

**MINUTES OF PROCEEDINGS OF A MEETING OF THE BOARD HELD ON WEDNESDAY, 10 OCTOBER 2007 AT 2.30 PM IN THE BOARD ROOM**

**1. PRESENT** Mrs M E Donnell (Chairperson)

Councillor P Brannigan	Mrs C M McCaul
Mrs S R Brownlee	Mr A McCreesh
Rev J Byrne	Councillor J McCrum
Mr M P Campbell	Rev Canon J McKegey
Dr P Cunningham	Councillor S McRoberts
Councillor B Curran	Very Rev L M McVeigh
Mr P Gildea	Councillor M Murphy
Councillor J Hanna	Professor P Murphy
Councillor R A Harkness	Mr A G Sleator
Dr M Hollinger	Rev D Somerville
Mr C Mackin	Mr J K Twyble
Mrs M M Magennis	Councillor Dr P A Weir
Mr W Mayne	Mrs E Wright
Councillor P P McAleer	

**2. IN ATTENDANCE**

Mrs H M McClenaghan, Ms J Blair, Dr C Mangan, Messrs R Bullick, G Butler, T Heron, P Keating, P Mackey, R McGreevy, T Murphy and Mrs L McCall.

**3. TRIBUTE TO THE LATE COUNCILLOR F DAWSON**

The Board stood in silent tribute in memory of the late Councillor Dawson.

**4. APOLOGIES**

Apologies were received from Mr P H Aiken and Councillor I E B Hanna.

**5. APPOINTMENT OF OFFICERS**

Mrs McClenaghan advised that the posts contained within the report were replacement posts. It was agreed that the report\*\* (B/10/07/2) prepared by the Head of Human Resources be adopted.

*(Councillor J Hanna entered the meeting at 2.38 pm.)*

**6. BOARD MEETING : MINUTES OF MEETING HELD ON 12 SEPTEMBER 2007**

On the proposal of Mr McCreesh, seconded by Mrs Brownlee, the minutes\* (B/9/07/3) of the meeting held on 12 September 2007 were approved as an accurate record and were signed by the Chairperson and the Chief Executive.

## **7. MATTERS ARISING FROM THE MINUTES**

### **7.1 TEACHING APPOINTMENTS COMMITTEE : MINUTES – MARKING SCHEME (6.4)**

Mr Keating advised that he had discussed the marking scheme at a meeting of the Inter-Board Human Resources Managers. He outlined the approach taken by the Western Education and Library Board in relation to its marking scheme.

It was proposed by Councillor Harkness, seconded by Rev Canon McKegney, and agreed that the Board would adopt the revised marking scheme enabling greater flexibility within the banding, as used by WELB. It was noted that the other three Boards would continue to use the current scheme.

*(Mrs Magennis entered the meeting at 2.43 pm.)*

### **7.2 JOINT CHILDREN & YOUNG PEOPLE'S COMMITTEE : MINUTES – MEETING WITH HEALTH TRUST (6.7)**

Dr Mangan reported that a meeting between Mr B Dornan, Director of Children's Services, SHSST, Mrs G Maguire, Assistant Director of Children's Services, SHSST, Mrs Brownlee and her had taken place on 27 September 2007 to discuss issues relating to the statutory assessment process. She stated that various measures had been considered in relation to receiving more timely advice from schools as well as from professional advice givers. She advised that she would be meeting Mrs Maguire to develop the proposals in greater detail and that a Children & Young People's Health / Education Partnership would be established to enable some of the wider range of operational issues to be dealt with at a strategic level. Dr Mangan extended appreciation to Mrs Brownlee for setting up the meeting.

Mr Sleator enquired if a Service Level Agreement had been discussed at this meeting. Dr Mangan stated that while a SLA had not been considered, it could be raised at future meetings.

## **8. CHAIRPERSON'S BUSINESS**

### **8.1 WELCOME**

The Chairperson welcomed Councillor Mick Murphy from Newry and Mourne District Council.

