

**MINUTES OF THE 468th MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD AT 10.00 am ON THURSDAY, 21 OCTOBER 2021
IN THE MOUNT BUSINESS & CONFERENCE CENTRE, BELFAST**

Present: Gordon Milligan (Chair)
Geraldine Alexander
Clare Duffield
Deirdre Fitzpatrick
Jill Minne
Daire Murphy
Lee Wilson

In Attendance:	Don Leeson	Chief Executive
	Paul Lowe	Director of Corporate Services
	Mark McAllister	Director of Employment Relations Services
	Patricia Coulter	Knowledge Manager
	Paul Herink	IT Manager
	Mary O'Brien	Business Support Manager (agenda item 4)
	Aideen Duggan	Boardroom Apprentice
	Alison Wolfe	Minute Secretary

Apologies: Louise Crilly
Kevin McCabe
Michelle McGinley

The Chair welcomed Boardroom Apprentice Aideen Duggan to her first Board meeting. The Chair also welcomed Patricia Coulter and Paul Herink, who were attending as part of the Senior Management Team development programme, and Mary O'Brien who was presenting the paper at agenda item 4.

The Chair congratulated Deirdre Fitzpatrick on completing the Belfast Marathon, raising over £8,500 for Special Olympics Ulster.

Declarations of Interest: None.

Board members met 'in-camera' prior to the formal commencement of the meeting. The key points from this discussion are recorded at agenda item 1.

1. Chair's Opening Remarks

- 1.1 The Board discussed the recent data breach and the importance of transparency and openness in disclosing mistakes as soon as possible. More detail is provided in the Chief Executive's Report (agenda item 5).
- 1.2 Board members reported that they found the recent Board Strategy Day beneficial and are keen to build on the momentum. They also appreciated the opportunity to meet in-person.
- 1.3 The Chair reported on a positive meeting the Chief Executive and he held with David Malcolm, DfE Grade 3. The Department is very supportive of the Agency and, while the financial outlook is challenging, there is commitment to protect resources for the Agency as best it can in the current Spending Review. It was noted that in-year bids may still be needed to fund posts. However, given the Agency's comparatively modest financial requirements, we should continue to budget on the basis that additional funding for permanent and temporary posts is likely to become available during monitoring rounds.
- 1.4 It was noted that, in line with an action agreed at the Board Strategy Day, the agenda for today's meeting has been timed and structured to prioritise discussion of key strategic issues.

2. Minutes of previous Board meeting

- 2.1 The minutes of the meeting held on 1 October 2021 (paper BP01-10/21) were agreed as an accurate record of the meeting, and for publication on the Agency's website.

Action: Secretary

3. Action Points from Previous Board meeting

- 3.1 The Chief Executive introduced the progress report on action points from previous Board meetings (paper BP02-10/21).
- 3.2 Plans are being made to organise Disability Awareness training, delayed by public health constraints, at a hybrid event in the New Year. This training is an important commitment in the Agency's Disability Action Plan 2020-23.

Action: Director of Corporate Services

3.3 DfE's Permanent Secretary and the Minister for the Economy have confirmed attendance at the November and December 2021 Board meetings respectively.

3.4 The constitutional issue regarding Board decision-making that arose at the last Board meeting has been referred to the Departmental Solicitor's Office (DSO) for advice. The advice has been requested in time for consideration at the November 2021 Board meeting.

Action: Chief Executive

3.5 The Head of the Civil Service (HoCS) has agreed to attend the NI Engagement Forum. An invitation has been extended to HoCS to attend the Forum's next meeting, which is scheduled for 8 December 2021. In the meantime, the Forum has written to the First and Deputy First Ministers to seek the go-ahead for the planned review of its terms of reference.

Action: Chair/Chief Executive

3.6 Board members were advised that HR will contact them to discuss development needs to inform a new Board Learning and Development Plan. It is hoped that the draft plan will be available for consideration at the December 2021 Board meeting.

Action: HR Managers/Board members

3.7 The Agency's guidance on hybrid working, published on 6 October 2021, has received a positive response from stakeholders and customers. The Board expressed their appreciation to Patricia Coulter, Helen Smyth and Diane Edgington for their work in producing the guidance. With a recent change in NI Executive guidance to encourage employers to begin preparations for a return to offices and consider flexible working, a publicity campaign to promote the Agency's guidance is being developed.

Action: Director of Corporate Services

3.8 A response is being prepared to DfE queries on the business case to on-board IT managed services to IT Assist. In the meantime, a series of 'discovery workshops' are being arranged with IT Assist to facilitate detailed planning.

Action: Director of Corporate Services

3.9 Acceptance testing of the web portal enhancements will take place over the next few days with a view to the portal going 'live' next week. The IT Manager expressed confidence that the changes will allow employer and employee representatives to use the portal effectively.

