



facilitating local government reorganisation

**MINUTES OF THE INAUGURAL MEETING OF
THE LOCAL GOVERNMENT REFORM JOINT FORUM (JOINT FORUM)**

**HELD ON 22 JULY 2009 AT 10.30 AM
IN THE RAMADA ENCORE HOTEL, TALBOT STREET, BELFAST**

MEMBERS PRESENT:

<u>EMPLOYERS' SIDE</u>	<u>TRADE UNION SIDE</u>
<p>NIJC: Trevor Salmon, Belfast City Council Roger Wilson, Coleraine Borough Council</p> <p>JNC Cllr Tom Hartley, Belfast City Council</p> <p>NICS/DFP Ian Maye, DoE Laura Connolly, DFP</p> <p>NIHE Maureen Taggart, NIHE</p>	<p>NIPSA: Pat Baker, Down District Council Connor Haughey, Newry and Mourne DC Bumper Graham, Asst General Secretary Paddy Mackel, Assistant Secretary</p> <p>Unite: Albert Mills, Senior Regional Industrial Organiser Jim Parker, Belfast City Council</p> <p>GMB John Dawson, Organiser</p>
<p><u>CHAIR (for this meeting only)</u> Brian Hanna, Chairman, Local Government Staff Commission for NI</p>	
<p><u>INDEPENDENT SECRETARIAT</u> Adrian Kerr, Chief Executive, Local Government Staff Commission for NI Linda Leahy, Professional Officer, Local Government Staff Commission for NI Diana Stewart, Project Officer, Local Government Staff Commission for NI Lisa O' Neill, Policy Officer, Local Government Staff Commission for NI</p>	

APOLOGIES:

An apology was received on behalf of Grace Nesbitt, DFP. Members noted that Laura Connolly was representing DFP for this meeting.

1.0 Welcome and Initiation of the Joint Forum

Brian Hanna welcomed everyone to the meeting and introduced Members. He stated that he would initially chair the Joint Forum, subject to the agreement of the Sides, until the appointment of an Independent Facilitator is confirmed.

It was agreed that the names of additional nominated substitute Members should be forwarded to the Secretariat as soon as possible.

The Lead Persons agreed and appointed from each Side were confirmed as:

- Bumper Graham Trade Union Side
- Maureen Taggart Employers' Side

2.0 Discussion and Agreement on Draft Terms of Reference and Operating Arrangements

The Chair and Secretariat answered various points of clarification and following a detailed discussion on each section of the Agenda Paper, the following amendments were agreed:

Section 3 - Functions

Cllr Hartley proposed that the following wording be added as one of the first functions of the Joint Forum:

'The need to adhere with Section 75 obligations and ensure that all efforts are taken to promote equality of opportunity in filling new posts resulting from the RPA process in line with Eighth NI Executive Guiding Principle as recommended by the Public Service Commission'.

Section 5.2 - Independent Secretariat

It was agreed that the paragraph should be amended to state that the Independent Secretariat should be the liaison link with the PSC regarding the work of the Joint Forum.

Members also discussed the following items:

4th bullet point – page 3. Members discussed the parameters around the Joint Forum as a decision making body, the required clarity in relation to abilities and expectations and the relationship with the other RPA related bodies and interests in the sector. It was agreed that each Side must be clearly mandated by their constituency to reach agreement on staffing matters and that individual Members have a responsibility to seek and reflect the views of the interests that they represent. It was also recognised however that the multiplicity of bodies and interests in the sector result in a complex backdrop to the work of the Joint Forum.

6th bullet point – page 3. The Trade Union Side Lead advised Members that in developing terms of reference and making recommendations for consultation and negotiating machinery post May 2011 the Joint Forum should be mindful that the NIJC has agreed in principle to a review of its operation which will include consideration of the arrangements for collective negotiation in the sector post-2011.

The Trade Union Side Lead stated that councils need to appreciate the importance of the Joint Forum and to fully facilitate the release of the nominated lay trade union representatives to attend Joint Forum meetings and carry out the associated work.

Members concurred with this view and the Secretariat agreed to write to the relevant employer councils in those terms.

2.1 Arrangements for the Appointment of an Independent Facilitator

Both Sides confirmed that they agreed in principle to the appointment of an Independent Facilitator to chair the Joint Forum.

