



INTERIM NEGOTIATING FORUM

**TERMS OF REFERENCE AND
OPERATING FRAMEWORK
WITH WORK PLAN**

APRIL 2015

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TERMS OF REFERENCE

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TERMS OF REFERENCE

1.0 CONTEXT FOR THE INTERIM NEGOTIATING FORUM

- 1.1** In July 2009, following a request from the then Minister of the Environment, the Local Government Reform Joint Forum (the Joint Forum) was established by the Local Government Staff Commission (the Staff Commission). The remit of the Joint Forum was to facilitate consultation and negotiation between employers and trade unions on Human Resources (HR) issues related to the reform of local government.
- 1.2** It was anticipated that the Joint Forum would be reviewed as soon as possible after the implementation of the reform of local government and be replaced (along with other negotiating bodies) by a new agreed mechanism for consultation and negotiation.
- 1.3** The Staff Commission has statutory responsibility under Section 40 (4) (f) of the Local Government Act (Northern Ireland) 1972 to ensure that effective negotiating arrangements are in place within local government.
- 1.4** The Staff Commission (building on previous work) issued a Discussion Paper - "A Strategic Approach to Employee Relations for Local Government in Northern Ireland" in March 2015. This Discussion Paper contained proposals for replacement of the Joint Forum and the other negotiating bodies established prior to reform - the main other bodies being the Northern Ireland Joint Council for Local Government Services (NIJC) and the Joint Negotiating Committee for Chief Executives of Local Authorities in Northern Ireland (JNC).
- 1.5** Discussions between employer and trade union side representatives on proposals for new negotiating arrangements are being facilitated by the Labour Relations Agency. This exercise is likely to take some months to complete and there is a need to ensure the previous agreements reached by the Joint Forum continue to be implemented and that there is a continuing mechanism for consultation and negotiation between employers and trade unions on HR issues which arise.
- 1.6** On 31 March 2015 the current Minister of the Environment wrote to the Staff Commission requesting that it take the necessary steps to dissolve the Joint Forum as currently constituted and take lead responsibility for the new negotiating machinery.
- 1.7** In light of these circumstances the Staff Commission agreed at its meeting on 21 April 2015 to put interim arrangements in place to ensure continuing implementation of Joint Forum Agreements and ongoing consultation between employers and trade unions.

2.0 REMIT OF THE INTERIM NEGOTIATING FORUM

2.1 The remit of the Interim Negotiating Forum is:

- To oversee implementation of agreements reached by the Local Government Reform Joint Forum, including providing guidance on interpretation of these agreements and their application at a local level.
- To promote and support effective consultation between employer and trade union representatives on HR issues which arise within local government and deal with urgent issues affecting two or more councils.
- Consulting and negotiating on HR policies and implementation decisions with a view to reaching agreement.

3.0 SCOPE

3.1 The scope of the Interim Negotiating Forum extends to all staff employed in local government, ie:

- 11 district councils
- arc21
- The Local Government Staff Commission for Northern Ireland
- Any further staff transferred to local government during the lifetime of the Forum

4.0 FUNCTIONS

The functions of the Interim Negotiating Forum include:

- 4.1** Making recommendations on any HR policies and implementation decisions previously agreed by the Joint Forum and to ensure appropriate structures are in place and operating at local levels to facilitate effective consultation and negotiation with trade unions.
- 4.2** 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 Guiding Principle as recommended by the Public Service Commission.
- 4.3** Exercising oversight of the application of, and applying, the NI Executive Principles as recommended by the Public Service Commission.
- 4.4** Agreeing the principles and arrangements for any further transfer of staff to local government in order to ensure fair and consistent treatment of all staff affected by the reorganisation of local government and the transfer of functions.

- 4.5 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.
- 4.6 Formulating joint advice and guidance on specific workforce issues.
- 4.7 Actively promoting and encouraging the implementation of programmes relating to the training and development of employees.
- 4.8 Agreeing the mechanisms for communicating the decisions of the Interim Negotiating Forum.
- 4.9 Reaching agreement on a new Employee Relations Framework for the Local Government Sector to be submitted for approval by the Local Government Staff Commission for issue as a statutory recommendation.

