

# MINUTES OF A MEETING OF THE RPA CENTRAL JOINT FORUM

26 January 2007

Present:     John Hunter (Chair)                     John Corey  
              Stephen Peover                         Patricia McKeown  
              Will Haire                             Thomas Mahaffy  
              Andrew McCormick                    Brian Campfield  
              Cynthia Smith                        Peter Bunting  
              John McMillen                        Albert Mills  
              Michael Daly

Laura Armstrong (Minutes)

Apologies:   Nigel Hamilton, Steve Tweed

## **Minutes of the meeting on 15 December**

1.     The minutes of the meeting on the 15 December were agreed and would include the amendments proposed by Trade Union Side.

## **Matters arising from meeting on 15 December**

2.     Paragraph 4 – Trade Union Side reported that although they have not yet submitted an overview of what they consider is needed in a transfer scheme work on this is ongoing through consultation with DHSSPS on a draft transfer scheme which they would regard as the model.
3.     Paragraph 17 – Management Side confirmed that the bilateral between the Equality Directorate and Trade Union Side has been arranged for 16 February.
4.     Paragraph 20 – Management Side advised that the location Sub-Group had, on reflection, concluded that it was impractical to separate out the statutory obligations from the principles because the statutory requirements in relation to decision-making on location:
  - are numerous and not all individually mentioned in the document;
  - cut across a number of the principles and also form part of the existing requirements.

Management Side advised that the consultation paper would issue today as drafted.

5.     Paragraph 22 – Trade Union Side accepted that they had not yet commented on the draft Location paper and advised that they would do so within the consultation period. They outlined that the numerous criteria made it less meaningful and open to misuse and that they were

Reference: LA000236

still of the view that there must be key determining principles which would emerge from the consultation. Trade Union Side enquired as to the status of the location paper given the possibility of Devolution. Management Side advised that it would be for any forthcoming Executive to consider the results of the consultation in deciding the way forward.

6. Paragraph 24 – Management Side provided details of the HPSS Director level appointments. Trade Union Side queried the rationale of the 2.5 year payback period in respect of early retirement for some senior positions in HPSS. In response, Management Side explained that this was based on cost in respect of what was reasonable and defensible in terms of accountability and that this figure was Health Sector based. Management Side also confirmed that depending on the circumstances, this figure may change. Trade Union Side expressed the view that the restrictive approach to the cost issue was problematic and pointed out that individuals may well have an entitlement to redundancy irrespective of cost criteria.
7. Paragraph 28 – Management Side reported that the Minister with responsibility for the Local Government Pension Scheme (NI) had approved the proposed change to the Regulations. They advised that the amendment would be made and an information notice would issue to affected employers to inform them of the scheme and remind of its flexibility. Trade Union Side expressed the view that the existing provisions should have been retained. It was noted that DOE had undertaken to consult with the Trade Unions on the content of the circular to employers.
8. Paragraph 31 – Management Side advised that the issues raised concerning the provisions at 4(6) of the draft Libraries legislation have been referred to Legislative Counsel and that a response is awaited.
9. Paragraph 32 – Management Side thanked Trade Union Side for their comments on the draft legislation and agreed to consider these as part of the consultation period.
10. Paragraph 33 – Management Side advised that the Trust Transfer Orders had been amended to reflect the model legislative provisions and that provision for an alternative dispute resolution mechanism and for compensation had been written into the proposed transfer scheme.
11. Paragraph 34 – Trade Union Side agreed to provide comments on the draft Code of Practice for the 4<sup>th</sup> Guiding Principle.

**Action: TUS**

12. Paragraph 37 – Management Side provided Trade Union Side with a paper setting out the terms of current severance/redundancy schemes applying in HPSS, Education, Local Government and Central Government sectors. Trade Union Side acknowledged receipt of this

information and reiterated its view that a common redundancy compensation scheme was the way forward in order to ensure equitable treatment of all staff affected by the RPA.

13. Trade Union Side referred to the Gateway Review document provided by Management Side and sought clarification regarding the following:
  - Recommendation 3 - The interpretation of the message which makes reference to the RPA overarching programme and other programmes.
  - Recommendation 6 - The forward position in relation to costings and the situation of the initial Deloitte costings.
  - Recommendation 11 – The roles and responsibilities of the RPA Implementation Unit.
  - The apparent scant references in the paper to the interests of staff, consultation with representatives and equality.
  
14. Responding Management Side made the following points:
  - Recommendation 3 – This sought to clarify the position of RPA in relation to the Public Sector Reform Agenda in Northern Ireland.
  - Recommendation 6 - The Deloitte costings were correct at the time of publishing, however, it is anticipated that there will be some further costings within the next couple of months. This area will be an evolving piece of work. It was agreed that Trade Union Side would be briefed on the draft outcome.
  - Recommendation 11 - The RPA Implementation Unit is heavily involved in coordination but cannot be responsible for delivery given the role of the Departments. In response, Trade Union Side made reference to recommendation 12 which relates to the strengthening of the Implementation Unit. Management Side clarified that the Implementation Unit had undergone a virtual strengthening given the support provided from other areas such as Equality, HR, Finance etc.
  - The full report does make reference to these areas; Trade Union Side had been provided with an initial condensed report.

