

# MINUTES OF A MEETING OF THE RPA CENTRAL JOINT FORUM

15 December 2006

Present:     John Hunter (Chair)                     John Corey  
              Stephen Peover                         Patricia McKeown  
              Will Haire                             Thomas Mahaffy  
              Andrew McCormick                    Brian Campfield  
              Jim McKeown                         Peter Bunting  
              Gerry Mulligan                      Steve Tweed  
              Michael Daly

Apologies:   Nigel Hamilton, Cynthia Smith, John McMillen, Albert Mills

## **Minutes of the meeting on 24 November**

1.     The minutes of the meeting on 24 November were agreed.

## **Matters arising from meeting on 24 November**

2.     Paragraph 2 – the generic FAQs had been updated and would continue to be updated as necessary with input from Trade Union Side.
3.     Paragraph 4 – Trade Union Side indicated that the position on vacancies in the HPSS would be pursued as necessary.
4.     Paragraph 8 – Management Side reported that consultation on the draft HPSS HR Framework was on-going in the HPSS. Trade Union Side stated that it considered the draft Framework not to be what is required as regards the 3<sup>rd</sup> Guiding Principle. Trade Union Side expressed the view that this Framework would have to be replaced by a detailed transfer scheme. Trade Union Side agreed to submit an overview of what it considered to be needed as regards a Transfer Scheme.  

**Action: Trade Union Side**
5.     Paragraph 9 – Management Side circulated a summary of the recommendations of the Health Check.
6.     Paragraph 13 – the conference for the 4<sup>th</sup> Sector was now scheduled for end January 2006.
7.     Paragraph 15 – Management side was considering the position of the RPA affected group but, at this point, teachers and other schools-based staff were outside the defined group.
8.     Paragraph 21 - Trade Union stated that it did not accept the current position regarding Enterprise Ulster and would be returning to the issue when further progress was made on the draft 5<sup>th</sup> Guiding Principle.

9. Paragraph 34 – Management side reported that it was using existing expertise on equality on an on-going basis and would continue to do so.

## **EQUALITY**

10. Management side introduced the paper on Equality, tabled as a basis for discussion.
11. Responding, Trade Union Side made the following points:
- This was a central policy issue and there was an expectation of an overarching EQIA, without which it would not be possible to integrate the cross-sectoral approach to implementation.
  - This was a once in a life-time opportunity to deliver on key issues such as targeting social need and it needed to be driven centrally – this should include the creation of a resource at the centre to do so.
  - It was recognised that there was a potential tension between fairness/equality and staff interests, but the issue needed to be addressed.
  - While a secretariat was being provided by OFMDFM, it was suggested that Departments were acting alone – this was not efficient.
  - There needed to be collection of data across all Section 75 Groups.
12. In response, Management side made the following points:
- The differing timescales and range of issues made the concept of an overarching EQIA impossible to achieve.
  - The central model being suggested was not consistent with the statutory responsibilities of Departments.
  - The centre was coordinating the work and all Departments were represented on the Secretariat.
  - As decisions are taken, the centre will look at the impacts.
  - On data gathering, it was only possible to work with the data that was available.

13. Trade Union side highlighted the potential to make use of proxies where data did not exist. For example, consultation could take place with the relevant umbrella groups.
14. Trade Union Side also highlighted the local political interest in dispersal and stated that it was ready to engage on the issue.
15. Management Side stated that it was envisaged that decisions on the location of the headquarters for the new Health and Social Services Authority and the Trusts would be taken alongside the key location decisions for the other sectors that are under the direct responsibility of Ministers. This would make it possible to look at the implications for staff and the equality impact of these issues on a cross sectoral basis. However, it would be for the new councils to decide on their locations, given their political autonomy, though this would be in the context of earlier decisions in other sectors.
16. In concluding, Trade Union Side made the following points:
  - Adverse action in one sector needs to be mitigated by actions in other sectors. This needs to be driven, if not by an overarching EQIA, then through the Section 75 process generally.
  - There was a pressure to disperse but there was also a need for objective justification on a cross-sector basis.
  - There was a case for a central approach to resourcing the equality strand.
  - Trade Union Side requested access to the available data on location of public sector jobs.
17. It was agreed that a bilateral should be arranged between the Equality Directorate and Trade Union Side to discuss this issue more fully.