5.0 VALUES

5.1 The following values will underpin the working relationship between the members of the Interim Negotiating Forum:

- mutual trust, honesty and respect
- openness and transparency in communications
- recognising and valuing the contribution of all partners
- timely access and sharing of information (please refer to Annex 2, page 9 – Disclosure of Information)
- consensus, collaboration and inclusion with the aim of reaching agreed joint positions, where possible
- maximising employment security
- full commitment to good employment practice
- the right of stakeholders on each side to be involved, informed and consulted
- firm rooting of industrial relations principles in the process of reaching agreements

In order to support the implementation of these values in practical terms a number of protocols have been developed to assist the respective Sides in the conduct of business – please refer to Annex 1, page 5 - Roles and Protocols. The Operating Arrangements set out in Annex 2 also incorporate these Values.

6.0 WORK PLAN

6.1 The Interim Negotiating Forum will take over responsibility for the remaining items in the Work Plan of the Joint Forum. The Work Plan will be initially reviewed by the Interim Negotiating Forum and updated regularly thereafter.

The Work Plan: detailing the resources and information required to support implementation will be set out in Annex 3 of this document when agreed at the initial meeting of the Interim Negotiating Forum.

7.0 COMPOSITION

The composition of the Interim Negotiating Forum will be as per the Joint Forum other than the replacement of the three central government department representatives on the management side by three local government nominees.

8.0 REVIEW OF TERMS OF REFERENCE AND OPERATING FRAMEWORK

This Terms of Reference and Operating Framework have been agreed by the Local Government Staff Commission in order to establish the Interim Negotiating Forum. The Forum by agreement may vary this initial Terms of Reference and Operating Framework and regularly review the implementation.

ANNEX 1 - OPERATING FRAMEWORK

(AS ADOPTED BY THE JOINT FORUM AND RECOMMENDED FOR USE BY THE INTERIM NEGOTIATING FORUM)

ROLES AND PROTOCOLS

All Members of the Interim Negotiating Forum

The role of the representatives of each Side is to ensure that the views of their constituent members are effectively represented in negotiations and where agreement is reached to assist with the operational out workings, for example in liaison with representatives on Local Consultation and Negotiation Forums.

Side Leads Roles

Each Side shall appoint a Side Lead from amongst their respective Interim Negotiating Forum Members.

The role of the Side Lead is to facilitate the orderly and efficient processing of business during and between meetings. In general terms this may include:-

- To agree Joint Communication Notes outlining progress as soon as possible after each Interim Negotiating Forum meeting.
- To provide a mechanism for ongoing liaison with the representatives of the individual Side.
- To agree the draft Minutes of the Interim Negotiating Forum meetings within 14 working days of the meeting and then formally approved at the next joint meeting.
- To agree Action Points from Side Leads meetings.
- To agree Agenda items in advance of meetings in consultation with the Secretariat and Independent Facilitator.
- To progress research and development of policy between Interim Negotiating Forum meetings, for consideration at full Interim Negotiating Forum meetings.
- Advising, if required on matters of operational interpretation of agreed policies and guidance.

Protocols

More specifically, the Side Leads should prepare, and have agreed by their respective Sides, a set of Protocols for the operation of the Sides which should include the following:

1. Ensuring that Members are mandated, ie:
 - Are properly appointed by the nominating body (including a designated substitute/s) and have a process in place for the nominating body to replace and substitute Members as necessary.
 - Have mechanisms in place to ensure that they seek the views of, and represent, their respective constituents and/or nominating body.

2. Details of any operational arrangements within the Sides to clarify and facilitate the Role of the Side Lead as set out in this Annex (see page 5).
- Provide agreement and clarity on the extent of authority of the Side Lead to clear/agree agenda items, draft minutes, correspondence, Communication Bulletins etc. and, to progress work items between formal meetings of the Interim Negotiating Forum and assist with interpretation of Interim Negotiating Forum Agreements and Circulars etc.
 - Agree the process to assign a Member to lead on specific issues where conflicts of interest could potentially arise or where the Side Lead is otherwise unavailable.
 - Agree, if deemed appropriate, the Side to invite the attendance of an independent person whose professional and technical competence in negotiation processes or special knowledge would be of assistance. Such an individual would not have the power to vote.
 - Agree the process to formally consult with constituent and/or nominating bodies when required on Interim Negotiating Forum work items, draft Agreements etc.