### **8.2 RESIGNATION OF COUNCILLOR B MONTEITH**

The Board noted that the Department had been advised by Dungannon & South Tyrone Council that Councillor Monteith had resigned as a member of the Board and that Councillor Phelim Gildernew had been nominated to replace him. It was agreed that Mrs McClenaghan would write to Councillor Monteith to express gratitude for his valuable service to the Board.

*(Councillor Weir entered the meeting at 2.49 pm.)*

### **8.3 INVITATION TO MINISTER FOR CULTURE, ARTS AND LEISURE (6.3)**

The Chairperson stated that Mr Poots was unable to visit the Board on 1 November 2007. However, endeavours were being made for a visit on 12 December 2007 to coincide with the Board meeting.

#### **8.4 DELEGATION TO MEET WITH THE DCAL COMMITTEE OF THE ASSEMBLY ON 13 SEPTEMBER 2007**

The Board noted that the Chairperson of the Board, the Chairperson and Vice-Chairperson of the Library Committee, the Chief Librarian and the Assistant Chief Librarian had met the DCAL Committee on 13 September. Mr Mayne stated that delegations from the five Boards had been received by the Committee on that day; SELB had been the last to make its presentation which had raised concerns relating to the budget set aside for the first year of the new Library Authority, the issue of rurality within SELB and its high immigrant population.

#### **9. CLASSROOM ASSISTANTS – JOB EVALUATION**

The Chairperson stated that she had agreed to a request from Ms A Millar, Assistant Secretary, Northern Ireland Public Service Alliance (NIPSA) to address the Board.

The Board noted the papers\*\*: NIPSA letter dated 17 September detailing notice of a ballot result and of the intention to induce industrial action; DE press releases dated 8 October and 9 October; a five Board statement on 8 October; a press release from the ATL Trade Union dated 9 October recommending acceptance of the revised employers' offer and copies of web pages taken from the UNISON and GMB Trade Unions' websites outlining the current position.

*(Councillor Curran entered the meeting at 3.03 pm.)*

Messrs Heron and McGreevy outlined the position as follows:

- Terms and conditions of staff were required to be considered initially by the JNC Executive Committee (comprising a representative from each Board, Mr R McGreevy (Management Side Secretary) and four full-time Trade Union officials). Following substantial agreement at this forum issues proceeded to the JNC Full Council (comprising members of the JNC Executive Committee, Trade Union representatives from Boards and Board members). No negotiation on terms and conditions could take place outside this agreed mechanism.
- The job evaluation scheme, in place since 1995, had been agreed with the Trade Unions at that time.
- The job evaluation process for Classroom Assistants was scheduled to begin in 2002; slow progress had been made since then.
- Single status was agreed for all non-teaching staff in 2003 with the intention that all staff would move to a 36 hour working week; agreement was reached with the four non-teaching Trade Unions. Classroom Assistants had been overlooked at that time by both Management and Trade Unions.
- In February 2007 Trade Union agreement was obtained to the three generic job descriptions for Classroom Assistants. The three agreed job descriptions were evaluated on to three different existing grades. All grades within the Board had an established salary.
- Job evaluation was estimated to give arrears to 40%-50% of Classroom Assistants at a cost of £25.2m. This formed the basis of the initial offer to the Trade Unions.
- This offer was rejected by the four Trade Unions who said Classroom Assistants had historically had a salary based on 32.5 hours and not 36 hours.
- The Boards took legal advice and estimated arrears on the basis of 32.5 hours; arrears costs rose substantially. Legal advice was that if the Board was to pay different hourly rates for jobs graded equally it could give rise to substantive equal

pay claims and sex discrimination cases. All employees on the same grade were required to be paid the same hourly rate.

