

MINUTES OF THE 488th MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD ON 6 OCTOBER 2023 AT 10.00AM AT THE LABOUR RELATIONS AGENCY
HEAD OFFICE, JAMES HOUSE, 2-4 CROMAC AVENUE, BELFAST, BT7 2JA

Present: Gordon Milligan (Chair)
Elizabeth Armstrong
Clare Duffield
Sarah Havlin
Kevin McCabe
John Taylor
Orla Sheils
Mark Spence
Lee Wilson

In Attendance: Don Leeson Chief Executive
Mark McAllister Director of Employment Relations Services
Oliver Murray Executive Assistant (minutes)

Apologies: Geraldine Alexander

This was the first Board meeting for new Board members Elizabeth Armstrong, Sarah Havlin, Orla Sheils, and Mark Spence.

This was a hybrid meeting with one Board member attending via videoconference; technical problems prevented their full participation in the meeting.

Declarations of Interest: It was noted that some Board members have professional interests in some matters under discussion. However, using the definition set out in the Agency's Conflicts of Interest Policy (agenda item 9), it was advised that these are not personal interests and therefore unlikely to debar them from discussions. It was agreed that Board members will use their discretion as to whether they participate in those agenda items.

1. Chair's Opening Remarks

- 1.1 The new members were welcomed to the Board, following their appointment by the Secretary of State for Northern Ireland. The appointments are effective from 1 September 2023.
- 1.2 The Chair thanked the pre-existing Board members for their diligence in carrying forward the Board's work with reduced membership since April 2023.

1.3 The Chair reported that, with Board membership back at full complement, decisions can now be taken on filling a number of vacant Board roles. In the meantime, the Board expressed its appreciation to Lee Wilson for chairing the Audit and Risk Assurance Committee (ARAC) on an interim basis.

Action: Chair

1.4 It was noted that the research report on the links between good employment practice and productivity has not yet been received and will now be presented to the Board meeting on 26 October 2023.

Action: Chief Executive

1.5 The Chair and Chief Executive briefed the Board on a meeting with their Workplace Relations Commission (WRC) counterparts, which was held on 2 October 2023, in Dublin. The intention to hold a joint Agency/WRC Board meeting in 2024 was noted, possibly to focus on the outcome of WRC's recently commissioned research on the future of work.

Action: Chief Executive

1.6 The Chair and Chief Executive briefed the Board on their planned meeting with the Department for the Economy (DfE) on 9 October 2023 to discuss draft terms of reference for a proposed merger of the Employment Relations Roundtable and Engagement Forum on Covid 19 and next steps, and other matters. The draft terms of reference will be shared with Board members for information.

Action: Chief Executive

1.7 The Board noted the Agency's sponsorship of awards for 'Best Employee Voice Programme' and 'Employer of the Year' with CIPD NI and Business Eye respectively. Board and staff members involved in the Agency's own employee engagement arrangements will represent the Agency at the CIPD NI event on 12 October; an invitation to Board members will be issued for the Business Eye event on 30 November 2023.

Action: Chief Executive

1.8 The Board noted the outcome of a grievance within Agency, which had been heard by an independent appeals panel. It was agreed to invite the Chair of the Finance and Personnel Committee to oversee implementation of an action plan arising from the appeal panel's recommendations and report back to the Board as appropriate.

Action: Chair/Chair of the Finance and Personnel Committee

2. Horizon Scanning for Opportunities and Risks

2.1 The Board was briefed on the outcome of the Supreme Court decision in respect of the Chief Constable of the Police Service of Northern Ireland and another v Agnew and others regarding the backdating of holiday pay claims. It was noted that this has substantial resourcing implications for the Agency and therefore presents a significant risk to the delivery of the Corporate Plan and services. A business case for additional staffing will be prepared for DfE consideration; it was noted that external support might be needed to inform this.

Action: Chief Executive

3. Minutes of Previous Board Meeting

3.1 Minutes of the Board meeting held on 23 August 2023 (paper BP01-09/23) were agreed as an accurate record of the meeting for publication on the Agency's website.

Action: Executive Assistant

4. Action Points from Previous Board Meetings

4.1 The Chief Executive presented the progress report on actions from previous Board meetings (paper BP02-09/23), which was noted by the Board.

4.2 It was noted that the Agency and DfE are working towards presenting a final version of the Partnership Agreement for approval at the November 2023 Board meeting.

Action: Chief Executive/Director of Corporate Services

4.3 The Board noted plans for a joint webinar with the CIPD NI Branch on hybrid working on 16 October 2023. Details of how to register for the event will be shared with Board members.

Action: Chief Executive

4.4 Plans were noted for a panel discussion on respectful workplace conversations to mark the International Day of Disabled Persons, in partnership with the Cedar Foundation and Equality Commission, in December 2023.

