

JOINT FORUM

DRAFT NOTE OF MEETING HELD AT 2:30 PM ON 14TH DECEMBER 2006 IN MINISTER'S ROOM, CASTLE BUILDINGS

In Attendance

Dr Andrew McCormick (Chair) Mrs Mary Hynds
Dr Denis McMahon Mrs Janice Smyth
Mr Michael Daly Mr Ivor Whitten
Mr Bernard Mitchell
Mrs Lorraine Owens
Mr Damian Prince
Mr Graeme Crawford (Minutes)

Apologies

Ms Breedagh Hughes Mr Danny Lambe

1. Welcome and Introductions

Dr McCormick welcomed everyone and noted apologies.

2. Minutes of the 23rd November 2006 meeting

Trade Union Side requested that at Item 8 'Implementation Update' reference should be made to the consultation on changes regarding the Departmental Professional Structure.

Action

07/06 Minutes of 23rd November 2006 to be amended to include reference to the consultation on changes regarding the Departmental Professional structure.

Secretariat

3. Matters arising from 23rd November meeting

a) Terms Of Reference (ToR)

The Terms of Reference were agreed (Tab A).

It was agreed that only finalised minutes from the Joint Forum (JF) and the Central Joint Forum (CJF) should be shared, and both groups would endeavour to clear their minutes as speedily as possible.

4. Equality Update

While Mr Gamble was unable to attend today's meeting, the paper 'Review of Public Administration: Roles and responsibilities regarding equality' (Tab B) had been circulated previously which set out the role of Departments from a legislative perspective.

5. Location

Dr McCormick informed members that temporary arrangements for Trusts are currently under consideration and includes temporary accommodation for Mr Sissling and his team. A business case is being developed and a scoping exercise completed; the normal consultation process will be followed. It was noted that the permanent location of the new Health Authority and Trusts is dealt with in the draft Seventh Guiding Principle, which recommends that an overarching location framework strategy be developed.

6. Implementation Update

Mr Prince tabled a paper from John McMillen of the RPA Central Unit entitled 'RPA Gateway Health-Check' (Tab C) which summarised the recommendations of the RPA Gateway Team. He reminded members that the reasons for the Health-Check were:

- to clarify the changes which were visible
- to consider financial arrangements in more detail

- to consider Governance Structures

Mr Daly circulated a paper 'RPA Implementation Progress' (Tab D) and provided an update.

In addition members noted the following:

- Government responded to the PSC's Draft Third Guiding Principle (Staff Transfers) and accepted its recommendations. These will be incorporated in the draft Libraries Order as a model. Reference was made to TUPE and Pension Protection in Schedule 2 paragraphs 4(2) and 5(b) respectively, and to the fact that public consultation would take place. An addendum has recently been received regarding method of selection of employees for transfer and this has been circulated to members.
- The Third Party Disputes Resolution will undergo public consultation.
- Departmental Officials will meet with the PSC on 17th January 2007 to discuss severance and compulsory redundancies regarding the Draft Fifth Guiding Principle (Voluntary Severance Arrangements).
- On 7th December Government commented on the Draft Sixth Guiding Principle (Statutory Obligations of Employers), accepting the recommendation that a Code of Practice should be prepared to specify the statutory obligations of employers.
- The Draft Seventh Guiding Principle deals with location.

Dr McCormick informed members that in several Trusts appointments have not yet been made following interviews carried out in RPA Affected Groups, the way forward is not known, and open competition may be necessary. However, Trade Union Side were reassured that, should this lead to any material changes in the structures and job responsibilities, there would be further consultation with them. It was also noted that the Local Commissioning Groups should be in place by

March 2007. Trade Union Side advised that they would comment formally on the HR Strategy Framework.

7. Cross Sector Group Update

As above.

8. AOB

Dates of future meetings

Members were reminded that the next meeting of the Joint Forum is scheduled for **Thursday 25th January 2007 at 3pm in Castle Buildings.**

Joint Forum with BMA, RCN, RCM and DHSSPS

Terms of Reference

1. Introduction

Government Ministers directed that RPA implementation must be taken forward in full consultation with trade unions representing the interests of all public service employees. The Northern Ireland Administration, Government Departments and public bodies also have extensive legal and contractual obligations to negotiate and consult with trade unions. While a mechanism has been agreed, the Central Joint Forum, between the NI Administration and NIC ICTU this forum excludes non affiliated trade unions, in particular the BMA, RCN and RCM.

In response to this, the Joint Forum has been established, in partnership with the DHSSPS, to ensure that the interests of all staff in the RPA affected organisation with regards to health, social services and public safety are fully involved and represented in the challenging change agenda.

2. Aim

The aim of the Joint Forum is to ensure that trade unions not affiliated to NIC ICTU have an opportunity to full participation in the process of implementation of RPA and that the process is open, transparent and conducted in partnership and with respect.

3. Scope

The Joint Forum will work parallel to the Central Joint Forum.

