

**MINUTES OF THE 494th MEETING OF THE LABOUR RELATIONS AGENCY BOARD
HELD ON 29 MAY 2024 AT 10.00am AT THE LABOUR RELATIONS AGENCY HEAD
OFFICE, JAMES HOUSE, 2-4 CROMAC AVENUE, BELFAST, BT7 2JA**

Present: Gordon Milligan (Chair)
Elizabeth Armstrong
Kevin McCabe
Orla Sheils
Mark Spence
John Taylor (agenda items 1-5)
Lee Wilson

In Attendance: Don Leeson Chief Executive
Anne Dorbie Interim Director of Corporate Services
(except agenda items 6/7)
Virginia Aldana Boardroom Apprentice
Richard Whalley Beamans (agenda item 6)

Apologies: Geraldine Alexander
Clare Duffield
Sarah Havlin

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

Declarations of Interest: the Interim Director of Corporate Services agreed to absent herself for discussions under agenda items 5 and 6. The Board also noted a conflict of interest for the Chief Executive in the matter discussed as paragraph 5.10 below.

1. Chair's Opening Remarks

- 1.1 The Board noted the Agency's Director of Employment Relations Services' appointment as the Agency's Chief Executive, with effect from 1 September 2024. Board members will have an opportunity to congratulate the Chief Executive Designate at the next Board meeting, following his return from leave.
- 1.2 The Chair thanked Geraldine Alexander, Elizabeth Armstrong and John Taylor for their work on the Chief Executive selection panel and HR Manager Angela Bryans for her support in ensuring a robust recruitment process.
- 1.3 The Board noted the panel membership and outline timetable for the recruitment competition to backfill the Director of Employment Relations Services post.

- 1.4 The Chief Executive briefed the Board on restrictions placed on public bodies' activities in the run-up to the General Election on 4 July 2024 (see paragraph 5.6) below.
- 1.5 The Chair briefed the Board on discussions at the inaugural meeting of the new Engagement Forum, which took place on 11 April 2024. The meeting focused primarily on a presentation by Department for the Economy (DfE) officials on proposed new employment legislation. DfE plans to publish the consultation document on the legislative proposals before the start of the Assembly's summer recess in order to develop legislation within the current political mandate. Concerns raised by Forum members about the constrained timetable for engagement prior to the public consultation exercise were noted. The next Forum meeting is scheduled for 10 June 2024.
- 1.6 It was agreed to invite DfE to brief the Board on proposed changes in employment law.

Action: Chief Executive

- 1.7 The Chair and Chief Executive briefed the Board about correspondence from a sector-representative organisation about Engagement Forum membership, including a request made under the Freedom of Information Act.
- 1.8 The Board noted that the Chair, Chief Executive, and Director of Employment Relations Services will represent the Agency at a Workplace Relations Commission's (WRC) conference on the future of work on 6 June 2024, in Dublin. This will provide an opportunity to meet the WRC's new Director General and discuss arrangements for a joint Agency/WRC Board meeting.
- 1.9 Arrangements for concluding Board member appraisals for 2023-24 were noted.

Action: Chair/Chief Executive

Action: Chair/Board members

2. Horizon Scanning for Opportunities and Risks

- 2.1 The Chief Executive provided an update on holiday pay conciliation, including a meeting with the Interim President of the Tribunal on 7 May 2024.

2.2 A Tribunal hearing to consider further legal issues in respect of the Supreme Court judgement on holiday pay entitlement has been listed for December 2024. As a result, the profile of large-scale demand for conciliation is likely to move into 2025. In light of this, the Agency has agreed with DfE a reduced amount of the additional funding for this work in 2024-25.

3. Minutes of the Board Meeting held on 20 March 2024

3.1 Minutes of the Board meeting held on 20 March 2024 (paper BP01-05/24) 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 BP02-05/24), which was noted by the Board.

4.2 The Chief Executive reported that DfE's Permanent Secretary has approved the Partnership Agreement for signing by the Agency and DfE.

Action: Chief Executive

4.3 The Chief Executive reported that the transfer of the secretariat function for the Industrial Court, and associated funding, took place with effect from 1 April 2024 as planned. The Board expressed their appreciation to everyone involved in ensuring a smooth transition.

4.4 The Chief Executive confirmed that the penetration of the Agency's IT systems has been completed. One high priority recommendation had been made as a result of this, which has been implemented. Other low priority recommendations are being implemented as part of the case management system and portal upgrade.