- The Boards contacted the Association for Public Service Excellence (APSE) to undertake a benchmarking exercise of all Classroom Assistants in the UK; APSE advised that ELB Classroom Assistants were among the highest paid in the UK and in general enjoyed better terms and conditions than their counterparts elsewhere.
- In summer 2007 the Boards advised that pay protection would be in place for Classroom Assistants whose salaries would not increase following job evaluation, ie no pay cut for any Classroom Assistant currently employed. Subsequently, the Boards agreed to improve on these arrangements and offered full protection, ie where a Classroom Assistant would move between schools to a lower grade they would be protected during the period of the Minister's Review. Boards also advised that the fullest protection was in place for pensions.
- The Trade Unions raised issues relating to qualifications, the development of a totally new pay structure for Classroom Assistants and career development.
- As Boards could not move away from the 36 hour divisor rate, the Boards' legal advice was shared with the Trade Unions. The Trade Unions obtained their own legal advice which generally concurred with the advice given to the Boards. The NIPSA barrister spoke to the Boards' senior counsel and raised an issue relating to material factor defence. The Boards' senior counsel did not recommend this course of action.
- On 24 September the Minister for Education issued a statement asking Boards to address the outstanding issues and implement the outcome of the job evaluation scheme. Senior counsel advice was sought on imposing the job evaluation scheme outcome against the opposition of Trade Unions.
- Clear advice was given that if Boards were to impose the scheme unilaterally on the basis of a 36 hour divisor it could be seen as a breach of contract.
- Boards took the view that a compromise was to buy out the terms and conditions of Classroom Assistants. This approach was discussed with the Trade Unions on Tuesday, 25 September 2007. All four Trade Unions asked for more details.
- A rationale for the buy out was considered. The Boards calculated the amount of arrears from 1995 – 2003 (the date Single Status was implemented for all non-teaching staff) on a 32.5 hour divisor and came up with arrears amounting to £15m. Permission was sought from DE for the payment of these additional monies. DE agreed that the Boards could make the offer of £15m (additional to the £25.2m monies set aside for job evaluation arrears) for buying out the terms and conditions subject to a business case being submitted and approved by DFP and monies being found initially within the Education Block Grant.
- Board representatives met the Minister for Education and received permission to put the offer of a buy out of historical terms and conditions for Classroom Assistants to the Trade Unions.
- The best and final offer was made to the Trade Unions on Friday, 28 September. All Trade Unions were to consult their members on the improved offer amounting to £15m.
- NIPSA requested the release of a number of Classroom Assistants to attend a panel meeting on Monday, 1 October; this was agreed.
- Boards were disappointed to learn in newspaper reports on the morning of 1 October that NIPSA had rejected this offer at some stage between the meeting on Friday, 28 September and the meeting with its members on Monday, 1 October.
- Board representatives met with the Trade Unions on Tuesday, 2 October to obtain feedback on the offer. Three Trade Unions recognised that the offer was

substantially improved and agreed to put the offer to their members in ballot. NIPSA rejected the offer outright.

- The JNC Executive Committee met on Wednesday, 3 October to agree the means of distributing the £15m to Classroom Assistants in a fair and equitable way; NIPSA did not attend.

Mr McGreevy stressed that all discussions relating to terms and conditions of staff had to be considered through the agreed collective negotiating machinery, ie the JNC Executive Committee and the JNC Full Council. The current position was that three of the four Trade Unions were consulting their members on the final offer and the Board could not negotiate with NIPSA on an individual basis as this would undermine the position of the other three Unions. He stated that the Boards had called on NIPSA to ballot all its members.

*The Chairperson advised that she would be attending a meeting that afternoon with the Minister for Education and the Chairpersons of the Education bodies. Mrs Donnell left the meeting at 3.25 pm. Rev Fr Byrne presided as the Chairperson for the remainder of the meeting.*

The Presiding Chairperson welcomed Ms A Millar, Ms I McSheery and other NIPSA members and parent representatives to the meeting and invited Ms Millar to address the Board.

