

MINUTES OF THE 492nd MEETING OF THE LABOUR RELATIONS AGENCY BOARD HELD
ON 21 FEBRUARY 2024 AT 10.00am AT THE LABOUR RELATIONS AGENCY HEAD
OFFICE, JAMES HOUSE, 2-4 CROMAC AVENUE, BELFAST, BT7 2JA

Present: Gordon Milligan (Chair)
Geraldine Alexander
Elizabeth Armstrong
Clare Duffield
Sarah Havlin
Kevin McCabe
Orla Sheils
Mark Spence
John Taylor
Lee Wilson

In Attendance: Don Leeson Chief Executive
Anne Dorbie Interim Director of Corporate Services
Virginia Aldana Boardroom Apprentice
Oliver Murray Executive Assistant
Scott Alexander Conference Project Manager (agenda item 6)

Apologies: None

This was a hybrid meeting with one Board member attending by videoconference.

Board members met 'in-camera', without non-Board members present, prior to the formal commencement of the meeting. The key points from this discussion are recorded at agenda item 1.

Declarations of Interest: No conflicts of interest were noted.

1. Chair's Opening Remarks

1.1 The Chair reported on the key points of discussion from the 'in-camera' session. These focused on arrangements for the forthcoming recruitment exercise to appoint a new Chief Executive. The current Chief Executive reported on plans to inform staff and stakeholders of his decision to retire later in the year, once a successor has been appointed and inducted.

Action: Chief Executive

1.2 The Chair reported that the Engagement Forum has been invited to a meeting with the Minister for the Economy on 22 February to be briefed on his economic vision, which was outlined to the Assembly on 19 February 2024. The key points from the Forum's meeting with the Minister will be reported back at the next Board meeting.

Action: Chair

- 1.3 The Board noted that the Chair plans to attend the annual St Patrick's Day events in Washington. While this will be in his capacity as the Chair of the Institute of Directors in Northern Ireland, it presents an opportunity to also promote the work of the Agency with key stakeholders.
- 1.4 The Board noted an update on the continuing sick absence of the Director of Corporate Services.

2. Horizon Scanning for Opportunities and Risks

- 2.1 The Chief Executive gave an update regarding holiday pay conciliation, which remains the single biggest risk facing the Agency. The Board noted that the Project Manager has been invited to detailed discussions about this risk at the forthcoming Audit and Risk Assurance Committee (ARAC) meeting on 11 March 2024.
- 2.2 The Chief Executive reported that, alongside demand for holiday pay conciliation, an estimated 40,000 Tribunal cases in respect of a pensions' dispute may also require conciliation. This matter raises a potential conflict of interest for the Agency as the staff's pension arrangements are included in the dispute. The Senior Leadership Team (SLT) will be meeting to discuss the handling of this matter in light of recently received legal advice.
Action: Chief Executive
- 2.3 The Board noted that the Agency will be hosting a meeting of the Department for the Economy's (DfE) Board on 29 February 2024. This presents an opportunity to brief senior officials on the work of the Agency and highlight the risks presented by holiday pay conciliation.
Action: Chair/Chief Executive

3. Minutes of Previous Board Meeting

- 3.1 Minutes of the Board meeting held on 24 January 2024 (paper BP01-02/24) were agreed as an accurate record of the meeting for publication on the Agency's website.
Action: Executive Assistant

4. Action Points from Previous Board Meetings

- 4.1 The Chief Executive presented the progress report on actions from previous Board meetings (paper BP02-02/24), which was noted by the Board.

4.2 The Chief Executive reported plans to survey the four members who joined the Board in September 2023 about the Agency's name. The Board noted that pre-existing Board and staff members and stakeholders were surveyed in 2023. It had been agreed to hold-off surveying the new members until they had been fully inducted and were able to take an informed view of the merits or otherwise of retaining the current name. This will be progressed during February, with a view to presenting a paper for discussion at the March 2024 Board meeting.

Action: Chief Executive

4.3 The Board noted that the Transformation Project Manager has been invited to provide an update on the transformation programme, with a definitive timeline for restructuring, at the next Board meeting.

Action: Chief Executive

4.4 The Board noted that discussions are ongoing regarding the extent of the Agency's involvement in the Mediators' Institute of Ireland annual conference, which will take place in October 2024, in Belfast. A proposal will be presented to the Board in due course.

Action: Chief Executive

4.5 The Chief Executive reported that a payment was made on 31 January 2024 to the Landlord of the Agency's former Head Office premises in respect of dilapidations. The Agency has now been legally released from any liability in respect of this matter.

4.6 The Board noted that meetings with representatives of the NI Local Government Association (NILGA) have been scheduled to discuss the recommendations from the Agency's Article 86 review of collective bargaining in local government.

Action: Chief Executive/Director of Employment Relations Services

4.7 It was noted that DfE officials are progressing the second term appointments for the Chair and those Board members whose current appointments are due to end on 30 April 2024.