Following discussion and consideration of some biographical detail it was agreed that Paul O'Brien, Chief Executive, Association for Public Service Excellence (APSE) would be appointed as Independent Facilitator to the Joint Forum.

It was also agreed that the Secretariat would, as necessary, identify for consideration potential independent facilitators and/or individuals with the required expertise for task or sub groups and for any independent dispute resolution processes.

2.2 Dissemination of Decisions and Communication Issues

Members agreed that the Secretariat should draft a Joint Communication Bulletin immediately following each meeting to be cleared by the Side Leads. Members discussed the importance of ensuring that all communications from the Joint Forum are fully integrated with wider local government reform communication networks. The Secretariat agreed to liaise with the Local Government Reform Communication Group and the DoE to facilitate communication across the sector.

In conclusion it was agreed that the Terms of Reference and Operating Arrangements would be amended to reflect the discussion and brought back to the next meeting.

3.0 Discussion and Agreement of Draft HR Implementation Issues Workplan and Timetable

The Secretariat guided members through the draft document which was based on the issues identified by PDP C and a number of issues were discussed as follows.

General

The Trade Union Side Lead stated that whilst the list of issues identified by PDP C was welcome it was by no means exhaustive as other areas of the reform process have an impact on staff matters, namely:

- NI Executive Sub Committee agenda, i.e. decisions on transferring functions
- PwC Phase 1 Report of Options for Local Government Service Delivery
- Development of Community Planning Framework

He further stated that all of these matters impacted on staff and their employment, opportunities and career development and as such were matters for the Joint Forum.

Members agreed this was new territory for engagement in local government and owing to the labyrinth of RPA implementation structures the Joint Forum would need to keep a watching brief on them all. It was agreed that the DoE would ensure the Trade Union Side receive a copy of the PwC Phase 1 Report.

Filling Posts in the New Organisations

The Trade Union Side Lead said that he had seen the legal advice recently given to NILGA in relation to this matter and did not believe it to be either factual or legal. He stated that the trade unions will not support public advertisements for chief executive posts in local government. He said that the Guiding Principles are primarily about protecting staff and that this includes chief executives.

Members agreed that this is one of the priority areas for action and asked the Secretariat to prepare a paper for consideration at the next meeting.

Severance Arrangements

The Trade Union Side Lead referred to a joint letter sent by the Joint Secretaries of the NIJC to the Finance Minister, Environment Minister and Chair of PDP C seeking assurances that there will be a centrally funded scheme made available across local government similar to those in health and education. A copy of the letter was provided for Members' information.

Ian Maye commented that it was hoped that a response to the letter would issue shortly. He confirmed that consideration was being given to a central pot of money for staff severance but that there would be conditions applied to any central funding, most likely that the money would have to be repaid at some point in the future. He also said that a full Business Case would be required. The Trade Union Side Lead reported that the trade unions are on record as stating that nothing less than parity of funding with the health and education sectors would be acceptable for local government.

Members agreed that the Joint Forum should work on the detail and terms of a Staff Severance Scheme and that this work would assist to identify potential costs for a Business Case. It was acknowledged that the preparation of a Business Case was outwith the remit of the Joint Forum.

Civil Service Pensions

It is the view of the trade unions that this is a matter for the NICS RPA CWC Sub Committee. Following clarification from the Secretariat on the background to discussion at the HR Working Group of PDP C in relation to this item Members agreed to merge this item with the previous item on the Workplan, 'Secondment of Civil Servants to Local Government' and rename it 'Transfer Arrangements for Civil Servants to Local Government'.

Consultation and Negotiation Arrangements for Transition Committees

The Trade Union Side Lead asked that this item be added to the Workplan in order that appropriate arrangements for consultation and negotiation at Transition Committee level, similar to the Joint Forum structure, could be determined at an early stage.

He gave an example of a council where the Chief Executive had produced a reorganisation plan comprising 2 phases (current and post-2011) without consulting with either the trade unions or the other council in the cluster. He stated that this behaviour was in breach of numerous requirements to engage with trade unions and that this conduct would not be tolerated.