Ms Millar thanked the Board for granting speaking rights. She stated that over 3,000 NIPSA Classroom Assistants were on strike and requested the five Boards to consult with NIPSA to avert further serious industrial unrest. She highlighted the following issues:

- The final revised offer made on Friday, 28 September was rejected by NIPSA members at its meeting on Monday, 1 October.
- NIPSA meetings held on 2 – 4 October addressed two issues: the offer tabled on 28 September and the strategy of all out strike action to commence on 8 October. This action was communicated to the JNC Executive Committee on 2 and 3 October. Since then Management Side had refused to engage with NIPSA to resolve the dispute.
- The statutory industrial action ballot identified over 93% of NIPSA Classroom Assistant members voting to take strike action over a sustained period.
- NIPSA wished the following issues to be resolved:
  - *The proposals to change how pay is calculated.*  
NIPSA believed that, as in any equal pay case, the Boards could exercise the material factor defence argument. Classroom Assistants were unable to work more than 32.5 hours a week. The current proposal meant that Classroom Assistants would be required to take a cut in pay by between 11% - 20% as they could not work more than 32.5 hours a week.
  - *The removal of the special needs allowance.*  
NIPSA wished the Boards to continue to pay the special needs allowance to all Special Needs Classroom Assistants.
  - *The refusal to accept NVQIII as an appropriate level of knowledge and skills in the job evaluation exercise.*  
NIPSA was seeking to have NVQIII recognised in the job evaluation scheme for Classroom Assistants (without special needs). Boards required only NVQII. NIPSA contended that Boards could actively contribute to the raising of standards in schools and the Minister's 0-7 strategy by recognising this qualification.

Ms Millar stated that after rejecting the buy out proposal NIPSA Classroom Assistant members reaffirmed their position by passing a formal motion that they would stay out on strike until a fair and acceptable offer was put on the table. She stated that NIPSA was available to engage in consultations with the Boards and requested the Board to actively engage with the Labour Relations Agency with a view to resolving the dispute. Mrs McClenaghan confirmed that the Boards could not involve the Labour Relations Agency at this stage as they were required to facilitate the other three Trade Unions consulting with their members during the ballot process.

Board Members, who were also Principals of schools in the Board's area, drew attention to the value and high regard held for Classroom Assistants in their schools. They highlighted the suffering of children in this dispute and the stresses within families, particularly those with children with special educational needs. Members acknowledged the efforts of the Boards to date to resolve the dispute and urged all parties to progress the issues as soon as possible.

The Presiding Chairperson thanked the delegation for their attendance and they withdrew from the meeting.

*(Rev Mr Somerville left the meeting at 4.25 pm.)*

## **10. REVIEW OF PUBLIC ADMINISTRATION – POLICY PAPERS**

### **10.1 POLICY PAPER 21 : SECTORAL SUPPORT POST-RPA**

The Chairperson drew attention to Policy Paper 21\* (B/10/07/7.1) and advised that it would receive consideration at the November meeting of the Board.

### **10.2 ANALYSIS REPORT : SUMMARY OF RESPONSES TO STAKEHOLDER COMMENTS ON THE HIGH LEVEL POLICY PAPERS DECEMBER 2006 – JANUARY 2007**

The Board noted the report\* (B/10/07/7.2) detailing the summary of responses to stakeholder comments.

## **11. DEVELOPMENT PROPOSAL AS TO PRIMARY (INCLUDING NURSERY) AND SECONDARY EDUCATION NO 216 : POST-16 PROVISION AT DROMORE HIGH SCHOOL**

Mrs McClenaghan reported that a letter dated 17 September 2007 had been received from DE advising that the Minister had not approved the proposal that post-16 provision should be established at Dromore High School. Mr Butler outlined the reasons stated as follows:

- Collaborative arrangements with other schools and the further education colleges were not yet definite and provisional service level agreements had not been drawn up and agreed by all partners with regards to specific provision of courses and their geographical locations;
- While the proposal indicated that a mix of vocational and academic courses would be provided by Dromore High School it failed to show what courses would be available at the school and that these would not be duplicated locally and how their collaboration with other schools and FE colleges would operate; and
- It was unclear how Dromore High School would propose to deliver suitable course provision for pupils seeking vocational type courses.

Mr Butler outlined issues relating to the purchase of a new site and discussions with the Southern Regional College in relation to facilitating collaborative arrangements for Dromore. He stated that he had requested a meeting with representatives from Development Branch in DE and the ETI Inspectorate to clarify whether there was merit in the Board submitting a revised proposal in the absence of a policy on education and training for 14-19 year olds.

