

MINUTES OF THE 471st MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD AT 10.00am ON THURSDAY, 27 JANUARY 2022
VIA VIDEOCONFERENCE

Present: Gordon Milligan (Chair)
Geraldine Alexander
Louise Crilly
Clare Duffield
Deirdre Fitzpatrick
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
Diane Edgington Accommodation Project Manager (agenda item 5)
Aideen Duggan Boardroom Apprentice
Pamela Robinson (Executive Assistant designate)
Alison Wolfe Minute Secretary

Apologies: Kevin McCabe

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

This was Louise Crilly's last meeting before stepping down from the Board. Members expressed their appreciation to Louise for her contribution to the success of the Agency through her participation on the Board and Audit and Risk Assurance Committee.

Pamela Robinson, who takes over from Alison Wolfe as Executive Assistant in April 2022, was welcomed to her first Board meeting.

Board members expressed sympathy to former Assistant Chief Executive and Board member Harry Goodman OBE on the death of his grandson. The Chief Executive has written to Harry to pass on the Agency's condolences.

Declarations of Interest: None.

1. Chair's Opening Remarks

- 1.1 Board Members noted that the Minister for the Economy is now unable to attend the February 2022 Board meeting due to another priority. The Minister has instead offered to record a video message to the Board. It was noted that the next two Board meetings fall within the Assembly election period, which might make it difficult for the Minister to attend; if this is the case, it was agreed to accept the Minister's offer of a pre-recorded video.

Action: Chief Executive

- 1.2 The Chair reported that Jayne Brady, Head of the Civil Service (HoCS), met the NI Engagement Forum on Covid-19 on 5 January 2022. This was to allow HoCS and senior officials from The Executive Office to brief the Forum on the threat of the Omicron variant and the public health response to this. The Forum was referred to in a subsequent press release by the Executive. Following a request from HOCS, a further Forum meeting has been scheduled for 28 January 2022 to seek stakeholders' views on the reopening of workplaces for employees currently advised to work from home. In the meantime, it was noted that First Minister and Deputy First Minister approval to undertake a review of the Forum's terms of reference is awaited.

Action: Chair/Chief Executive

- 1.3 The Chair reported on his meeting with DfE's Permanent Secretary on 21 January 2022. Discussions covered the work of the Agency and the financial outlook for 2022-23.

- 1.4 The Board noted a change to the draft Corporate Plan 2021-25, which has been proposed by the Minister. This will be discussed further with DfE. The Agency is hopeful that the Minister will approve the Corporate Plan in the near future. The Chair and Chief Executive are scheduled to brief the Committee for the Economy on the Corporate Plan on 9 March 2022.

Action: Chair/Chief Executive

2. Minutes of Previous Board Meeting

- 2.1 The minutes of the meeting held on 16 December 2021 (paper BP01-01/22) 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 BP02-01/22).

3.2 It has been confirmed that the Agency is not covered by Northern Ireland Civil Service's accreditation as a Living Wage Employer. The Agency's accreditation will be an objective in the Business Plan for 2022-23.

3.3 The Board noted that plans to promote the Agency's guidance on hybrid working will be prepared in anticipation of a change in the Executive's guidance regarding working from home.

Action: Director of Corporate Services

3.4 Following interviews with individual Board members, a Board Learning and Development Plan is being prepared for approval at the February or March 2022 Board meetings, depending on agenda capacity. Board members found the exercise very useful and well facilitated by the HR Managers.

Action: Director of Corporate Services

3.5 The Chief Executive reported that a keynote speaker will be unavailable for the Agency's rescheduled employment relations conference. Board members were asked for suggestions for alternative speakers.

Action: Board members

3.6 Plans are being progressed to officially launch and promote the new online Document Toolkit.

Action: Director of Employment Relations Services

3.7 Board members thanked Lee Wilson for his report on key issues from the NI Economic Conference in December 2021.

3.8 The Board noted the report.

4. Chief Executive's Report

4.1 The Chief Executive presented the report (BP03-01/22).

4.2 The Board noted that the Chief Executive and Director of Employment Relations Services met officials from DfE on 13 January to discuss post-election employment policy and legislative priorities. A further discussion will be held with key stakeholders at the forthcoming Employment Relations Roundtable meeting on 9 February 2022.

- 4.3 It was noted that the key agenda items for the joint board meeting with the Equality Commission on 2 March 2022 will include briefings on Early Conciliation implementation and the work of the Dedicated Mechanism Unit for Article 2 of the NI Protocol.
- 4.4 The Chief Executive reported on a meeting with DfE's Careers Service on 20 January 2022 to explore how the Agency might raise awareness of employment rights with young people. This resulted in helpful signposting to other relevant organisations.
- 4.5 A meeting took place with the Rainbow Project on 24 January 2022 to discuss outreach work with members of the LGBTQ+ community who experience workplace difficulties. It was noted that the Agency is also hoping to participate in 'Pride' as part of our commitment to equality, diversity and inclusion and to further raise awareness of our services.
- 4.6 Jill Minne agreed to mentor the Agency's new Women's Network. The Chief Executive will introduce Jill to the Agency's Equality, Diversity and Inclusion Champion who is establishing the Network.
- Action: Chief Executive**
- 4.7 It was noted that Louise Crilly is named as the Board contact in the Agency's Raising Concerns policy. Consideration will be given to identifying a replacement for this role.
- Action: Chair**
- 4.8 The Board agreed to host Boardroom Apprentice for 2022-23.
- Action: Chief Executive**
- 4.9 Work is progressing to develop proposals for further transformation of the Agency. The Trade Union Side is being consulted on terms of reference for a process review to inform recommendations regarding new ways of working. A paper on transformation is being prepared for consideration at the March 2022 Board meeting.
- Action: Chief Executive**
- 4.10 The February 2022 Board meeting will take the form of a business planning workshop, with input from the Senior Management Team. Following agreement of key priorities, a draft Business Plan for 2022-23 will be prepared for approval at the March 2022 Board meeting.
- Action: Chief Executive**