Substitutes

Any Member may be represented at meetings of the Interim Negotiating Forum by a substitute with full powers provided a substitute has been properly appointed and notified to the Independent Secretariat.

Task Groups and Sub Groups

The Interim Negotiating Forum may establish short-life task groups or sub groups as required. Such groups will report to the Interim Negotiating Forum. Reports will be in writing and will be circulated not less than 5 working days in advance of meetings.

Membership of Task Groups and Sub Groups may include individuals with special knowledge who are not members of the Interim Negotiating Forum, provided they serve only in a consultative capacity.

Vacancies

Where a vacancy arises a new member shall be appointed by the body in whose representation the vacancy occurs.

Conflict of Interests

Interim Negotiating Forum members are required to recognise and disclose conflicts of interest, whether potential, actual, perceived or alleged.

This is in relation to any matters arising from their work, or personal circumstances which may give rise to an actual or perceived conflict in the discharge of their role in a professional manner on the Interim Negotiating Forum. It is recognised that the role of members of the Interim Negotiating Forum in representing the organisations by which they are mandated (please refer to Annex 1, page 5 - Roles and Protocols) does not represent a conflict of interest.

Conflicts of interest could arise in relation to meetings of the respective Sides, Side Lead meetings, full meetings of the Interim Negotiating Forum, or for example in membership of a Task Group or Sub Group.

Detailed Guidance on Conflicts of Interest is provided at Annex 4, page 14.

ANNEX 2 - OPERATING ARRANGEMENTS

Independent Facilitator/Chairperson

The Interim Negotiating Forum may appoint an Independent Facilitator to oversee the work of the Interim Negotiating Forum and to chair all meetings. The Facilitator will not have a vote.

The duties and responsibilities of the Facilitator/Chairperson will be:

- To provide leadership to enable the Interim Negotiating Forum to act effectively in carrying out its duties and responsibilities.
- To foster and maintain a disciplined approach by Interim Negotiating Forum Members having regard to high standards of procedure, behaviour and ethics.
- To ensure effective and proper conduct of business, including making appropriate use of the Secretariat.
- Ensure, in consultation with the Secretariat that all items requiring the Interim Negotiating Forum's consideration are appropriately tabled.

Alternative Arrangements for Chairing of Meetings

The Forum at its first meeting should consider the future arrangements for chairing of meetings. An alternative to having an Independent Facilitator could be that the role of chairperson is performed by a representative of one of the sides, on a rotating basis between the sides, or a joint chairing arrangement, on terms as determined by the Forum.

Secretariat

Independent Secretariat

The Local Government Staff Commission for NI will provide the Independent Secretariat to the Interim Negotiating Forum.

The Independent Secretariat will:

- Prepare and circulate the Agendas and any papers for the joint meetings. Papers will normally be circulated not less than 5 working days in advance of meetings except in the case of urgent business where papers will be circulated as soon as possible in advance of the meeting.
- Prepare the draft Minutes of the joint meetings which will be sent to the Lead Person of each Side for clearance and then formally approved at the next joint meeting.
- Prepare background and policy papers and undertake any research or benchmarking as directed by the Independent Facilitator or at the request of the Interim Negotiating Forum.

- Issue Joint Communication Notes from the Interim Negotiating Forum, after clearance by the Lead Person from each Side, as soon as possible after each meeting outlining progress.
- Act as the liaison with the Public Service Commission regarding the work of the Interim Negotiating Forum.

Sides' Secretariat Arrangements

The Sides will be responsible for their own Secretariat Arrangements.

Meeting Arrangements

Schedule of Meetings

A Schedule of Meetings will be agreed at the Joint meeting.

Meetings will normally be held monthly, or at more/less frequent intervals if jointly agreed, and the date, time and place of meetings will be agreed in advance.

Quorum

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

Side Meetings

Both the Employers' Side and Trade Unions Side representative shall be afforded the opportunity to hold separate meetings immediately prior to the commencement of the main meeting of the Interim Negotiating Forum. The Independent Secretariat will ensure that facilities for such meetings are provided.