*(During discussion of this matter Mr McCreesh left the meeting at 4.30 pm, Dr Cunningham and Councillor Curran left at 4.33 pm, Mr Mackin, Mrs Magennis and Councillor McAleer left at 4.35 pm and Councillor Murphy left at 4.36 pm.)*

## **12. JOINT EDUCATION COMMITTEE : MINUTES**

Mr Campbell reported that SELB and WELB teachers who had been recognised in the Teaching Awards 2007 had been invited to meet the Committee. He drew attention to ongoing work in relation to the Entitlement Framework, the summary given on the findings of the Chief Inspector's Report 2004-06 and stated that Committee members were invited to request items to be placed on the agenda.

It was proposed by Mr Campbell, seconded by Mr Twyble, and agreed that the minutes\* (E/9/07/9) of the meeting held on 27 September 2007 be adopted.

*(Councillor Weir left the meeting at 4.42 pm.)*

## **13. JOINT CHILDREN AND YOUNG PEOPLE'S SERVICES COMMITTEE : MINUTES**

Mrs McCaul drew attention to the opportunity in the near future to establish a SELB / WELB Steering Group to develop the management and outworking of the Critical Incident Response Teams. She highlighted the ongoing training in relation to child protection issues and the complimentary ETI report on the quality of provision of pupils in nine Autism Specific Classes in the SELB. Mrs McCaul referred to concerns expressed in relation to the FE strategy document "Further Education Means Business" and its implications for young people accessing level 1 skills programmes.

It was proposed by Mrs McCaul, seconded by Very Rev Fr McVeigh, and agreed that the minutes\* (CYPS/9/07/10) of the meeting held on 27 September 2007 be adopted.

## **14. FINANCE COMMITTEE : MINUTES**

Mrs Wright reported that Boards had been required to redraft the format of the Annual Accounts to show a change in treatment of capital funding which was drawn down from sponsoring departments. She stated that DFP might not approve all End Year Flexibility allocations in the current year and that some EYF monies might be carried over for allocation in future years. She advised that the Board was on track to meet its financial targets for 2007/08 which was to contain expenditure within the accrued limits approved by the three Departments in the Resource Allocation Plans.

It was proposed by Mrs Wright, seconded by Mr Twyble, and agreed that the minutes\* (F/9/07/11) of the meeting held on 28 September 2007 be adopted.

**15. SCHOOLS AND SERVICES COMMITTEE : MINUTES**

Councillor McRoberts outlined discussion relating to the meeting of the Advisory Sub-Committee held on 21 June 2007, the presentation given on the initial strategic approach paper on Reshaping the Schools' Estate and the findings of the best value review of building cleaning.

It was proposed by Councillor McRoberts, seconded by Councillor Brannigan, and agreed that the minutes\* (SS/9/07/12) of the meeting held on 20 September 2007 be adopted.

**16. LIBRARY COMMITTEE : MINUTES**

Mr Mayne stated that the Chief Executive Designate of the new Library Authority was being invited to attend the Library Committee on 21 November. He advised that he had attended the launch of the 'One Book' project featuring 'The Boy in the Striped Pyjamas' by the Irish author John Boyne on behalf of the Committee.

Mr Mayne drew attention to some amendments in the minutes; the date of the meeting should be Tuesday, 18 September 2007, the finish time had been 4.20 pm and the reference of the tribute to the late Councillor Dawson should have been recorded at the start of the meeting. Subject to these amendments, it was proposed by Mr Mayne, seconded by Mr Campbell, and agreed that the minutes\* (L/9/07/13) of the meeting held on 18 September 2007 be adopted.

*(Councillor Brannigan left the meeting at 4.58 pm.)*

**17. MEMBERSHIP COMMITTEE : MINUTES**

The minutes\* (MC/9/07/12) of a meeting held on 12 September were noted.

The meeting ended at 5.00 pm.

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**CHAIRPERSON**

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**CHIEF EXECUTIVE**

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**DATE**

\* Paper circulated

\*\* Paper tabled

12 October 2007

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