**Action: TUS/Central Unit**

**LOCATION**

18. Management side introduced the draft paper on Location, tabled as a basis for discussion. It was reported that ECNI had been consulted about the handling and approach being taken on the issue. Trade Union Side expressed concern that the number of criteria included in the document would facilitate Government justifying almost any decision it wanted to make.
19. In response to questions from Trade Union Side, management side explained that:

- the period for consultation was still planned for between January and March 2006;
  - the PSC had considered the paper and had commented; and
  - it was noted that Trade Union Side considered there to be too many criteria but all of these were important and not easy to be prioritised – a comprehensive approach was better.
20. It was agreed that legal requirements should be the starting point against which everything else would be judged and that statutory obligations might be separated out from the criteria. The draft would be revised to reflect this.

**Action: Management Side**

21. It was also confirmed that references at paragraphs 28 and 29 to brigading decisions on location due to be taken at the same or similar times would be cross-sectoral, if that proved practical.
22. Trade Union Side agreed to submit comments on the draft by early January, in advance of publication.

**Action: Trade Union Side**

### **IMPLEMENTATION UPDATE**

23. A brief update was provided on the meeting with the Transitional Assembly Sub-Group on RPA and Rural Planning.
24. On HPSS matters, around half of the Director level appointments had now been made. Some posts had not been filled and options were being considered as to the next steps. Management Side agreed to provide details of the posts in question.

**Action: Management Side**

25. The Department had asked HPSS employers to begin discussions with some senior staff regarding possible voluntary retirement, without prejudice to the 5<sup>th</sup> Guiding Principle. Trade Union Side highlighted the potential for challenges on the grounds of equality, though Management Side confirmed that all those who were potentially affected at this stage would be given the same opportunity to express interest in early retirement. There was also a concern regarding the payback period and whether this would be based on full compulsory terms – though in the HPSS context there is no difference between voluntary and compulsory terms in this context.
26. On Education, the Chief Executive Designate of ESA had been appointed. An update was also provided on equality aspects of the education programme, including links with DHSSPS programmes.

27. On Local Government, implementation structures were being revised to include the Strategic Leadership Board which was scheduled to meet for the first time in January 2007.
28. There was a discussion on the proposed changes to Local Government Discretionary Compensation arrangements. Trade Union Side made it clear that the implementation of these changes had to be delayed otherwise it would be more difficult to manage the reductions in the number of jobs. Trade Union Side pointed out that similar proposals covering the Health Sector were being delayed to facilitate RPA implementation. Management Side confirmed that TUS views on the proposed revised regulations had been included in the submission to the Minister but agreed to review the options again in the light of the points made by TUS before final decisions are taken.

**Action: Management Side**

### **CROSS SECTOR HR UPDATE**

29. Management Side outlined the current status on PSC Guiding Principles 3, 4, 5, 6 and 7. A copy of the latest version of the draft Libraries Order had been distributed prior to the meeting. It was planned to issue for consultation a draft Code of Practice covering the 3<sup>rd</sup> Guiding Principle, in January 2007.
30. Trade Union side was content with Government's response to the 3<sup>rd</sup> Guiding Principle. However, Trade Union Side did not consider that the reference to the Pensions Advisory Service and the Pensions Ombudsman met the objectives of 3<sup>rd</sup> party dispute resolution.
31. Trade Union Side considered the draft legislation (draft Libraries Order) to represent progress but expressed concern that the provisions at 4(6) did not meet the requirement for independent dispute resolution. Management Side noted the point and agreed to consider the issue further.

**Action: Management Side**

32. It was agreed that a bilateral would be necessary to discuss the draft Code of Practice but Trade Union side also agreed to provide comments on the draft legislation in early January.

**Action: Trade Union Side**

33. Management Side confirmed that the HSS Trust Transfer Orders would be amended to reflect the model legislative provisions provided there were no constraints to doing so in the primary legislation. Provision for an independent dispute resolution mechanism and compensation could be written into the proposed transfer scheme, if necessary.

**Action: Management Side**

34. On the 4<sup>th</sup> Guiding Principle, Trade Union Side agreed to submit comments in the context of the draft Code of Practice.

**Action: Trade Union Side**

35. On the refinement of the RPA affected group, a further update would be issued in January.
36. On the draft 5<sup>th</sup> Guiding Principle, it was agreed that both sides should work to set out the actions that would be taken to give effect to Government's commitment to make every possible effort to avoid redundancies equivalent to the procedures that would be required where a no compulsory redundancy commitment had been given.
37. It was also agreed that Management Side would set out the terms of current severance/redundancy schemes applying in HPSS, Education, Local Government and Central Government sectors.

**Action: Management Side**

**DATE OF NEXT MEETING**

38. The next meeting was scheduled for 26 January 2007 at 11:30.

**[December 2006]**