The Joint Forum will provide a mechanism for liaison with the Central Joint Forum.

The Joint Forum will exist for as long as the members feel it is of value to the implementation process of RPA within Health, Social Services and Public Safety. The group will mutually agree a date when its work will conclude and the Joint Forum will step down.

4. Objectives and Functions

The objectives of the Joint Forum will be to:-

- (a) Discuss and agree principles for RPA implementation which will ensure fair and consistent treatment across the public sector, of staff affected by the reorganisation of functions arising as a result of the RPA.

- (b) Contribute to the ongoing liaison with the Public Service Commission (PSC), through discussion and feedback to the Central Joint Forum.
- (c) Consider in all its discussions the implications of the application of Section 75 of the NI Act 1998 and TSN requirements.
- (d) Contribute to the provision of a mechanism to address any major differences arising at sector level on the interpretation of agreed principles for RPA implementation through discussion and sharing of views and information. .

With regard to paragraph 3(a)–(c) above the parties anticipate that key principles to be considered by the Joint Forum are:-

5. Contractual Issues

- Protection of Pay and Non pay terms and conditions of employment.
- Protection of Public Service Pensions.
- Continuity of employment and job protection.
- Transfer Schemes to facilitate continuity of employment.
- And having regard for TUPE and Cabinet Office guidance “Staff Transfers in the Public Sector”.

6. HR Issues

- Appointment/Redeployment/Slotting in procedures.
- Redundancy Schemes and terms.
- Vacancy control.
- Independent Appeal Procedures.

7. Employee Relations

- Negotiating/consultative mechanisms with trade unions at sector/employer level.
- Communication Strategies.
- Consultative and liaison mechanisms between PSC employers and trade unions.

8. Equality

- Comprehensive and cross sector application of Section 75 obligations.

The parties agree the above list is not intended to be exhaustive.

9. Membership

Membership will reflect the input required for the scope of the group to be realised and will be representative of senior level from the DHSSPS, DFP, OFMDFM, the BMA, the RCN and the RCM.

While every effort should be made by members to attend the meetings if this is not possible a nominated representative may be substituted. The substitute will have the same rights if s/he were a substantive member.

The Joint Forum may contact other professional bodies in an advisory capacity as and when required.

The Chair of the Joint Forum will be the Permanent Secretary of the DHSSPS

10. Meetings Administration

Meetings of the Joint Forum will precede those held by the Central Joint Forum, and at any other such time as deemed necessary in consultation with the Chairman.

An agenda will be circulated before the meeting giving sufficient time for the trade unions to contribute and suggest amendments. Business not included on the agenda may be taken by agreement.

The parties agree that the Joint Forum focus generally on principles relating to RPA implementation rather than detailed operational issues at sector level. Detailed negotiations to fulfil statutory requirements between employer and employees on the implementation of the RPA will be undertaken at sector and employer level as necessary within the framework of any principles promulgated by Government.

The Joint Forum shall keep minutes of its proceedings. The minutes will be prepared by the supporting staff and forwarded to the Trade Union Side Secretary within 14 working days of the meeting. The minutes will be formally tabled for agreement at the next meeting of the Joint Forum.

11. Publication of Proceedings

Only statements issued under the authority of the Joint Forum shall be published.

12. Finance

Each side of the Joint Forum shall be responsible for its own expenses.

13. Agreement

Where the Joint Forum reaches agreement on an issue, there is a presumption that this agreement will be shared with the Central Joint Form through the chair.

14. Amendments of the Terms of Reference

The Terms of Reference for the Joint Forum may be amended, by agreement, at a meeting of the Joint Forum. Any proposed amendment of the Agreement must be circulated to the members of the Joint Forum at least one month before the meeting at which it is to be considered.

Signed:

On behalf of the DHSSPS

On behalf of BMA, RCN, RCM

Date:

**Review of Public Administration:
Roles and responsibilities regarding equality**

Purpose

1. This paper has been prepared at the request of the Central Joint Forum. The purpose of the paper is to identify how the statutory equality duties arising from Section 75 of the Northern Ireland Act 1998 are being addressed throughout RPA implementation and to articulate the roles and responsibilities of Departments and the OFMDFM Equality Directorate respectively.

Early equality considerations

2. Equality, social need, good relations and human rights were key threads woven into both the development of the RPA reforms and the way in which the overall review was conducted. The Review commissioned a substantial programme of independent research to facilitate decision-making. Section 75 consultees were heavily involved in the consultation processes (of which there were several) and formed an important part of the research programme.
3. The RPA Review Team used a strategic level equality impact assessment approach and set out an initial consideration of the potential equality, rights, social need and good relations implications of RPA proposals. They identified, not only that all decisions would be subject to individual screening and, where necessary full Equality Impact Assessment at a sectoral level, but that two particular key issues would benefit from a

coordinated approach, namely Access to Public Services and Employment.