Action: IT Manager

3.10 An invitation has been extended to the Minister for the Economy to record a welcome video for participants at the International Agencies conference in December 2021.

Action: Chief Executive

3.11 The procurement of software to support paperless Board meeting arrangements is underway. It is anticipated that paperless arrangements will be in place in time for the January 2022 Board meeting. Board members who are familiar with the chosen software reported that they found it easy to use.

Action: IT Manager/Secretary

4. Business Intelligence Strategy for 2021-25

4.1 The Business Support Team Manager introduced the Business Intelligence Strategy (paper BP03-10/21) for approval by the Board. The Strategy was approved by the Finance and Personnel Committee on 6 September 2021 for submission to the Board.

4.2 The Strategy, which has been developed to support delivery of the Agency's Corporate Plan, sets out how data and customer insight will be used to inform service delivery, communications, website content and staff development. The Strategy builds on the Agency's designation as a provider of official statistics.

4.3 The Board recognised the importance of the data in evidence-based decision-making at strategic and service improvement levels. It was noted that official statistics and data analytics will help raise the profile of the Agency.

4.4 The Board approved the Business Intelligence Strategy. Progress will be reported to Finance and Personnel Committee and, in turn, Board meetings.

4.5 The Board thanked the Business Support Team Manager for her work in developing the Strategy.

5. IS Strategy for 2021-25

5.1 The IT Manager presented the IS Strategy (paper BP04-10/21) for approval by the Board. The Strategy was approved by the Finance and Personnel Committee on 6 September 2021 for submission to the Board.

- 5.2 The IT Manager outlined how the Strategy continues the development of the Agency's use of digital technology to improve service delivery and ensure business continuity. Cyber security is at the heart of the Strategy.
- 5.3 It was agreed that consideration should be given to a simulated cyber-attack to test data security. This might usefully be done through the National Cyber Security Centre (NCSC).

Action: Chief Executive/IT Manager

- 5.4 The Board approved the IS Strategy. Progress will be reported to Finance and Personnel Committee and, in turn, Board meetings.
- 5.5 The Board thanked the IT Manager for his comprehensive overview of the Strategy, which provided assurance to the Board regarding cyber security.

6. Chief Executive's Report

- 6.1 The Chief Executive presented the report (paper BP05-10/21).
- 6.2 The Board congratulated the HR Team who were highly commended in the Inspire Workplace Wellbeing awards in the category of 'Excellence in the Public Sector'.
- 6.3 The Chief Executive reported on the recent data breach, which had attracted media coverage. He thanked Michelle McGinley for drawing attention to the issue as soon as it became apparent. An apology was quickly issued to everyone whose data was compromised and an investigation commenced immediately into how it occurred. The breach was reported to the Information Commissioner's Office (ICO); a detailed report is being prepared for the ICO. DfE, the Board and staff were also informed. The breach resulted from human error when emailing customer satisfaction surveys; this was a one-off manual exercise to clear a backlog ahead of an automated system being installed.
- 6.4 The Board were supportive of those involved in the incident and commended the response. The incident will be further discussed at the December 2021 Audit and Risk Assurance Committee (ARAC) meeting. It was noted that, while measures are in place to minimise data risks arising from emails, there might be merit in including a review of email usage in the forthcoming internal audit of information management, which is due to commence in January 2022.

Action: Chief Executive

- 6.5 The Chief Executive and Director of Employment Relations Services are continuing to meet stakeholders to discuss the future of the Independent Appeals Service. They also held a positive introductory meeting with NIPSA's new General Secretary, which provided an opportunity to discuss the service; a follow-up meeting is being arranged with NIPSA full-time officials. Proposals regarding the future of the service will be presented to the Board once DSO advice has been received on the Board constitutional matter (paragraph 3.4 above).
- 6.6 The Chief Executive reported that due to unexpected absence in the HR and Finance Team, the Management Accounts for the period ended 30 September 2021 are not available; a verbal update on expenditure to date will be provided by the Director of Corporate Services (agenda item 11). Contingency arrangements have been put in place to ensure salaries and suppliers are paid.
- 6.7 Formal approval of the Corporate and Business Plans is awaited; further drafting changes have been made to the introductory sections of the plans following discussions with DfE.
- 6.8 The Early Conciliation (EC) Project Board met on 7 October 2021 to discuss the first year evaluation of the new service. The report, which has been shared with Board members and staff, estimates that substantial savings for employers and employees have resulted from the operation of EC.
- 6.9 The Chief Executive congratulated Helen Smyth for her work on guidance on hate crime in the workplace, which was published by the Department of Justice on 11 October 2021. The Justice Minister commented favourably of the Agency's work.
- 6.10 The Agency is concluding a procurement process for maintenance support for the case management and records system (CMRS) using the Government Digital Service's Digital Marketplace (the 'G Cloud' Framework). A report on the procurement process will be presented to the ARAC December 2021 meeting.

