



Northern Ireland
Assembly

Committee for Finance and Personnel

OFFICIAL REPORT (Hansard)

Flexible Working Inquiry: NIPSA

4 December 2013

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Daithí McKay (Chairperson)
Ms Michaela Boyle
Mr Leslie Cree
Mr Paul Girvan
Mr John McCallister
Mr Ian McCrea
Mr Adrian McQuillan
Mr Peter Weir

Witnesses:

Mr Kieran Bannon	Northern Ireland Public Service Alliance
Mr Billy Lynn	Northern Ireland Public Service Alliance

The Chairperson: I welcome to the Committee Kieran Bannon, assistant general secretary, and Billy Lynn, the chairperson of the Civil Service group executive. Please make a brief opening statement, and then we will go straight into questions.

Mr Kieran Bannon (Northern Ireland Public Service Alliance): Thank you very much for the opportunity to give evidence to the Committee. Members have our paper. I apologise for our lateness in getting that to you. We were trying to pick up on some of the evidence that had already been presented to the Committee in order to focus in on particular issues.

Although we can understand a management-orientated approach to looking at areas such as flexible working, and the advantages that can be gained from it in a raft of different ways, we recognise that advancing technologies should be adopted and used in the public sector, including the Civil Service, in Northern Ireland. However, that has to be married with the benefit to employers and individual workers. Therefore, when consulting or negotiating with employers across the public sector, much of what we do is aimed at ensuring that the balance is struck and that flexible working is not introduced in such a way that it diminishes the terms and conditions that we have built up over years for our members.

Of course, there are many issues that we have taken forward with the Civil Service and public services under the banners of "work/life balance" and "family-friendly policies". Indeed, if you listen to the advertising blurb on radio or TV when the likes of the Civil Service is recruiting, great play is made of term-time working and flexible working arrangements. However, we have not had an easy course in advancing such policies. In fact, we have ended up in industrial tribunals trying to gain access to term-time working, for example, although it is a policy under flexible working facilities in the Civil Service. We did not always enjoy that.

After listening to the Assembly researcher, I think that there is certain resistance at management level and in some sectors of senior management. In our paper, for example, we mention that we spent considerable time negotiating a homeworking policy with officials, but it was never put on to the HR Connect system, which is used to advertise jobs. If we agree something, it is put on to the human resources portal, but after the negotiations concluded on homeworking, it did not appear on the portal, and, in fact, it never did. That is as far back as 2009. We have never been given an explanation, but officials could give an explanation to the Committee when they appear before it. We do not necessarily agree with everything that is said about homeworking. There is no evidence available. We have asked for evidence about homeworking because the claim made to us was that it operates on an informal, ad hoc basis. We know that to be the case, but it is not quantifiable. We are told by corporate HR that individual Departments do not hold information on the number of staff who avail themselves of homeworking. Anecdotally, we would say that it is a privilege of rank and does not apply more widely. In general terms, we have cited a number of existing policies on flexible working. From our perspective, an option such as homeworking does not necessarily work best when part of an overall policy. Rather, it works better as part of a menu of options available under the umbrella of "flexible working arrangements", which can be chosen at any time when there is an appropriate need for a particular type of flexible working. As I said, there are a number of such facilities.

Homeworking or teleworking, as it is also referred to, has a number of benefits, not just for the employer but for the individual. Look at, for example, difficulties with "reasonable adjustments" in the case of a disabled worker. Rather than facilitating a reasonable adjustment in an office situation, a disabled worker's home may be adapted, so it is simply a matter of getting the appropriate technologies in place. The Committee is always interested in sick absence. Teleworking, as part of flexible working arrangements, can also bring a benefit through encouraging people back to work, rather than employers taking the big-stick approach to sick absence. Of course, you have to look at each individual set of circumstances. So we can see a range of benefits. However, in our discussions with the Civil Service, we picked up on some issues. One that was mentioned a few moments ago is the isolation of individuals. We have also raised issues about how people are managed from a performance and development perspective. In an office situation, a person can be developed to a greater extent. All those issues need to be addressed.

Homeworking was not introduced in the Civil Service despite the fact that we had entered into an agreement with the Civil Service on that. We understand that it was a decision taken at a very senior level in the Department of Finance and Personnel. Reasons for that decision were given to the Committee by officials in February, but we do not necessarily hold that all of those circumstances are evident in every case, so we need to look at that.

We do not suggest that homeworking or teleworking is necessarily suitable for every functionality in an employer the size of the Civil Service or public sector in Northern Ireland. A box clerk in a Social Security Agency office is not necessarily able to avail himself of teleworking or homeworking, but those in other facilities can. Over the years, a number of such arrangements have been in place in the Civil Service. In particular, some inspectors work from home and are headquartered locally — in other words, there is an official building to which they have to report on certain occasions and at certain times. So such facilities already exist.

