

OD/HR Regional Negotiating Machinery	19th June 2018
Corporate Policy and Resources Committee	For Decision

Linkage to Council Strategy (2015-19)	
Strategic Theme	Innovation and Transformation
Outcome	Provides services in a more accessible and efficient way
Lead Officer	Head of Organisational Development and HR
Cost: (If applicable)	

1. Purpose

Following the creation of 11 new Councils in 2015 discussions have been held involving a number of Councils (including Causeway Coast and Glens Borough Council), the Local Government Staff Commission, the Labour Relations Agency and the 4 main unions in Local Government to explore the possibility to agreeing a negotiating framework to deal with a number of key priority issues on a collective basis.

2. Context and Background

The remit of the Interim Negotiating and Consultation Forum is outlined below:-

- Consider agreed issues listed in the attached draft document with a view to exploring the possibility of reaching joint agreements which may apply across the Councils which are involved in the Interim Negotiating and Consultation Forum;
- Consider HR policies on a collective basis with a view to reaching agreement.
- Consider any other issues which may be jointly agreed as the work of the Forum develops.

The forum have developed a draft document outlining the Agreed Operating Framework for the Forum. Council are being asked to consider that document and give approval for its adoption.

3. Recommendation

It is recommended that Council approve the Agreed Operating Framework for the Interim Negotiation and Consultation Forum.

INTERIM NEGOTIATING and
CONSULTATION FORUM
For
LOCAL GOVERNMENT

AGREED OPERATING FRAMEWORK

Spring 2018

CONTEXT FOR THE INTERIM NEGOTIATING AND CONSULTATION FORUM

1. Following the creation of 11 new Councils in 2015 discussions have been held involving a number of Councils, the Local Government Staff Commission, the Labour Relations Agency and the 4 main unions in Local Government to explore the possibility to agreeing a negotiating framework to deal with a number of key priority issues on a collective basis.
2. The Councils which have expressed an interest in exploring this concept further are listed in Appendix 3. It is noted that other Councils may voluntarily agree to being included at a later stage. The unions involved are also listed alphabetically in Appendix 3.
3. In January 2018 an initial informal meeting examined the potential for such a forum, considered in broad terms the benefits of such an approach, including a number of issues which may be suitable for joint discussion and possible agreement.
4. It is recognised that technically the Northern Ireland Joint Council for Local Government Services (NIJC) and the Joint Negotiating Committee for Chief Executives of Local Authorities in Northern Ireland (JNC) remain in place, although all sides recognised that their effectiveness and relevance over recent years could be improved.
5. The level of joint discussion and engagement between Local Councils and Unions outside of the Local Government Reform Joint Forum (LGRJF) has been minimal, with all discussions now taking place at local level. It is recognised that this often replicates work across many Councils, with repetitive debates and attempts to resolve difficulties.

6. In an effort to explore whether there were issues of mutual concern which could be considered on a collective basis it was agreed to initiate a process to contemplate setting up a forum to examine this in more detail.
7. It is important to emphasise that it is recognised by all sides involved in this process that the terms and conditions of Local Government employees are determined through National Joint Council negotiations and agreements and that nothing agreed in this local Interim Negotiating and Consultation Forum can in any way undermine those agreed NJC terms and conditions. It is recognised that a number of employees transferred to Councils under TUPE and the terms and conditions of those staff are therefore protected by TUPE legislation.
8. A list of those issues which may benefit from joint discussion and a collective agreed way forward is contained in Appendix 4.
9. It is accepted that the work of the Interim Negotiating and Consultation Forum will not in any way undermine the work undertaken on an ongoing basis at local level.
10. It is agreed that the Interim Negotiating and Consultation Forum will be revisited after 12 months to ensure its effectiveness, consider improvements and develop, if appropriate, a more formalised arrangement.
11. It is also acknowledged that the work of the Forum will adhere to Section 75 obligations, relevant Public Service Commission Principles and all LGRJF agreed policies which remain appropriate.

REMIT OF THE INTERIM NEGOTIATING AND CONSULTATION FORUM

12. The remit of the Interim Negotiating and Consultation Forum is outlined below:-

- Consider the issues listed at Appendix 4 with a view to exploring the possibility of reaching joint agreements which may apply across the Councils which are involved in the Interim Negotiating and Consultation Forum;
- Consider HR policies on a collective basis with a view to reaching agreement. (See Appendix 4).
- Consider any other issues which may be jointly agreed as the work of the Forum develops.

SCOPE

13. The Scope of the Interim Negotiating and Consultation Forum extends to all staff employed in Local Government covered by the participating Councils at this point, the 4 named unions and any further staff who may be transferred to Local Government in those participating Councils during the lifetime of the Forum.