Action: Chief Executive

5. Chief Executive's Report

5.1 The Chief Executive presented the report (paper BP03-09/23), which was noted by the Board.

5.2 The Board noted that the Chief Executive is in discussion with his new Equality Commission counterpart about developing a Memorandum of Understanding between the two organisations for ratification at a joint Board/Commission meeting in 2024.

Action: Chief Executive

5.3 The Chief Executive provided an update on bilateral meetings with key stakeholders on recommendations emanating from the Agency's Article 86 review of collective bargaining arrangements in local government. Discussions with SOLACE were held on 1 September; a similar meeting is scheduled with the Local Government Staff Commission on 17 October 2023.

Action: Chief Executive/Director of Employment Relations Services

5.4 The Board recognised Lorraine Armstrong, who recently celebrated her 45th anniversary of working for the Agency. The Chief Executive will pass on the Board's appreciation to Lorraine.

Action: Chief Executive

5.5 The Director of Employment Relations Services briefed the Board on the current caseload of collective conciliations.

5.6 Following discussion at the last Board meeting, the Director of Employment Relations Services reported that Acas uses externally commissioned research to assess the impact of its services, including collective conciliation. The Board noted the resourcing constraints of the Agency undertaking its own research.

5.7 The Board noted the extensive media coverage of the Agency's research on the cost of workplace conflict, which was published on 18 September 2023.

5.8 The Board noted the intention to publish guidance aimed at preventing workplace sexual harassment, prepared in partnership with the Irish Congress of Trade Unions, in November 2023.

Action: Chief Executive/Director of Employment Relations Services

5.9 The Chief Executive reported that, following a procurement exercise, CavanaghKelly has been appointed as the Agency's new internal audit service provider for the next three years. A three-year Strategic Internal Audit Plan is being developed for approval at the December 2023 ARAC meeting.

Action: Chief Executive/Director of Corporate Services

5.10 The Board noted ongoing work to consider the resourcing and other implications of the proposed transfer of the Industrial Court's secretariat to the Certification Office. A proposal is expected to be ready for Board consideration in early 2024, with a view to the transfer taking effect from April 2024.

Action: Chief Executive/Director of Corporate Services

6. Programme for Board Strategy Day – 25 October 2023

6.1 The Chief Executive presented the Programme for the Board Strategy Day, which is planned for 25 October 2023, in Malone House (paper BP04-09/23), which was approved by the Board.

Action: Chief Executive/Executive Assistant

7. Finance and Personnel Committee – Report on Meeting held on 4 September 2023

7.1 The Board noted report on the Finance and Personnel Committee meeting held on 4 September 2023 (paper BP05-09/23).

8. Audit and Risk Assurance Committee – Report on Meeting held on 11 September 2023

8.1 The Interim Chair of the Audit and Risk Assurance Committee presented the report on the meeting held on 11 September 2023 (paper BP06-09/23), which was noted by the Board.

8.2 The Board noted the escalation of two risks by the Senior Leadership Team (SLT) for inclusion in the Corporate Risk Register. These are in respect of future Regional Office accommodation and personal data security in light of the experience of another public body.

9. Revised Conflicts of Interest Policy

9.1 The Chief Executive presented the revised Conflicts of Interest Policy (paper BP07-09/23), which was reviewed at the last ARAC meeting and agreed for submission for Board approval.

9.2 The Board noted that the policy, which is based on a model provided by the Department of Finance, has been revised to exclude anyone involved in matters connected with a tribunal case from decision-making in respect of that case. It was further noted that a 'work around' might be needed to authorise expenditure in the event that the Chief Executive experiences such a conflict of interest and is unable to approve expenditure in his role as the Agency's Accounting Officer.

9.3 The draft revised policy was approved by the Board. It will be forwarded to the Trade Union Side for sign-off and implementation with staff.

Action: Chief Executive

9.4 In the meantime, an updated Register of Interests from the Board and SLT will be published on Agency's website shortly.

Action: Executive Assistant

10. Business Plan Performance Report for the Period Ended 31 August 2023

10.1 The Business Plan Performance Report for the period ended 31 August 2023 (paper BP08-09/23) was noted by the Board.

10.2 The Chief Executive reported that plans to upgrade the Agency's case management and records system (CMRS) are awaiting completion of a business case for additional capital funding from DfE.

Action: Chief Executive/Director of Corporate Services

11. Management Accounts for the Period Ended 31 August 2023

11.1 The Chief Executive presented the Management Accounts for the period ended 31 August for 2023-24 (paper BP09-09/23), which were noted by the Board.

12. Any Other Business

12.1 There was no other business.

13. Date of Next Meeting

13.1 The next meeting of the Board will be the Board Strategy Day on 25 October 2023 at 9.00am in Malone House, Belfast.

13.2 The next formal Board meeting will be held the following day on 26 October 2023 at 10.00am in James House. The draft agenda for the meeting (paper BP10-09/23) was noted by the Board.