An issue that came up at an earlier Committee evidence session with civil servants and others was the potential for staff to use their personal computer facilities on behalf of the employer. We do not advocate that at all. It is partly a governance issue. We see it, in some respects, as a Department moving away from corporate responsibility and placing more responsibility on an individual. Such a situation is prone to lead to, for example, disciplinary action, if proper procedures and security arrangements for IT systems are not in place. No doubt, those issues could be overcome. We support having hubs, for example. There is already some facility in the Civil Service whereby staff can call into a hub when out on business rather than having to travel back to the office. That is efficient from a number of perspectives: time, travel and a potential reduction in travelling costs, which are currently paid in a number of instances to staff on official business. So the hub facility can make better use of an individual's time.

We have some concern about IT. We make the point that we should keep up with technologies, but our experience of systems in the Civil Service has not been good. DSD, one of the largest Departments, has had major problems with the IT systems introduced there over the years. Also, dare we say it, we still have concerns about HR Connect. I think that people have just given up the ghost when it comes to complaining about it, yet that lack of complaints will be presented by civil servants as evidence of things getting better. People are fed up complaining, because nothing seems to be done. Mr McQuillan made the point about accessibility. You need to get systems right, not just in the sense

of having wide geographical accessibility to broadband but so that the system supplier gets it right in the first place. That is an important issue for our members.

Mr Weir: Thank you for your useful and illuminating presentation. In your submission, you mention the resolution adopted at the 2013 NIPSA Civil Service group conference. One thing puzzles me slightly given that, broadly, albeit with some reservations, you appear to see the benefits of flexible working. Maybe I am reading too much into this, but the motion referred to the conference's concern at the Committee holding an inquiry. Is there a particular reason for concern? Depending on what the inquiry concludes, you can express your support, opposition or something in between, so I am intrigued by the reference to concern. Maybe you would deal with that point first.

Mr Bannon: It was possibly a timing issue more than anything else, in the sense that certain issues were being raised in parts of the Civil Service. DSD, for example, in light of the welfare reform agenda, wanted to introduce certain practices and procedures under the umbrella of flexible working, without proper consultation with us. Our members would have regarded that as a forced agenda. So, at the same time as certain practices were seen to be being forced on employees, the Committee was looking into very similar issues. I think that, in February, the civil servants referred to universal credit, for example. In fact, there was a recruitment exercise in the Civil Service, and some of those practices were written in to the competition, again without consulting us. It ended up having to be removed.

Mr Weir: For anybody looking in from the outside, there is a terminology issue. There are at least a couple of different names for the same thing. You mentioned homeworking or teleworking, and your motion referred to mobile working. By mobile working, do you mean homeworking, or is it wider than that? Concerns were expressed about hot-desking, and you referred to reservations about how performance could be monitored and managed. The motion's wording is a little ambiguous, so will you expand on your concerns about mobile working and hot-desking and how, potentially, you see those being addressed?

Mr Bannon: The concerns were based on a combination of factors. The motion also referred to Workplace 2010, and although we have seen its demise, much of what was on that agenda remains with us: for example, accommodation standards have not been agreed. We used to have agreed accommodation standards in the Civil Service, but they were walked away from. The hot-desking issue surfaced under Workplace 2010. We were concerned about the conclusions reached to advance that in the Civil Service and when the surveys were being done. To some extent, this goes back to the previous evidence, in the sense that we would have challenged the data being used to justify hot-desking. We believed that the form of hot-desking being referred to would not have provided sufficient facilities for our members to provide the services that they do. That was the issue

Mr Weir: So, more than anything else, you were concerned about the practical implications of the way in which hot-desking was put forward rather than the notion of it per se?

Mr Bannon: We were concerned about some elements of the notion per se as it was presented by the civil servants under the Workplace 2010 policy. If that were to change, our attitude to hot-desking may well change as well.

Ms Boyle: Thank you for your presentation. I have a number of questions about the use of personal computers for business. You mentioned your natural concerns about governance and moving away from corporate responsibility. You said that the issues and concerns could be overcome. Is there any evidence of how they have been overcome or rectified in other areas?

Mr Bannon: When I was referring to our concerns being overcome, it was more about clarifying levels of responsibility and where that responsibility would lie. We do not see it lying with the individual. With consultation or negotiation with us about the use of personal equipment, there may be the potential to overcome the issues, but it would require clear guidance showing the levels of responsibility and where that responsibility lay, and it must not be a matter of diverting corporate responsibility to individuals.

Ms Boyle: The hubs would assist in that. My colleague Adrian McQuillan mentioned rural areas. Accessing a hub would be a major problem for some, particularly my constituents. How many hubs do we have? Are they just offices in towns?

Mr Bannon: That is the concept, but the idea is to locate them more in rural areas because of the concentration of Civil Service jobs in the greater Belfast area. The hub notion would work better in rural areas.

Ms Boyle: You mean moving them away from cities and into rural areas.