## **EQUALITY**

15. Management Side advised of the bilateral arranged to further discussions on the roles and responsibilities regarding Equality. In addition, they informed of the various activities and meetings on-going in relation to Equality. Management Side further advised of the current data collection exercise and discussed the difficulties in relation to data quality and collation inherent in this exercise.

16. Trade Union Side expressed concerns about the approach to the equality issue, highlighted the importance of a central approach to equality issues and raised issues regarding the advertising of posts in Health. Management Side agreed to feed back these concerns and pursue the issues raised.

**Action: Management Side**

### **IMPLEMENTATION UPDATE**

17. Management Side circulated an implementation update paper and informed of the new RPA Stakeholder Group being formed. Management Side notified that decision-making would remain with the RPA Steering Group and that the role of the RPA Stakeholder Group would be to challenge progress.
18. Trade Union Side enquired as to the non-inclusion of Trade Union Side at the RPA Stakeholder Group. Management Side agreed to map formally the roles and relationships in the new arrangements and share the terms of reference of the RPA Stakeholder Group at the next meeting and to consider the representation of Trade Union Side.

**Action: Management Side**

19. Brief updates were also provided in relation to legislative progress, communications, key programme activities and the Northern Ireland Assembly.
20. Trade Union Side raised a number of issues in relation to implementation of the Guiding Principles:
- The rationale behind the proposed public advertisement for the Chief Executive post in the new Library Authority.
  - The ongoing advertisement of jobs, particularly in Local Government and Health, which should first be opened up to the RPA-affected group.
21. Responding, Management Side informed that:
- Senior officials met to discuss the proposed public advertisement and agreed to reflect on the issue and inform the PSC of the decision made. As yet no decision has been made.
  - Correspondence has been issued to RPA-affected employers seeking input on the monitoring of posts. A meeting will be arranged with PSC representatives to discuss adherence to the Guiding Principles.
22. Trade Union Side highlighted attempts by employers, particularly in the Education Sector, to misapply the Vacancy Control mechanisms to

posts which were not in the RPA Affected Group or which were clearly front line posts. Management Side agreed to follow up on this issue.

**Action: Management Side**

## **CROSS SECTOR HR UPDATE**

### **Guiding Principles**

23. Management Side circulated a brief overview of progress on the Guiding Principles and gave an update on the current status of Guiding Principles 3, 5 and 7. It was confirmed that the area of dispute resolution in the Code of Practice for the 3<sup>rd</sup> Guiding principle was still being developed and it was anticipated that the draft Code would issue for consultation within the next couple of weeks.
24. Trade Union Side outlined that they considered the draft legislation, the Code of Practice and the Staff Transfer Scheme being developed in Health in relation to the 3<sup>rd</sup> Guiding Principle, to be models to apply to all sectors whenever the detail was agreed. They stated their disagreement with the proposed use of the Pension Ombudsman in relation to pension dispute resolution but noted that Management Side was pursuing this issue with the relevant parties. It was agreed that a bilateral should be arranged to discuss the issues contained in the 3<sup>rd</sup> Guiding Principle Code of Practice

**Action: Management Side/TUS**

25. In relation to the 5<sup>th</sup> Guiding Principle, Management Side advised that it was hoped the final version of the Guiding Principle would acknowledge Government's position regarding non-acceptance of the recommendation of no compulsory redundancies and a single voluntary severance scheme.
26. In response, Trade Union Side outlined the importance of the 5<sup>th</sup> Guiding Principle in particular the objective of a no compulsory redundancy commitment and the need for it to provide adequate protection for staff, particularly those in Enterprise Ulster and Rural Development Council where redundancies were already being effected. Trade Union Side requested a bilateral to discuss related procedural issues.

**Action: Management Side/TUS**

27. In relation to the 4<sup>th</sup> Guiding Principle, Trade Union Side noted the exchanges taking place between PSC and the Government regarding the proposal that the RPA Affected Group should remain in existence for six months after the Councils go live. Trade Union Side expressed the view that the RPA Affected Group approach would need to endure beyond the creation of the new organisations and until such times as internal reorganisation was completed. In particular, Trade Union Side

referred to the issue of the power of direction. Management Side agreed to note Trade Union Side's comments for discussion with the PSC.

28. Management Side noted Trade Union Side's comments in relation to the 7<sup>th</sup> Guiding Principle.
29. In relation to the draft Code of Practice for the 6<sup>th</sup> Guiding Principle, which is currently out for consultation, Trade Union Side expressed their preference for further clarity to have been provided in relation to the statutory requirements on employers and indicated that the services of the LRA should be used to produce a definitive list of employers statutory obligations.

### **Legislation**

30. Management Side advised that some of the comments received, including those from Trade Union Side, were currently with Legislative Council and others would be considered during the consultation process.

### **ANY OTHER BUSINESS**

31. Trade Union Side registered their concerns in relation to the lack of consideration being given to staff interests in the Rural Development Council. Management Side agreed to look into this.

**Action: Management Side**

32. Trade Union Side referred to the current consultation on the proposal for a draft Public Authorities Reform (Northern Ireland) Order 2007, highlighting the removal of the need to consult from a variety of pieces of legislation. Management Side thanked Trade Union Side for drawing this to their attention and would consider the matter.

### **DATE OF NEXT MEETING**

33. The next meeting was scheduled for 23 February at 13:00.

**[January 2007]**