4.5 It was noted that the results of surveys on possible renaming of the Agency will be discussed at the next Board meeting. The Agency's Communications Partner has been invited to attend the meeting to advise the Board on the implications of any name change.

Action: Chief Executive

- 4.6 Board members were thanked for participating in the annual Risk Workshop on 16 May 2024 to inform the development of the Corporate Risk Register for 2024-25. The draft Risk Register will be reviewed by the Audit and Risk Assurance Committee on 10 June and then submitted for approval at the June 2024 Board meeting.

Action: Interim Director of Corporate Services

5. Chief Executive's Report (Paper)

- 5.1 The Chief Executive presented the report (paper BP03-05/24), which was noted by the Board.

- 5.2 The Chief Executive reported on a positive meeting with the Minister for the Economy's Special Adviser on 17 May 2024 to discuss the Agency's work to prepare a Good Employment Charter for NI. The Charter will feature in DfE's Business Plan for 2024-25.

- 5.3 The Board noted an update on the Transformation Programme. A staff working group has been established to co-design the resolution of outstanding issues. This work will be brought to a conclusion at a Staff Conference on 10 September, ahead of restructuring in October 2024. Further updates will be given at each Board meeting until the Transformation Programme has concluded.

- 5.4 The Board noted that the Minister for the Economy has approved the Agency's Business Plan for 2024-25. Monthly progress reports on implementation of the Plan will begin with effect from the June 2024 Board meeting.

Action: Chief Executive

- 5.5 The Chief Executive gave an update on the Agency's involvement in a number of industrial disputes. The Board endorsed a decision by the Agency to decline to facilitate two collective conciliations. These involve plans by two bodies to withdraw from established public sector pay arrangements; the decision was taken by the Agency on the basis of identified risks.

- 5.6 The Chief Executive reported that the Minister for the Economy has agreed to launch the Agency's research on 'Building a Business Case for Good Jobs' at an event in James House on 18 June 2024. Invitations for this have not yet been issued, pending confirmation by DfE that the event can proceed in light of constraints on public bodies during the General Election period.

Action: Chief Executive

- 5.7 The Board recognised the leadership shown by Business Support Manager Patrick Quigley for his work in securing improved compliance against the Customer Service Excellence standard at the annual surveillance audit in April 2024. The Board also expressed their appreciation to agency worker Brooke Winters whose customer-focused work had been commended by the assessor.
- 5.8 The Board congratulated Conciliation Officer Kellie Cooke on the coverage of her work in the Belfast Telegraph, and for recent positive customer feedback on a case she successfully conciliated.
- 5.9 The Board approved a proposal to sponsor the Mediation Institute of Ireland's annual conference, which is being held in Belfast (and for the first time ever in NI) on 18/19 October 2024.
- 5.10 The Board endorsed a decision by the Interim Director of Corporate Services and Equity, Diversity and Inclusion (EDI) Manager for the Agency to contribute to a Diversity Mark conference on 8 October 2024. This event will enable the Agency to reinforce the positive impact EDI has on employee engagement. Further information on the event will be shared with the Board.

Action: Interim Director of Corporate Services

6. Senior Leadership Team Review – Report and Next Steps

- 6.1 Richard Whalley from Beamans joined the meeting to brief the Board on the outcome of the review of the Senior Leadership Team's capacity and structure (paper BP04-05/24). The review was conducted in line with terms of reference agreed at the February 2024 Board meeting (paper BP05-02/24) and subsequently with the Agency's Trade Union Side.
- 6.2 The Board noted that there were a number of drivers for the review. These included: high level of ambition from key stakeholders for the Agency to further promote improvements in employment standards to support economic growth; forthcoming changes in employment rights; and expected increased demand for services in light of, for example, holiday pay conciliation. It was also noted that work pressures are not confined to the Director of Employment Relations Services; the Chief Executive and Director of Corporate Services posts are also impacted.

6.3 Following discussions with the Board Chair, SLT members and DfE, the review concluded that the SLT should increase its capacity from two to three Directors. The Board approved Option 1 to create a new Director post with specific responsibility for engagement and information. The SLT will develop a draft job description for the new post for approval at the August 2024 Board meeting. Thereafter, it will be subject to formal job evaluation by Beamans to confirm its weighting and pay grade.

Action: SLT

6.4 The Board noted that new post will involve the transfer of some duties from the two pre-existing Director posts, as well as relieve some pressure on the Chief Executive. However, in Beamans' view, the changes would not impact on the weighting of the posts and therefore it would not be necessary to submit the revised job descriptions, which will be shared with the Board, prior to job evaluation.

