

LGRJF

facilitating local government reorganisation

CIRCULAR LGRJF/04 – OCTOBER 2012

Model Terms of Reference and Operating Arrangements for Local Consultation and Negotiation Forums at Transition Committee Level

This circular supercedes Circular LGRJF/02 – September 2009.

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COVER LETTER TO: CIRCULAR LGRJF/04 - OCTOBER 2012

To: Chief Executives of District Councils, arc21, SWaMP 2008, North West Region Waste Management Group and Local Government Staff Commission

Cc: DoE Local Government Division, Public Service Commission


Dear Colleague

1. The attached circular on Model Terms of Reference and Operating Arrangements for Local Consultation and Negotiation Forums at Transition Committee Level has been agreed by the Local Government Reform Joint Forum (Joint Forum) and is promulgated under the authority of the Local Government Staff Commission under Section 40(4) (f) of the Local Government Act (NI) 1972.
2. It is therefore issued by the Local Government Staff Commission as a statutory recommendation for adoption by councils with immediate effect.
3. This circular replaces Circular LGRJF/ 02 issued in September 2009.
4. In accordance with the Northern Ireland Executive's Guiding Principles all employing authorities should immediately engage with their local NIJC recognised Trade Unions to consider all local government reform matters that require local consultation and negotiation in accordance with the provisions of the attached Circular.
5. It is important that employers provide NIJC recognised trade union representatives with reasonable and sufficient time off, and facilities, to allow them to carry out their union duties related to the local joint Forum.

6. In the event that interpretation matters arise or clarification is necessary contact should in the first instance be made with the Independent Secretariat.



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LGSC



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10 OCTOBER 2012

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MODEL TERMS OF REFERENCE AND OPERATING ARRANGEMENTS FOR LOCAL CONSULTATION AND NEGOTIATION FORUMS AT TRANSITION COMMITTEE LEVEL

1.0 TITLE

The entity will be known as the (name of Cluster) Local Joint Consultation and Negotiation Forum (the Forum).

2.0 SCOPE AND REMIT

The scope of the Forum will extend to all employees in the employment of (names of existing councils) who are covered by the Schemes of Conditions of Service adopted by these Councils.

The remit of the Forum is to:

- Consider the human resource policy and implementation issues connected to the RPA transfer of staff to the new Council in May 2015 with a view to reaching agreement
- Further good industrial and employee relations practice and efficiency through the development of an acceptable system of engagement and communications between the (Statutory) Transition Committee/Shadow Council, Transition Management Team and employees and their representatives

The Forum will not encroach on the current responsibilities of any existing collective negotiating arrangements (including the JNC for Chief Executives, the NIJC and local JCCs) within the individual councils but the respective Side Members will maintain links between the various bodies and seek the views of their constituents and be appropriately mandated to progress the detailed business of the Forum.

3.0 CONTEXT

The Forum will operate in the context of the wider formal joint mechanisms at appropriate central government and sectoral level to address all relevant local government reform implementation issues affecting the interests of staff.

The Local Government Reform Joint Forum (Joint Forum) is the sector-specific body established to facilitate consultation and negotiation between employer and employee representatives in the 26 district councils and the transferring functions.

As with these central and sectoral bodies the Forum will operate in the context of the TUPE Regulations, employers' statutory obligations, the Guiding Principles and Associated Recommendations endorsed and accepted by the NI Executive, any Agreements of the Joint Forum and any guidance issued by the Public Service Commission, the Local Government Staff Commission for NI or the Department of the Environment.

4.0 FUNCTIONS

The functions of the Forum, subject to the remit of the Joint Forum, will include:

- Agreeing the local arrangements for the transfer of staff and filling of posts which will ensure fair and consistent treatment of all staff affected by the reorganisation
- 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 reform of the local government strand of the RPA programme in line with the Eighth NI Executive Principle as recommended by the Public Service Commission
- Exercising oversight of the application of, and applying, the Guiding Principles and Associated Recommendations endorsed and accepted by the NI Executive and any Agreements of the Joint Forum
- Consulting and negotiating on local HR policies, implementation decisions, working arrangements and practices with a view to reaching agreement
- Ensuring a comprehensive and progressive approach to the promotion and implementation of equality of opportunity and the elimination of discrimination on the grounds of religious belief, political opinion, racial group, age, marital status, sexual orientation, gender, disability and persons with dependants and persons without
- Actively promoting and encouraging the implementation of programmes relating to the training and development of employees
- Agreeing the mechanisms for communicating the decisions and Agreements of the local Forum
- Interpretation and examination of any problems that might arise in the implementation of any Agreements or decisions of the local Forum

5.0 DISAGREEMENT

While the objective of both the Management and Trade Union Group should be to negotiate and consult with a view to reaching agreement it is recognised that at times there may not be agreement on issues.

In the case of a disagreement on the interpretation of either National or Northern Ireland Joint Council (NIJC) agreements these matters will be referred to the Northern Ireland Joint Council for consideration and, if necessary, to the NIJC Disputes Committee.

In the case of a disagreement on the interpretation of Local Government Reform Joint Forum Agreements these matters will be referred to the Local Government Reform Joint Forum.

6.0 UNION FACILITIES

The (Statutory) Transition Committee/Shadow Council and individual councils will provide employee representatives mutually agreed facilities for the proper exercise of their Union duties in respect of the work of the Forum.

7.0 COMPOSITION OF THE FORUM

The Forum will comprise up to 7 representatives each from the Management Side and Trade Union Side. The Trade Union Side will comprise members of Trade Unions from NIJC recognised Trade Unions.

The Forum may establish such Sub-Committees or Task Groups as may be deemed necessary at which matters may be discussed informally. The minutes and report of such Sub-Committees and Task Groups will be submitted to the Forum.

The Forum will determine the appropriate timing for the inclusion and involvement of representatives of the Transferring Functions.

Staff with specialist expertise may by agreement be co-opted to the Forum or a Sub-Committee or Task Group for project work related to their areas of expertise.

8.0 SECRETARIAL

The lead Council in the cluster for HR matters will provide the required secretarial assistance.

9.0 CHAIR

The Chair of the Forum will rotate between the Sides at agreed intervals unless otherwise agreed.

10. JOINT SECRETARIES

The Forum will appoint Joint Secretaries, each to be nominated by the respective Sides.

11. MEETINGS

Ordinary meetings of the Forum will normally be held on a regular and periodic basis as determined by the Forum. A Schedule of Meeting dates should be agreed and published.

12. PROCEDURES

Voting will not take place at Forum meetings. Agenda items will be resolved by normal agreement. Where agreement cannot be reached a 'failure to agree' will be recorded and no resolution will be adopted.

13. BUSINESS LIMITED TO AGENDA

Additional items not on the agenda may be added provided that the Chair and the Side Secretaries are in agreement that consideration of the item is, in their opinion, of sufficient importance or urgency to justify consideration at the pending meeting.

Agenda items will be tabled through the Joint Secretaries. The Management Side Secretary will issue an agenda one week in advance of the meeting.

14. REPORTS AND MINUTES

A copy of the minutes of the proceedings of all meetings shall be circulated to each of the representatives of both parties and within 7 days after each meeting. The minutes will be prepared by the Joint Secretaries and approved by the Chair.

The Joint Forum Independent Secretariat shall obtain copies of minutes of the proceedings and prepare a composite progress report which will be made available to both Sides of the Joint Forum. The minutes will be made available on request by any member of the Joint Forum.

15. QUORUM

The quorum for a meeting to proceed will be four members from each Side (i.e. a half plus one).