4.11 The Board noted that arrangements are being made to schedule hearings throughout 2022 to address the backlog of around 55 independent appeals. The backlog has resulted from a preference by parties for in-person rather than virtual hearings, which could not be provided for long periods during the pandemic.

Action: Director of Employment Relations Services

4.12 In the meantime, a planned meeting with a key stakeholder to discuss the future of the Independent Appeals Service is having to be rescheduled because of the absence of a senior official.

Action: Chief Executive

4.13 The Board noted a change in support arrangements for the case management and records system, with effect from 1 February 2022, following a procurement exercise. An update on the transition between service providers will be reported to the next Board meeting.

Action: Director of Corporate Services

4.14 The Director of Employment Relations Services provided an update on collective conciliations, including a ballot for industrial action covering a large part of the public sector. In the meantime, collective conciliation training for Employment Relations Managers is being arranged for late February 2022 to increase capacity to deal with disputes.

Action: Director of Employment Relations Services

4.15 The Chief Executive reported on a continuing delay in the refurbishment of James House and the risk that relocation might be pushed back. It was noted that notice to leave the current Head Office premises will not be given to the Landlord until the Agency has assurance regarding the relocation date and appropriate contingency plans are in place.

Action: Chief Executive

4.16 Board members approved a proposal not to invoke a break clause in the lease for the current Regional Office premises, which is available in June 2022. This was on the basis that alternative accommodation will not be available until next year at the earliest, and the premises are needed to house the Agency's main servers, following the delay in transferring IS Managed Services to IT Assist. It was noted that the Agency now expects to remain in the premises until June 2024.

4.17 The Board noted the Chief Executive's report.

5. Strategic Accommodation Projects - presentation

- 5.1 The Accommodation Project Manager briefed the Board on the range of strategic accommodation matters the Agency is managing. These include the safe return to the office, hybrid working, Head Office relocation, the use of Regional Hubs, and revised business continuity plans.
- 5.2 Board members thanked the Accommodation Project Manager for the briefing.

6. Board Decision-Making

- 6.1 The Chief Executive introduced the paper (paper BP04-01/22).
- 6.2 The paper resulted from a concern that perceived conflicts of interest might result in a constituent part of the Board having no input to a decision. The paper contained advice from the Departmental Solicitor's Office and a corporate governance expert.
- 6.3 Board members acknowledged that it was their role to act in best interests of the Agency at all times and that the constituencies from which they are appointed give them helpful insights. It was agreed that the definition of conflicts of interest, proposed by the corporate governance expert, was helpful. This should ensure that Board members can take part in all but those discussions where they have a personal financial interest or would be perceived by a member of the public as having an interest that would prejudice their decision-making.
- 6.4 Legal advice that the statutory tripartite structure of the Board should be reflected in decision-making was noted.
- 6.5 It was agreed that the Chief Executive will prepare proposed revisions to Board Standing Orders in line with the advice received. These will be presented to next Audit and Risk Assurance Committee for discussion and then the March 2022 Board meeting for approval.

Action: Chief Executive

7. Business Plan Performance Report for the period ended 31 December 2021

- 7.1 The Senior Leadership Team presented the Business Plan Performance Report for the period ended 31 December 2021 (paper BP05-01/22).

7.2 The Chief Executive reported that a realistic assessment of what can be delivered in the final three months has been made and this has resulted in some actions being identified for carryover into 2022-23.

7.3 The Board noted the Business Plan Performance Report for the period ended 31 December 2021.

8. Management Accounts for the period ended 31 December 2021

8.1 The Director of Corporate Services presented the Management Accounts for the period ended 31 December 2021 (paper BP06-01/22).

8.2 The Director of Corporate Services reported that plans are being made to vire an emergent underspend in employment costs to offset pressures in general administrative expenditure. These pressures include additional learning and developments needs and costs associated with relocation.

8.3 The Board noted the Management Accounts for the period ended 31 December 2021.

9. Any Other Business

9.1 There was no other business.

10. Review of the Meeting

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

11. Date of Next Meeting

11.1 The next Board meeting will be on 24 February 2022. Board members confirmed that they are content to meet in person if the public health situation permits.

Action: Secretary

11.2 Board members noted that the Decision Time meeting management system has been procured. Training will be provided for Board members before Decision Time is deployed.

Action: Secretary