The Chair reported that the in-camera session was used to discuss committee membership and other roles. Committee membership was confirmed as follows:

Audit and Risk Assurance Committee – Deirdre Fitzpatrick (Chair), Louise Crilly; Clare Duffield, Kevin McCabe, Daire Murphy and Lee Wilson.

Finance and Personnel Committee – Geraldine Alexander (Chair), Michelle McGinley, and Lee Wilson.

Committee meeting dates will be circulated to members.

Action: Secretary

- 1.4 The Chair reported that Jill Minne has agreed to be Deputy Chair.
- 1.5 The Board noted that Daire Murphy has recently been appointed Board Equality, Diversity and Inclusion (EDI) Champion. However, with Gary McMichael no longer a Board member, there is a need to identify a new Board Mental Health Champion. Board members were asked to consider taking on this role.

Action: Board members

- 1.6 The Chair reported on the meeting of the NI Engagement Forum on Covid-19 with the Interim Head of the Civil Service on 10 May 2021. This had been a very positive engagement at which the value of social partnership was acknowledged. The meeting had identified a continuing role for the Forum and the Chair is seeking to form a sub-group of Forum members to develop proposals regarding this.

2. Minutes of previous Board meeting

- 2.1 The minutes of the meeting held on 25 March (paper BP01-05/21) were agreed as an accurate record of the meeting, and for publication on the Agency's website.

Action: Secretary

3. Action Points from Previous Board meeting

- 3.1 The Chief Executive introduced the progress report on action points from previous Board meetings (paper BP02-05/21).

3.2 The Chief Executive reported that a survey of stress in the workplace conducted by Chest Heart and Stroke in autumn 2020 had revealed worrying levels of stress among staff. Healthy Place to Work have been engaged to conduct in-depth interviews of a sample of staff to provide greater insight into this matter. Healthy Place to Work's report is being finalised and will be shared with staff and Board members in due course. An action plan to address the issues raised will be developed.

Action: Chief Executive

3.3 As part of the Board induction programme, a presentation by the Senior Leadership Team on the work of the Agency has been arranged for 24 May 2021. In addition, an event for Board members is being arranged that will incorporate team building and a workshop on corporate governance issues.

Action: Chair/Chief Executive

3.4 The Director of Employment Relations Services reported that stakeholder consultation to inform the review of the Independent Appeal Service has concluded. Next steps in light of the feedback are being considered. The review is expected to be completed by September 2021.

3.5 The Director of Corporate Services reported that fixes to the Agency's core case management and records system (CMRS) and the Early Conciliation web portal are being prepared for user acceptance testing.

Action: Director of Corporate Services

3.6 A member of staff has expressed an interest in the role of staff EDI Champion. A meeting has been arranged with the Chief Executive to discuss the role. The Board will be updated in due course.

Action: Chief Executive

4. Chief Executive's Report

4.1 The Chief Executive presented the report (paper BP03-05/21).

4.2 The Chief Executive reported on a meeting held with his counterparts in Acas and the Workplace Relations Commission (WRC) on 12 May 2021. Among other matters, the organisations discussed the possibility of formalising collaborative arrangements, starting with a joint meeting of the Chairs and Chief Executives. The possibility of joint research across the three jurisdictions examining the correlation between productivity and good employment relations was also discussed. The Chair echoed the importance of strong relationships with Acas and WRC. The Chief Executive will make arrangements for the joint meeting and prepare a first draft of a research specification.

Action: Chief Executive

- 4.3 The Chief Executive and Board congratulated Paul Lowe on his appointment as Director of Corporate Services. He also reported that, following interviews, the role of Communications Manager has been offered to the successful candidate. The Chief Executive thanked Deirdre Fitzpatrick and Michelle McGinley for participating in the respective recruitment exercises.
- 4.4 The Chief Executive reported that the Audit and Risk Assurance Committee normally holds a workshop with the Senior Management Team each May to consider the risks facing the Agency. This discussion informs the development of the Corporate Risk Register, which would then be submitted to the June Board meeting for approval. In light of changes to Board membership, the Chief Executive and Committee Chair propose postponing the workshop until later in the summer and to update the current Risk Register until a new one is prepared. The Board approved this proposal.

Action: Chief Executive/Director of Corporate Services

- 4.5 The Director of Employment Relations Services provided an update on holiday pay conciliations. It was noted that a number of conciliations have been paused pending further developments in the case of the PSNI v Agnew and Others, which is due to be heard by the Supreme Court in June 2021. The Agency's team dedicated to this work is being temporarily diverted to other work; it was noted that the conciliations are expected to resume in due course.
- 4.6 The Director of Employment Relations Services reported that Conciliation Officers have been sharing their experiences of Early Conciliation to inform the forthcoming evaluation of the new service by the Department for the Economy (DfE). The Agency's submission to the evaluation will be presented to the next Board meeting before it is sent to DfE.