VALUES

14. There is agreement from all sides that a commitment to industrial relations principles are firmly rooted in the process of reaching agreements.

The following values will underpin the working relationship between the members of the Interim Negotiating and Consultation Forum:-

- Mutual trust, honesty and respect
- Openness and transparency in communications
- Recognising and valuing the contribution of all partners
- Timely access and sharing of information
- Consensus, collaboration and inclusion with the aim of reaching agreed joint positions, where possible

- Maximising employment security
- Full commitment to good employment practice
- The right of stakeholders on each side to be involved, informed and consulted

OPERATING FRAMEWORK AND OPERATING ARRANGEMENTS

15. The Operating Framework and Operating Arrangements are outlined fully in Appendix 1 and Appendix 2 respectively.

COMPOSITION

16. It is acknowledged that in order to facilitate trust and relationship building an interim arrangement will apply in an effort to achieve maximum success and create the positive conditions for the consideration of broadening the remit and scope of the Forum.
17. In the interim the Forum will be chaired, at least in the initial period, by a representative of the Labour Relations Agency.
18. At this stage the Management Side will be represented by HR Managers from each of the participating Councils and representatives of the Solace Group, up to a maximum of 10 people.
19. At this stage Trade Union Side will consist of 2 representatives from each of the 4 unions.

REVIEW OF INTERIM NEGOTIATING AND CONSULTATION FORUM

20. A review of the operation of the Interim Negotiating and Consultation Forum will be carried out 12 months after its first meeting. This review will include the terms of reference, remit, scope, composition, effectiveness, participants, the

potential to develop agreed dispute arrangements and any shortfalls in the operation of the Forum in the preceding 12 months.

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APPENDIX 1 – OPERATING FRAMEWORK

RULES AND PROTOCOLS

All Members of the Interim Negotiating and Consultation Forum

21. The role of the representatives of each side is to ensure that the views of their constituent members are effectively presented in negotiations and discussions and where agreement is reached to ensure that this is implemented by all parties concerned.
22. Each side shall appoint a Side Lead and a deputy from amongst their respective Interim Negotiating and Consultation Forum members.
23. The Trade Union Side shall have 4 Joint Secretaries, one from each union and the Lead Trade Union Side Secretary shall be from the largest union. The 4 Joint Secretaries shall work closely together on all issues to ensure that the collective voice of Trade Union Side is maintained at all times.
24. The Side Leads role is to ensure timely responses to documents, agree minutes after consultation with respective colleagues, and agree agenda items for future meetings following consultation with colleagues.
25. Any agreed communications issued jointly will be signed by each of the 4 Trade Union Joint Secretaries as well as the appropriate Management Side representative(s).
26. The Lead Trade Union Side Secretary may, with the agreement of the other Joint Secretaries, issue correspondence on behalf of the 4 unions, representing a single voice

SUBSTITUTES

27. Any member may be represented at meetings of the Interim Negotiating and Consultation Forum by a substitute with full powers, provided that substitute has been properly appointed and notified to the 2 Side Leads, subject to the numbers outlined under “*Composition*” in the main document.

SUB-GROUPS

28. The Interim Negotiating and Consultation Forum may establish sub-groups as required. These sub-groups will report to the Interim Negotiating and Consultation Forum. Management Side will be entitled to up to 4 members in any sub-group. Each union will have one member each, entitled to attend.
29. The quorum for sub-groups shall be 2 from each side.
30. From time to time it may be agreed that individuals with specialist knowledge attend sub group meetings who are not members of the Interim Negotiating and Consultation Forum, provided they serve only in a consultative capacity.

VACANCIES

31. Each side shall be responsible for appointing new members for any vacancies which may arise.

CONFLICTS OF INTEREST

32. It is not anticipated that conflicts of interest will arise, but where it does, the individual member has a personal responsibility to declare that and take appropriate action. The 2 Side Leads shall be consulted as necessary.

AGREEMENTS

33. As the work of the Interim Negotiating and Consultation Forum develops it is anticipated that greater clarity shall be required on what happens when agreement on a particular issue is reached. Individual Unions will need to agree their own positions before a collective union position is adopted. In the initial stages Joint Agreements reached shall be categorised in one of the following ways:-

- (i) Guidelines to be issued to the participating Councils as good practice;
- (ii) Interim agreement reached, subject to individual Council deliberation and approval;
- (iii) Interim agreement reached, with a clear joint recommendation supporting its adoption from the Interim Negotiating and Consultation Forum included for Council agreement.