Action: Director of Corporate Services

- 6.11 Following an update to the Agency's Covid risk assessment, plans are being made to open Head Office on a daily basis and to increase the limit on the number of staff who can attend the office at any one time. This will allow preparations for relocation to James House to commence. It was noted that it is unlikely that staff will return in full to the office before relocation to James House in April 2022. Thereafter, new hybrid working arrangements will be trialled.

7. NI Audit Office's Report to those charged with Governance

- 7.1 The Chief Executive introduced the NI Audit Office's (NIAO) Report to those Charged with Governance (RTTCWG) on the outcome of the audit of the Agency's Annual Report and Accounts for 2020-21 (paper BP06-10/21).
- 7.2 The draft RTTCWG was presented to the Board in June 2021. The Board noted that the final report includes reference to an uncorrected misstatement regarding depreciation of Head Office assets, which was identified near the end of the audit. Given that the value of this error is below the NIAO's threshold for materiality, it can be corrected in the Annual Report and Accounts for 2021-22. As depreciation is a 'non-cash' item, there is no impact on the Agency's expenditure plans.
- 7.3 The Board noted the RTTCWG.

8. Mid-Year Assurance Statement

- 8.1 The Chief Executive presented the Mid-Year Assurance Statement (paper BP07-10/21), which sets out the Agency's corporate governance controls against a checklist. Assurance Statements are submitted to the Permanent Secretary every six months.
- 8.2 The Board noted that the Assurance Statement identifies four areas of non-compliance. Three of these continue from the previous Assurance Statement and are in the process of being addressed. The additional area relates to a new requirement to engage with NCSC, which will be addressed through the action at paragraph 5.3.
- 8.3 The Board noted the report.

9. Corporate Governance Action Plan

- 9.1 The Chief Executive introduced the Corporate Governance Action Plan (paper BP 08-10/21).
- 9.2 The Board noted that a number of actions are already in progress.
- 9.3 It was also noted that the Chair's appraisal will continue to be carried out by the Head of the Agency's Sponsor Team at DfE.

9.4 The Board approved the action plan. Implementation of the plan will be reviewed at ARAC meetings.

Action: Chief Executive

10. Business Plan Performance Report for the period ended 30 September 2021

10.1 The Senior Leadership Team presented the Business Plan Performance Report for the period ended 30 September 2021 (paper BP09-10/21), noting that there are no issues of concern at this stage of the year. Six of the 49 targets in the Business Plan have been achieved; eight are currently behind target, but progressing and are expected to be completed in 2021-22.

10.2 It was noted that a presentation to Board members on the new online document toolkit is being planned for the December 2021 Board meeting, subject to other agenda priorities.

Action: Director of Employment Relations Services

10.3 The Board noted that the Agency has successfully concluded facilitation work with a major sectoral organisation, which resulted in alternative dispute resolution processes being built into their procedures. The Chief Executive congratulated the Director of Employment Relations Services on this achievement.

10.4 The Director of Employment Relations Services is participating in a UK-wide webinar on hybrid working. A link to the event will be provided to Board members.

Action: Director of Employment Relations Services/Secretary

10.5 The Chief Executive is finalising the programme for the Agency's employment relations conference in February 2022. The draft programme will be presented to the Employment Relations Roundtable on 2 November 2021 and the Board in due course.

Action: Chief Executive

10.6 It was agreed to look into the possibility of Board members observing Roundtable and/or Engagement Forum meetings.

Action: Chair/Chief Executive

10.7 The Director of Corporate Services reported that the Communications Strategy will be presented to the November 2021 Board meeting. It is hoped that the Agency's external media partner will be available to attend the meeting.

Action: Director of Corporate Services

11. Management Accounts for the period ended 30 September 2021

11.1 As noted earlier, in light of unexpected resource pressures within the HR and Finance Team and the need to prioritise payments, it was not possible to prepare the Management Accounts in time for the Board meeting. The Director of Corporate Services instead provided a verbal update. Expenditure to date on employment costs is £1,571k against a profile of £1,706k; general administrative expenditure is £586k against a profile of £588k.

11.2 The Director of Corporate Services reported that, having recently completed a year-end forecasting exercise as part of January Monitoring, the Agency did not seek any further changes in budget allocation.

12. Any Other Business

12.1 Board members confirmed they were content with the quality of the papers and discussion at the meeting.

12.2 The Board noted that the Chair and Chief Executive will brief the Committee for the Economy on the Agency's Corporate Plan on 1 December; an update will be provided at the December 2021 Board meeting.

Action: Chair/Chief Executive

13. Date of Next Meeting

13.1 The next Board meeting will be on 29 November 2021.

13.2 It was agreed to hold the meeting in-person at The Mount Business and Conference Centre.

Action: Secretary