5. Chief Executive's Report

5.1 The Chief Executive presented the report (paper BP03-02/24), which was noted by the Board.

5.2 The Board noted that the Agency continues to engage with DfE regarding the resourcing business case and additional funding for holiday pay conciliation. Legal advice provided in respect of a number of matters relating to the Agency's statutory duty to conciliate was also noted.

Action: Chief Executive

- 5.3 Pending agreement of additional resources for holiday pay conciliation, arrangements for filling posts for this work have been agreed with the Trade Union Side. To date, two appointments have been made to support project planning and a recruitment exercise to appoint Employment Relations Officers is underway.
- 5.4 The Board noted that the strategy for the audit of Agency's Annual Report and Accounts for 2023-24 is being developed by the external auditor on behalf of the NI Audit Office. The draft strategy will be presented to the forthcoming ARAC meeting.

Action: Director of Corporate Services

- 5.5 It was noted that the Equity, Diversity and Inclusion Manager and the Agency itself have been shortlisted in the 'Advancing Diversity' individual and corporate categories respectively of the Women in Business Awards 2024. The Agency will be represented at the event by a number of Board and staff members. The Board passed on their congratulations to the EDI Manager and everyone involved in this achievement.
- 5.6 An update was given regarding current industrial disputes. It was noted that, with the return of the NI Executive, there is hope that many of the current public sector pay disputes will be resolved in the coming weeks.
- 5.7 The Board noted that the number of redundancies appears to be increasing. The Agency is providing support to the employers and employees affected through guidance and conciliation.
- 5.8 The Chief Executive reported on a workshop held on 30 January 2024 to consult potential delivery partners on the first iteration of the Good Employment Charter. The proposed Charter was endorsed and helpful feedback provided on how it might develop. Work to prepare a second iteration is underway, with a view to seeking the views of the Engagement Forum.

Action: Chief Executive/Director of Employment Relations Services

6. Flexible Working Conference – briefing on conference arrangements and the role of Board members

- 6.1 The Project Manager briefed Board members on their role at the forthcoming conference to promote flexible working, which will be held on 14 March 2024 at Stranmillis University College.
- 6.2 The Chair thanked the Project Manager for his work to date and those Board members who have agreed to facilitate group discussions at the conference.

- 6.3 A report on the outcome of the conference will be presented to the Board in due course.

Action: Chief Executive

7. Business Plan for 2024-25

- 7.1 The Chief Executive presented the Business Plan for 2024-25 (paper BP04-02/24).
- 7.2 The Business Plan has been prepared on the basis that the Agency receives its baseline budget, updated in line with pay and price inflation, and sufficient additional resources to meet the anticipated demand for holiday pay conciliation. The Board noted that the Plan may need to be revisited in light of any significant funding shortfall.
- 7.3 The Business Plan was approved for submission to DfE, subject to the 'Planning Context' section being updated to reflect the Minister for the Economy's Economic Mission.

Action: Chief Executive

8. Senior Leadership Team Review – Terms of Reference

- 8.1 The Chief Executive presented draft terms of reference for the forthcoming review of the size and structure of the SLT (paper BP05-02/24), which were approved by the Board.
- 8.2 The Board noted that the Trade Union Side has been consulted on the draft terms of reference and is content with the proposed approach.
- 8.3 The Board emphasised the importance of the review in ensuring the long term sustainability of the Agency, with an appropriate leadership structure and capacity in place to meet increasing demand for services.
- 8.4 The Board noted that the review will commence in March 2024, with emerging findings reported to next Board meeting. A final report is expected to be available for consideration at the May 2024 Board meeting.

Action: Chief Executive

9. Finance and Personnel Committee – Report on Meeting held on 6 February 2024

- 9.1 The Chair of the Finance and Personnel Committee presented a report on its meeting held on 6 February 2024 (paper BP06-02/24), which was noted by the Board.

10. Business Plan Performance Report for the Period Ended 31 January 2024

10.1 The Chief Executive presented the Business Plan Performance Report for the period ended 31 January 2024 (paper BP07-02/24), which was noted by the Board.

10.2 It was agreed to review the format of the Business Plan Performance Report to include quarterly reporting of key performance indicator scorecards in 2024-25.

Action: Director of Corporate Services

11. Management Accounts for the Period Ended 31 January 2024

11.1 The Interim Director of Corporate Services presented the Management Accounts for the period ended 31 January 2024 (paper BP08 02/24), which were noted by the Board.

12. Any Other Business

12.1 The annual Risk Workshop, involving Board members and the Senior Management Team will be scheduled for May 2024. It was agreed that this should again be externally facilitated.

Action: Director of Corporate Services

12.2 Arrangements will be made for Board members to update their biographical details and the Register of Interests.

Action: Executive Assistant

13. Date of Next Meeting

13.1 The next meeting of the Board will be on 20 March 2024 at 10.00am in James House. The draft agenda for the meeting (paper BP09-02/24) was noted by the Board.

Action: Executive Assistant