Departmental responsibilities

4. At a sectoral level, Departments are individually designated for the purposes of Section 75, and are responsible for mainstreaming their statutory obligations arising from Section 75 into their decisions in accordance with guidance from the Equality Commission and the provisions of their respective Equality Schemes.
5. As noted earlier, this means that each decision taken by Departments in relation to RPA implementation will be subject to screening and, where necessary, full Equality Impact Assessment.
6. It is fundamental to the overall implementation of the RPA decisions, particularly on employment and location issues, that EQIAs are conducted on an iterative basis, with each decision providing the equality context for future decisions.

Coordinated approach

7. In addition to the work being taken forward by Departments sectorally, a number of cross-sectoral groups have been established to oversee specific aspects of work relating to the issues of Access to Public Services and Employment. An Estates Working Group and a Human Resources Working Group, both of which are cross-departmental working groups, were established to coordinate work in these key priority cross-cutting areas.

Estates Working Group

8. This group was set up as a DFP led cross-sectoral group reporting to the RPA Steering Group. Its objectives are:
- to establish a base case of data on location of public sector jobs and other socio-economic data to inform decisions and to update that case as decisions are taken so that progress can be monitored;
 - to develop appropriate policies and guiding principles to use as a framework against which decisions on location can be taken; and
 - to collate the estates strategies and plans in the various RPA areas and to stimulate their effective coordination (taking account of other reform programmes) so that decision making by Ministers and Local Authorities on the location of new bodies is well informed and soundly based, having regard to service delivery needs, providing the best value for money, and taking account of the rights of staff and consistent with Government's wider social policy objectives and its statutory obligations, including those under Section 75 of the Northern Ireland Act 1998.
9. The Group, is chaired by the DFP Permanent Secretary, and includes senior departmental representatives closely involved in the RPA implementation and the Northern Ireland Statistics and Research Agency (NISRA). It also includes a representative from Equality Directorate to provide strategic advice and guidance on equality. It meets monthly and reports progress to the RPA Steering Group.

Human Resources Working Group

10. The purpose of the Human Resources Working Group, chaired by the Department of Finance and Personnel's Central Personnel Group, is to take a cross-sectoral view of human resource issues involved in implementing RPA decisions and to present a Government perspective to the Public Service Commission (PSC). The Group clears papers for submission to the PSC and also examines proposals and recommendations from the PSC. This groups also includes a representative from Equality Directorate to provide strategic advice and guidance on equality.
11. The role of the Public Service Commission (PSC) is to make recommendations to Government on the guiding principles and steps necessary to safeguard the interests of staff and to ensure their smooth transfer to new organisations established as a consequence of Government decisions on the review of public administration, taking into account statutory obligations, including those arising from Section 75 of the Northern Ireland Act 1998.

Equality, Rights and Good Relations Forum

12. In addition to these groups an Equality, Rights and Good Relations Forum was established to provide a mechanism for exchange of information and expertise about mainstreaming the implementation of equality, rights, social need and good relations issues into the process of RPA implementation.
13. This group is chaired by the Equality Directorate, with membership drawn from the Equality Commission (ECNI), the Community Relations Council (CRC), the NI Human

Rights Commission (NIHRC), the Commission for Children and Young People (NICCY) and NIC/ICTU along with senior representatives of key Departments.

14. The group is an important mechanism for engagement between Departments and the external bodies, but it does not preclude engagement by individual Departments with them on a bilateral basis.

OFMDFM responsibilities

15. In general, OFMDFM is responsible for providing strategic equality, human rights, good relations and social need advice, support and challenge to the NI Departments.
16. The Directorate does not have the legislative authority to take responsibility for the statutory obligations of the other Departments, who are each designated for the purposes of Section 75. As stated before, that responsibility rests with each Department, rather than as a central function of OFMDFM. This also therefore applies to the issue of RPA implementation.
17. OFMDFM is leading on developing a coordinated approach to mainstreaming equality and other considerations into RPA implementation in the following way:
 - providing advice and support to Departments as they implement their individual decisions as and when required, and liaising with the appropriate officials (including Equality Officers) in the Departments concerned;

- providing strategic advice and guidance to the cross-cutting groups established on the location of the public sector estate and employment;
- the establishment of a forum for early and ongoing engagement with key stakeholders, including senior officials, on issues relating to equality, rights, social need and good relations;
- statisticians in OFMDFM are compiling a database in order to provide a valuable source of information on staff locations and changes over time, over the course of RPA implementation – periodic statistical analysis, or “snapshots” of the changing composition of the workforces affected will be carried out by OFMDFM, using this data. This will also be made available to Departments and other public authorities for their own detailed analysis;
- monitoring completed screening exercises and EQIAs to ensure sharing of information between and within Departments and sectors throughout the whole RPA implementation process.

‘RPA Gateway Health-Check’



RPA Gateway Health-Check.pdf

‘RPA Implementation Progress’



RPA Implementation Progress.pdf