

Mr S McAteer
Clerk
Northern Ireland Assembly
Committee for Finance and Personnel
Parliament Buildings
Stormont Estate
BELFAST

31 August 2011

Dear Mr McAteer

COMMITTEE FOR FINANCE AND PERSONNEL
NICS EQUAL PAY

Further to our telephone conversation I am attaching a briefing to the Committee on some outstanding matters relating to the NICS equal pay settlement.

I have read the Hansard report of the Committee's session on 22 June 2011 at which Officials from the Department of Finance and Personnel gave evidence. There are a few points within that report which NIPSA wish to comment upon to supplement the detail of our briefing paper. The points are as follows:-

1. On Page 6 the Official suggested that the Court Service was an associated body of NIO. This is not accurate as the former NI Courts Service was an separately constituted "civil service" and not part of the NIO or NICS.
2. In relation to the penultimate and final paragraphs on page 6, DOJ/former NIO and PSNI staff do not believe it is a matter of "*I would like some of that too*". Our members in those areas and NIPSA believe they have an entitlement to the full terms of the equal pay settlement. NIPSA has not accepted the position adopted by NICS Management on the separate source of pay point which is the basis of pursuing the breach-of-contract County Court action.
3. Reference is made on page 7 to NIPSA sponsoring a number of breach-of-contract cases – not equal pay cases. For clarity the equal pay points were addressed in the terms of settlement – the issue now is about its application and the status of (former) NIO/PSNI staff in that regard, which forms the basis of the breach-of-contract.
4. The response by the Official to Mr Bradley's question on page 10 is extremely misleading. The example of comparing himself to an employee of the Health Service is correct for the reasons given and the fact that Health Service staff are not NI civil servants. However, NIO/PSNI staff were NI civil servants enjoying the same (largely same) pay, terms and conditions of service. While NIO did have a

separate pay and grading structure it was still bound to DFP approval and as stated NIO/PSNI staff held the status of NI civil servants.

5. In relation to the points made on page 11, there are questions to be raised about the claimed pay delegation to the PSNI and if it had been rescinded. In any event the Social Security Agency (SSA) has a pay delegation (and had at the time of the equal pay negotiations/settlement). The staff of the SSA received the full terms of settlement, without questions being raised by NICS Management. The SSA never exercised its pay delegation actively i.e. it never undertook separate pay negotiations and simply mirrored the settlements negotiated by NIPSA through the Central Whitley negotiating machinery. PSNI was no different in this regard.
6. Also on page 11 reference is made to PSNI making a business case. NIPSA understand PSNI did present a business case to its now sponsoring body, DOJ, which was considered, and given the current position presumably rejected, by DFP. This could hardly be described as at the 22 June 2011 session by stating *"There is no philosophical objection, in principle, on the part of DOJ or, indeed, on the part of DFP, which is totally agnostic in the matter,"* If this is true why are public funds being expended on defending the County Court action NIPSA has been forced to take?
7. In dealing with the points raised by Mr McLaughlin relating to retired civil servants as reported on page 16, a statement was made that equal pay as an issue only crystallised after NIPSA lodged its claims. NICS Management was aware of the equal pay issue since it published its Pay and Grading Review report in 1999. The comparison with the group of technical grades related to those grades right across a number of NICS Departments and not merely what was referred to as MOT centres.

I hope that the briefing and additional points in this letter are of assistance to the Committee in its deliberations on this matter.

Yours sincerely

KIERAN BANNON
Assistant General Secretary

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