The Trade Union Side also expressed disappointment that no consultation or engagement had taken place with trade unions in relation to recruitment processes, terms and conditions, employments status etc. for Change/Transition Manager posts. The Trade Union Side Lead stated that this was in breach of the Guiding Principles and pointed to the difficulties in the Education sector whereby individuals appointed to fixed term posts were found to have greater employment protection at the point of transfer than those permanent staff who had been acting up for long periods but would be transferred in their substantive grades/posts.

Members agreed that there was an urgent need to develop appropriate arrangements for local negotiations for RPA issues at Transition Committee level. The Secretariat agreed to draft a protocol for consideration at the next meeting.

Ian Maye confirmed that the Department could issue guidance to the Transition Committees to assist them to establish negotiating machinery at local level on foot of the protocol developed by the Joint Forum and suggested that it should be made clear that existing local mechanisms should be used in the meantime.

Harmonisation of Terms and Conditions of Service

Roger Wilson asked that this item be added to the Workplan. He stated that councils within clusters are already dealing with a plethora of different terms and conditions and this could become the most time consuming aspect of the reform process given the experience over the last ten years of Single Status implementation.

The Trade Union Side agreed that this was a priority issue and said that the Green Book is the benchmark for terms and conditions of service, that good Single Status Agreements had been achieved in a number of councils and to not address this matter would result in additional cost to councils. They reflected on their experience of dealing with Agenda for Change in Health at the same time as RPA implementation and the resultant unsatisfactory situation in recruitment processes where staff had not been informed of their substantive grade when applying for posts in the new structures.

In conclusion the following HR implementation issues were prioritised by Members for immediate action:

- System for filling posts in new organisations (in particular chief executive posts)
- Staff Severance Arrangements
- Introduction of a Vacancy Control System
- Developing a protocol on local negotiations for RPA issues at Transition Committee level

The Secretariat agreed to bring papers on the above issues to the next meeting for Members' consideration with a view to reaching agreement by the end of the year.

3.1 Vacancy Control System – Detailed Guidance Update Bulletin for Discussion

Adrian Kerr updated members on a meeting that had been held since the Agenda Papers were issued between the Local Government Staff Commission and the PSC in relation to this matter. It was agreed that the Secretariat would prepare a revised Vacancy Control System Guidance document for the next meeting for consideration which would include the PSC response to the issues raised.

The Trade Union Side Lead referred to the use of the term “compulsory redundancy” in the document.

He stated that there had been no compulsory redundancies as a result of RPA so far and that local government would not be the first. Mr Kerr explained that this term was a reflection of that which had been used in the PSC documents and that the Staff Commission had asked the PSC to consider this matter further in their response to all of the issues raised. The Trade Union Side Lead drew a distinction between identifying “at risk” posts and saying that people are “compulsorily redundant”.

Members discussed the mechanism for issuing the final agreed Vacancy Control System to councils. It was agreed that in order to secure the weight of statutory authority to any Agreement of the Joint Forum in this regard that the Local Government Staff Commission should be the conduit for the issue of the Vacancy Control System.

Members expressed a need for a briefing session, in advance of the next meeting, on the revised Guidance. The Secretariat agreed to arrange a date and notify members.

3.2 Equality – Arrangements for the Equality Screening of any Joint Forum Policies/Agreements

Members agreed that this issue had been dealt with at 2.0 in response to Cllr Hartley’s proposed amendment.

Members were informed that policy decisions from the Joint Forum will need to be equality screened under Section 75 of the NI Act 1998 before implementation by councils. Members agreed to do this on behalf of councils, where appropriate and possible, prior to issue.

4.0 Any Other Notified, Agreed Business

The Secretariat informed members of a seminar run by the Staff Commission in partnership with the PSC on 29 July for chief executives and HR officers to consider HR Implementation Issues through Reorganisation. Members were invited to attend the morning session and a copy of the programme was circulated for information.

5.0 Draft Schedule of Meetings and Date, Time and Venue of Next Meeting

The schedule of meetings was agreed as follows:

Wednesday 05 August at 10.30 in Commission House

Wednesday 19 August at 2.30pm in Commission House

Wednesday 02 September 10.30am in Commission House

Side meetings will be held one hour before the main meetings, normally in the offices of the Labour Relations Agency, 2-8 Gordon Street, Belfast.

The Chair thanked members for their attendance and contribution and wished them well for the future.