Action: Director of Employment Relations Services

5. Annual Report & Accounts for 2020-21

- 5.1 The Chief Executive introduced the Performance and Accountability Reports, which form part of the Annual Report and Accounts for 2020-21 (paper BP04-05/21). The draft reports were being presented to the Board at this stage to allow members to comment on them prior to submission to the NI Audit Office (NIAO) for audit with the Financial Statements.
- 5.2 The Directors highlighted key aspects of the Agency's performance during the year, including achievement of Investors in People Gold and the Customer Service Excellence standards. The Board congratulated staff on their achievements throughout a very challenging year.

5.3 The Board noted that the Accountability Report contains details of the Agency's governance arrangements; other parts of the report are incomplete at this stage. Information is awaiting from Civil Service Pensions on pension disclosures, as is guidance from the Department of Finance (DoF) on wording for inclusion in the Remuneration and Staff Report, which forms part of the Accountability Report.

5.4 Board members were invited to email the Chief Executive with any comments they wish to make on the Performance and Accountability Reports.

Action: Board members

5.5 It was noted that the Performance and Accountability Reports, together with Financial Statements, will be amalgamated to form the Annual Report and Accounts for 2020-21. Once audited, the final version will be presented to the Audit and Risk Assurance Committee and then the June 2021 Board meeting for approval.

Action: Chief Executive

6. End-Year Assurance Statement

6.1 The Chief Executive presented the End-Year Assurance Statement (paper BP05-05/21), which was submitted to DfE's Permanent Secretary as the Departmental Accounting Officer in April 2021. The Assurance Statement, which is prepared every six months, sets out the Agency's governance and control arrangements and reports any areas of partial or non-compliance with expected standards.

6.2 The Chief Executive outlined four issues highlighted in the Assurance Statement. The main concern is a shortcoming identified in the founding legislation of the Agency. This matter had been reported to DfE in February 2021, following receipt of senior counsel opinion. The Board noted that primary legislation is needed to address the matter and that a number of other arm's length bodies might also be affected. The Chief Executive is in discussion with NIAO about how this issue should be disclosed in the Annual Report and Accounts for 2020-21.

Action: Chief Executive

6.3 Board members agreed that this issue should continue to be highlighted in the Agency's Corporate Risk Register.

Action: Director of Corporate Services

6.4 It was also agreed that it would be good practice to prepare a scheme of delegation.

Action: Chief Executive

7. Draft Business Plan for 2021-22

7.1 The Chief Executive presented the draft Business Plan for 2021-22 (paper BP06 05/21). It was noted that the plan implements the first year of the new Corporate Plan, which has been published for public consultation with a closing date of 31 May 2021.

7.2 The Directors highlighted key aspects of the Business Plan.

Louise Crilly declared an interest and left the meeting.

7.3 The Board noted that the Agency is entering into a five-year licence agreement with DoF for new Head Office accommodation in James House. The rental arrangements result in significant financial savings for the Agency. A query was raised about whether a commercial rent will be charged for continuing occupation after the initial five-year period; this will be looked into.

Action: Director of Corporate Services

7.4 It was also noted that the Agency plans to review its Regional Office accommodation requirements in light of 'hybrid' working arrangements and the establishment by the NI Civil Service of new regional hubs. The Business Plan envisages recommendations regarding this being brought to the Board for consideration by March 2022.

7.5 Board members were invited to email the Chief Executive with any comments they wish to make on the Business Plan.

Action: Board members

7.6 The Board noted that comments recently received from DfE on the Corporate and Business Plans will be incorporated into the final versions, together with feedback from the public consultation exercise. Final versions of the plans will be submitted to the June 2021 Board meeting for approval; they then require DfE sign-off.

Action: Chief Executive

Louise Crilly re-joined the meeting.

8. Draft Budget for 2021-22

8.1 The Director of Corporate Services presented the draft Budget for 2021-22 (paper BP07-05/21).

8.2 The Board noted that the Agency's baseline budget of £3,823k has been supplemented by over £1 million in non-recurrent funding linked to economic recovery and NI Protocol activities. This means the Agency has to be cautious when filling posts on a long term basis. It was also noted that a three-year Government Spending Review is expected later in the year, which should provide more budget stability and may provide an opportunity to increase the Agency's baseline.

8.3 The Board approved the Budget for 2021-22.

9. Any Other Business

9.1 Board members confirmed they were content with the quality of the papers and discussion at the meeting.

9.2 The Chair asked Board members to consider rescheduling the November 2021 meeting. Members will be canvassed regarding availability for alternative dates.

Action: Secretary

10. Date of Next Meeting

10.1 The next Board meeting will be on 24 June 2021 at 10.00am by videoconference.

Action: Secretary