

8. Trade Union Side commented that the situation at paragraph 6 relating to negotiating arrangements in the Department of Education was still to be addressed. Management Side had written to Trade Union Side to arrange a meeting.
9. On paragraph 8, Trade Union side expressed concerns about the effect of vacancy controls in some parts of the HPSS, where unfilled vacancies were creating problems because people were not prepared to apply for them on a temporary basis. The result was increased pressure on staff.
10. Management side requested specific details.

Action: Trade Union Side

Update on PSC consideration of Submissions

11. Although there had not been a formal response from PSC on recent submissions, Management Side outlined its understanding of the discussions at the meeting on 20 September, the most significant point being that the Commission would be meeting with the Minister on 2 October to discuss issues arising from Government's response to the draft 4th Guiding Principle.
12. On RPA affected group, there had been discussions outside CJF and Trade Union Side were broadly content with the definition. However, there was discussion regarding the inclusion of teaching staff and Trade Union Side agreed to consider the matter further and get back.

Action: Trade Union Side

13. There was discussion regarding the inclusion of some HPSS bodies not affected in terms of restructuring. Trade Union Side was content with the current draft, at this stage but would comment further in due course.

Action: Trade Union Side

14. Management Side confirmed that the draft definition would be circulated on 25 September for comment but it that would be used as a stating point for eligibility for the forthcoming Trust Director posts.
15. On TUPE clauses, Trade Union Side was concerned that Government's proposal was insufficient and prevented harmonisation of terms and conditions, post transfer. Trade Union side also stated that the Acquired Rights Directive required collective agreement before terms and conditions could be amended. Trade Union Side cited the legislation used to create the North South Implementation Bodies as a good model.

16. Trade Union Side would be arguing for full protection of pensions, for the establishment of independent appeals procedures and for compensation arrangements over and above those available contractually.
17. On the 4th Guiding Principle, Trade Union Side welcomed Government's agreement to the principle. However, it objected strongly to the rejection of the proposal to compel District Councils to comply with recommendations accepted by Government. Also, it did not accept Government's position on job protection. Trade Union Side pointed out that PSC was not recommending an absolute guarantee of no compulsory redundancy. This was not Trade Unions' position. Nevertheless, Trade Union Side was prepared to work with the PSC as a way forward coupled with other recommendations.
18. Management Side responded that further discussion on these matters would have to wait the outcome of PSC consideration and discussion with the Minister. While Trade Union Side did not accept this restriction, it was agreed that there should be further discussion of these issues and those arising from the Government's response to the 3rd Guiding Principle after the meeting between PSC and the Minister, but before the next scheduled meeting on 27 October.

Action: Secretariat

19. Trade Union Side was still considering Government's paper on location. Its initial reaction was that there were too many principles and some of these, such as costs were actually facts. Trade Union Side was dismayed to see the NICS Dispersal policy being highlighted and it did not accept the relevance of Workplace 2010 to the RPA debate, calling for it to be stopped pending consideration of the wider issues.
20. The TUS expressed concern that the location paper was simply a mix of old fashion dispersal policy and Workplace 2010. On the latter, they were extremely critical that no EQIA had been completed on the likely impact of that initiative. It was therefore very worrying that the policy on location was moving forward absent that equality consideration. Management Side confirmed that the correspondence that they had received was in regard a pre consultation screening exercise.
21. On the Trust recruitment plans, Management Side outlined the timescales for the Trust directors and the HSSA finance director posts and reported that a secondee would be appointed to the Department for 9 months to assist with implementation. Trade Union side asked for information on the composition of appointment panels. Management side agreed to provide.

Action: Management Side

22. On the question of reciprocity, it was confirmed that Government accepted the principle and that it was only the means of achieving it that was at issue.

Implementation Update

23. HSS Trust Chairs and Chief Executives had been appointed and the five new Trusts were now operating in shadow form, and the Chief Executive Designate for the HSSA had taken up his post in August
24. PSC had queried the recruitment of the Director of Network Services in DRD and a clarification had been provided in the context of the PSC 2nd Guiding Principle.
25. The RPA programme was being subjected to the Gateway process.
26. On the local government strand, legislation was in the process of being drafted and reviews were underway of both the Department's taskforce structures and of the fitness for purpose of NILGA in order to take forward implementation.
27. In the education sector, a range of policies was under consideration in advance of drafting the legislation. A gateway review had also been carried out.

Cross-Sector Group Update

28. Membership of the Group had been reviewed and it, together with the arrangements for communication and consultation with affected bodies, would be updated.
29. Further to recent discussions with Trade Union Side, proposals for transfer schemes would now be developed.
30. Work was underway to promulgate guidance on the 2nd Guiding Principle and to consider further the feasibility of the 'clearing house' proposal.

Equality Update

31. A meeting of the Equality Group had taken place and included Trade Union Side representation. A number of key issues emerged on which action is moving forward. A paper is being prepared on flags and emblems, there is ongoing work on pulling together datasets for the overarching EQIA, and a series of workshops (hosted by CRC, ECNI, NICCY and HRC) are being scheduled to improve communication with equality interests.
32. Trade Union was concerned that the PSC draft 3rd and 4th Guiding Principles had not been discussed at the recent Equality Group

meeting, but it was explained that this was merely a question of timing. It was reported that the meetings of the Group were constructive and that communication flows were good. There was, however, a need to set out a plan of the work of the Group.

33. Trade Union Side reported that one particular recommendation of the Group was to make use of the existing equality expertise already available in the public sector. Management Side acknowledged this but pointed out that the issue was how best to channel input. It was agreed that this should be considered further.

Action: Management Side

AOB

34. Trade Union raised the issue of significant numbers of RPA-related conferences begin planned and the potential cost of this to the public purse. Management Side reported that Departmental staff were not expected to attend. It was agreed that a note to employers should issue reminding them of the VFM issues associated with attendance at such conferences. Trade Union Side suggested that OFMDFM should consider convening appropriate conferences or seminars as necessary.

Action: Management Side

Date of Next Meeting

35. The scheduled meeting was 27 October, but a further meeting should be organised in advance of this.

Action: Secretariat

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