34. In the period ahead further consideration will be given to drawing up a set of proposals for Councils to consider, which would empower Council officials to reach agreement at the Negotiating Forum, within certain parameters, without the need to seek Council agreement in each and every occasion.

DISAGREEMENTS

35. In the absence of agreement on any particular issue this would be referred back for local consultation within each Council.

36. It is envisaged that over time there will be a need to consider this issue in more detail in the context of a more formal and permanent Negotiating Forum.

APPENDIX 2 – OPERATING ARRANGEMENTS

INDEPENDENT FACILITATOR/CHAIRPERSON

37. The Interim Negotiating and Consultation Forum shall be chaired, at least in the initial stages by a representative from the Labour Relations Agency.
38. It is envisaged that the Chairperson will facilitate effective and efficient use of time allocated to meetings. They will also foster and encourage positive engagement from all sides, in line with good industrial relations practice.
39. Should any issues of dispute arise the Chairperson may seek to engage with the Side Leads in an effort to resolve the situation.
40. This arrangement shall continue until such times that an alternative has been jointly agreed by all sides.

SECRETARIAT

41. The situation regarding a secretariat shall not be determined at this stage, but may form part of the discussion as the Interim Negotiating and Consultation Forum develops or at the review stage as it is recognised that resourcing is an important consideration.
42. In the meantime each side shall be responsible through the Side Leads for agreeing agenda items, issuing the agenda, arranging dates for meetings and issuing papers for discussion.
43. Agreement will be reached at the initial meeting of the Interim Negotiating and Consultation Forum in respect of the arrangements for taking minutes and circulating agreed action points at meetings. **It was agreed that approaches would be made to the Local Government Staff Commission to explore the possibility of obtaining administrative assistance in the short term.**

44. A schedule of meetings will be agreed at the initial meeting of the Interim Negotiating and Consultation Forum to cover the first 6/12 months(?).

QUORUM

45. As there will be no formal voting at this stage within the Interim Negotiating and Consultation Forum the issue of a quorum is more a question of a sensible approach to business. On that basis a quorum will consist of at least 50% of unions being present and 50% of Councils represented.

SIDE MEETINGS

46. Side meetings shall be facilitated prior to the main Interim Negotiating and Consultation Forum meetings and any sub-group meetings which may be arranged.

CONDUCT AT MEETINGS

47. Meetings will be conducted at all times in a courteous and professional manner. Even when robust exchanges may occur from time to time these will always be conducted in a respectful way. The Chairperson shall have the authority to intervene, as he or she sees fit and may discuss any matter with the Side Leads if so desired.

DISCLOSURE OF INFORMATION

48. Disclosure of information will, as a minimum, be in accordance with the Labour Relations Agency's Code of Practice on Disclosure of Information to Trade Unions for Collective Bargaining Purposes issued in November 2006.

DECISIONS

49. All decisions of the Interim Negotiating and Consultation Forum will be issued to each constituent group, signed by the appropriate Leads, clearly outlining the status of the agreement or decision made.

EXPENSES

50. Except where otherwise agreed by the Interim Negotiating and Consultation Forum, each Side shall be responsible for their own expenses. Should local representatives attend the Interim Negotiating and Consultation Forum or any of the sub-groups the usual agreed local arrangements will apply.

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APPENDIX 3

PARTICIPATING COUNCILS (IN ALPHABETICAL ORDER)*

Ards and North Down

Armagh, Banbridge and Craigavon

Causeway Coast and Glens

Derry City and Strabane

Fermanagh and Omagh

Lisburn and Castlereagh

Mid Ulster

Newry, Mourne and Down

* This list may be added to at a later point

TRADE UNIONS INVOLVED (IN ALPHABETICAL ORDER)

GMB

NIPSA

SIPTU

UNITE

APPENDIX 4

ISSUES TO BE CONSIDERED BY INTERIM NEGOTIATING AND CONSULTATION FORUM

1. Job Evaluation

The nature of discussions would include consideration of and agreement on:-

- a) Local conventions
- b) A consistent approach to dealing with job evaluations (including individual requests); and
- c) Job Evaluation Appeals mechanism

2. Local Government Reform issues including TUPE

Discussions would involve consideration of how Councils progress differences in terms and conditions and other ongoing Local Government Reform issues e.g. the status of previous LGR guidance documents and circulars such as vacancy control, filling posts procedure etc.

3. Employment Policies

Development of model employment policies and model Local Industrial Relations Frameworks for implementation locally within Councils

4. Government Policies

Developing a representative response to Government consultations on behalf of the respective organisations.

*** Other issues may be included as the work of the Forum develops**