Conduct of Meetings

All business transacted at meetings of the Interim Negotiating Forum and of the Side Leads will be conducted in line with the Values as set out in Section 5.1 of this document. Meeting agendas should also require that members declare any actual or perceived conflict of interest (see Annex 1, page 6 - Conflicts of Interest).

Disclosure of Information

The disclosure of information will, as a minimum, be in accordance with the Labour Relations Agency's Code of Practice on Disclosure of Information to Trade Unions for Collective Bargaining Purposes issued in November 2006 which provides practical guidance on the application of Articles 39 and 40 of the Industrial Relations (NI) Order 1992. The Code can be downloaded from the Labour Relations Agency's website:

http://www.lra.org.uk/index/agency_publications-2/advice_and_guidance_on_employment_matters-3/codes_of_practice-2/disclosure_of_information_to_trade_unions_for_collective_bargaining_purposes.htm

Decisions

All decisions of the Interim Negotiating Forum will be issued to the appropriate authority.

Decisions of the Interim Negotiating Forum will be promulgated under the authority of the Local Government Staff Commission under Section 40(4) (f) of the Local Government Act (NI) 1972.

Expenses

Except where otherwise agreed by the Interim Negotiating Forum, each Side shall be responsible for their own expenses.

ANNEX 3

INTERIM NEGOTIATING FORUM WORK PLAN

(Yet to be fully populated)

INTERIM NEGOTIATING FORUM WORK PLAN

ISSUE AND ACTIONS	2015			2016
	QTR 2 (Apr-June)	QTR 3 (July-Sept)	QTR 4 (Oct-Dec)	QTR 1 (Jan-Mar)
Vacancy Control System				
Staff Severance Scheme				
Staff Transfer Scheme and Guidance				
Location, Relocation and Expenses				
System for Filling Posts in the New Organisations				
Harmonisation of Terms and Conditions				

INTERIM NEGOTIATING FORUM WORK PLAN

ISSUE AND ACTIONS	2015				2016
	QTR 2 (Apr-June)	QTR 3 (July-Sept)	QTR 4 (Oct-Dec)	QTR 1 (Jan-Mar)	
Capacity Building					
New Consultation and Negotiation Machinery for Local Government.					
Developing initial Work Plan for the new Consultation and Negotiation Machinery for Local Government.					

ANNEX 4

Interim Negotiating Forum

Guidance on Conflicts of Interest

Conflicts of interest are not necessarily a barrier to participation in the work of the Interim Negotiating Forum, but both real and perceived conflicts must be explored to ensure there is confidence in the work of the Interim Negotiating Forum in ensuring fair and consistent decision making.

The following examples detail areas which could lead to real or apparent conflicts of interest

- Relationships with other bodies or individuals which could lead to perceived or real split loyalties when fulfilling the mandate under which a member has been appointed.
- Be perceived as advancing their own personal interests
- A member is in a position, or feel that they could be perceived to be in the position of advancing the interests of particular individuals/parties/professional groupings/organisation - or could have access to information which would give an advantage to any such individuals or groups.

Each member of the Interim Negotiating Forum should consider carefully their own circumstances to gauge whether or not a real or perceived conflict might exist and discuss it in more detail with the Independent Facilitator.

All potential or real conflicts of interest should be recorded using the template form overleaf and should be declared as required in any meetings (see Annex 2, page 9 - Conduct of Meetings).

**INTERIM NEGOTIATING FORUM
CONFLICTS OF INTEREST FORM**

CONFLICTS OF INTEREST

Are there any real, perceived or potential conflicts of interest between your individual circumstances and the role you have been appointed to perform on the Interim Negotiating Forum?

Please tick as appropriate:

Yes No

If you answered **Yes**, please provide details below

Are you, or have you in the past been, involved in activities that could call into question your own reputation and/or damage the reputation of the Local Government Reform Interim Negotiating Forum?

Please tick as appropriate:

Yes No

If you answered **Yes**, please provide details below

Any potential conflicts of interest detailed above may not prevent you from contributing to the work of the Interim Negotiating Forum, but may, if appropriate, need to be explored to establish the likely impact of any actual or perceived conflict.

Signed: _____

Print Name: _____

Dated: _____

