

**From the Office of the  
Minister for Finance & Personnel**

Conor Murphy MP MLA  
Chairperson  
Committee for Finance & Personnel  
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Your reference:

Our reference: COR/42/2012

*Dear Conor*

23 March 2012

Thank you for your letter of 20 January concerning the NICS equal pay settlement. You have asked that the Committee is kept informed of pending civil cases concerning the exclusion of PSNI civilian staff, NIO secondees and retired NICS staff and I have instructed my officials to provide any relevant updates as appropriate. At present my officials have engaged legal Counsel to prepare to defend against civil claims for breach of contract which are being brought by NIPSA on behalf of a number of staff who formerly were on secondment from the NICS to the NIO and PSNI. Those cases are currently scheduled for hearing in the County Court from 26 March 2012 and they will be robustly defended.

You also asked whether the Court of Appeal decision in the case of Abdulla v Birmingham City Council would have implications for residual equal pay issues. We are currently examining that decision and what, if any, potential impact it might have on the equal pay settlement. However, it remains the case that the six month time period used as a frame of reference for the settlement has a firm legal basis. The Industrial Tribunal in Northern Ireland has already ruled that equal pay claims brought by two civil servants who retired prior to August 2008 could not be heard as they were outside the time limits for consideration of such claims. Therefore I see no reason to amend the equal pay settlement as negotiated and agreed with NIPSA.

Finally, you reiterated your previous request for an estimate of the cost of including PSNI staff, former NIO secondees and retired staff in the settlement. I am currently considering this request and whether any estimates produced could be sufficiently robust taking into account a number of complex factors, including uncertainties around the relevant period relating to retired staff, the potential impact of the pending civil bills and the fact that the lump sum

settlement was based on NICS pay scales whilst secondees to the NIO were on different pay scales.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sammy Wilson', written in a cursive style.

**SAMMY WILSON MP MLA**