6.5 It was noted that, in due course, the Agency will seek additional funding from DfE for the new Director post.

6.6 Given the identified capacity issues within the SLT, it was agreed that this matter should be escalated for inclusion in the Corporate Risk Register for 2024-25.

Action: Interim Director of Corporate Services

7. Business Case for Temporary Additional Director Post

7.1 Pending implementation of the outcome of the SLT review, the Board approved a business case for the creation of a temporary additional Director post (paper BP05-05/24). The new 'Director of Programme Delivery' post will provide senior-level leadership to four business-critical projects, which are due to be implemented by March 2025.

8. Report on the Flexible Working Conference held on 14 March 2024

8.1 The Board noted the report on the Agency's flexible working conference, which was held on 14 March 2024 (paper BP06-05/24). The report's author, Scott Alexander, was commended for his work.

8.2 The report will be circulated to conference participants and published on the Agency's website, together with the speakers' slide decks and videos and photographs of the event. It will also inform an awareness-raising campaign to promote the benefits of flexible working practices.

Action: Executive Assistant

9. Unaudited Annual Report and Accounts for 2023-24

- 9.1 The Chief Executive presented the Agency's unaudited draft Annual Report and Accounts for 2023-24 (paper BP07-05/24) for review by the Board.
- 9.2 It was noted that the final audited version of the Annual Report and Accounts will be presented to the next Board meeting for approval. In the meantime, the Audit and Risk Assurance Committee will review the draft Report to Those Charged with Governance on the outcome of the NI Audit Office's audit at its meeting on 10 June 2024.

Action: Chief Executive/Interim Director of Corporate Services

10. End Year Assurance Report

- 10.1 The Chief Executive presented the End Year Assurance Statement for 2023-24, which he prepared for DfE in his capacity as the Agency's Accounting Officer (paper BP08-05/24), for noting by the Board.
- 10.2 The Board noted that the Assurance Statement includes a checklist of expected practice and an explanation of areas of non-compliance. The End Year Assurance Statement identifies two areas requiring action. One relates to a longstanding need for primary legislation to address a shortcoming in the Agency's founding legislation. The other is in respect of an update to the Memorandum of Understanding with the Office of the Industrial Tribunals and Fair Employment Tribunal, which will be progressed as soon as resources permit.

Action: Interim Director of Corporate Services

11. Board Effectiveness Self-Assessment

- 11.1 The Board noted the positive outcome of the annual Board effectiveness self-assessment exercise (paper BP09-05/24), which was the first involving those members appointed in September 2023.
- 11.2 The Chair thanked Board members for completing the self-assessment questionnaire. The results will be discussed at the forthcoming Board member appraisals.

Action: Chair

- 11.3 It was agreed to commission an external review of the Agency's governance arrangements and, if possible, include a facilitated discussion this as part of the programme for the Board's Strategy Day in September 2024.

Action: Chief Executive

12. Budget for 2024-25

12.1 The Interim Director of Corporate Services presented the Agency's budget for 2024-25 (paper BP10-05/24), which was approved by the Board.

12.2 The Board noted pressures on the Agency's budget caused by pay awards and a recent increase in employer pension contributions. The Agency will bid for additional funding as part of June Monitoring. The Board noted contingency plans in case sufficient additional funding is not provided.

13. Finance and Personnel Committee – Report on Meeting held on 7 May 2024

13.1 In the absence of the Committee Chair, Kevin McCabe presented the report on the Finance and Personnel Committee, which was held on 7 May 2024 (paper BP11-05/24), which was noted by the Board.

14. Any Other Business

14.1 There was no other business.

15. Review of the meeting

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

16. Date of Next Meetings

16.1 The draft agenda for the next Board meeting, which will be on 26 June 2024 was noted (paper BP12 03/24). It was agreed to add the draft programme for the Strategy Day to the agenda for this meeting.

Action: Executive Assistant

16.2 It was agreed to hold the August 2024 Board meeting in Derry/Londonderry at Ulster University's Magee Campus. The meeting will be followed by engagement event with Regional Office staff and local stakeholders.

Action: Executive Assistant

16.3 It was agreed to hold the Board Strategy Day on 26 September, with the September 2024 Board meeting moved to the following day. An external venue for the Strategy Day will be booked.

Action: Executive Assistant