Mr Bannon: Yes, because that is where people would be on business when out of their main office. Rather than having to waste time and money travelling back to the office, individuals could use a hub in which the necessary technology was available. That would help the areas that you referred to and with which I am familiar. Provided that the IT facility was available, people could hook up to the systems in rural areas.

Ms Boyle: I am just thinking of the announcement made this week in my area, Strabane, which identified it as the potential hub for west Tyrone and the north-west.

Chair, I have one more question that is outside what we are discussing, if you will allow me. Does your organisation have a gender breakdown of those working flexitime or from home?

Mr Bannon: No, we do not. To go back to the evidence given earlier, it seems to be a situation that pertains in the Civil Service, potentially more so since HR Connect came on board. There is limited availability of data. We have no idea of how many people are availing themselves of the informal, ad hoc home-working arrangement, because it is not a formal policy. It has not been introduced as such. We have no idea how many hubs are out there, but we have heard of people using hubs in a few areas. Not having access to the data is part of the difficulty. I think that the vast majority of civil servants avail themselves of flexible working hours, so I do not think that it is a gender issue, but there may well be a gender or disability issue in things such as home working.

The Chairperson: We can request that information from the Department, Michaela. It might well be that it does not have it, but, if that is the case, we can get that on the record.

Mr McQuillan: Michaela touched on some of my questions, but I want to elaborate a bit on the hub facilities. From what you know about them, what additions or improvements could be made to make it easier for people to avail themselves of the service? Do you have any information on them at all?

Mr Bannon: We have very little information on them other than from conversations that we have had with individuals. Some said that they have used a facility of that nature. We do not know how sophisticated the hubs are. Certainly, there are facilities in some areas. I had my own laptop with me when I was at a meeting with management side, who suggested that I could hook in somewhere. As it happened, I could not, so we are not sure how sophisticated the hubs are or how many there are.

Mr McQuillan: We also need to know from management what facilities are available at the hub, as well as the condition of the hub for the people who will be working there.

Mr Bannon: Yes. We do not know, for example, whether it is in a general office environment. Although as I said, the project itself no longer exists, the standards that were intended to be brought in under Workplace 2010 were those of an open-office environment, so we do not know how conducive it is for individuals to be in an open environment to do their particular area of work. I know that the head of Enterprise Shared Services (ESS), Mr Wickens, happened to make some comments about that when he was giving evidence in February, and he expanded into accommodation-type issues. One of the issues with the Workplace 2010 standards was that they were fairly common standards applied uniformly. We found that that did not work, again because it depended on the functionality that you were undertaking. If you were somebody who was just using a laptop and files, that might have suited, but if you had large plans or whatever to look at, the standard one-size-fits-all approach does not work. That is part of the problem that we see around the accommodation aspects.

Mr McQuillan: Another danger for unions is that there seems to be a resistance to change.

Mr Bannon: That notion arose, but I will pick up on one of the other examples that were given by some of the officials. I will say two things: first, much of what is on the agenda now around flexible working arrangements, such as term-time working, flexible working and things of that nature were put on the agenda by the union. It was not the employer who walked in one day and said, "By the way, we have got a good idea, let's do this". It was because the union put it on the agenda that

management were prepared to enter into discussion with us, and we ended up, thankfully, with agreements in those areas. Therefore, we think that we are fairly proactive.

The officials presented an example almost as though there was resistance from NIPSA to flexible working. The example was not mentioned by name by the officials, but it concerned a situation in which we had telephony staff — a predominantly female group — who for years were not able to avail themselves of the system of flexible working hours in the Civil Service. We spent many years trying to get that under family-friendly and work/life balance policies and eventually achieved it. We now face a situation whereby those individuals are being told that the system is to be removed from them, on the basis that they happen to co-work with BT staff in a Civil Service building. The BT staff do not have the flexible working arrangements that we have — they work a different shift, or whatever — so our members are being told that they will have the flexible working hours system removed from them. That was presented, although it was not described in that way to you, in the evidence given by the civil servants. It was almost presented by them as though it was an area in which they were trying to do something but unions resisted it. In fact, the civil servants were trying to do something negative.

Mr I McCrea: Most of the members present represent areas that are more rural than urban. Two thirds of my constituency is rural. Given the difficulties in accessing broadband and whatnot, although the situation is a lot better than it was, there is more work to do. That is in the pipeline.

You have a lot of rural dwellers, so how will the hubs work in practice? People will have to travel to an area where there is a hub. In the west of the Province, between mid-Ulster and west Tyrone, you will have a battle as to whether you should put it on the Cookstown/Magherafelt side or in Omagh.

Mr McQuillan: Coleraine. *[Laughter.]*

Mr I McCrea: We will not go down that route. This is to try to save people from having to travel a distance to work, but how does it work in rural areas? I see difficulties with it, although I am supportive of the concept.

Mr Bannon: We do not want to get into that type of argument over whether, say, the hospital should be in Enniskillen or Omagh. We do not want to take that approach. However, you could look at it in a different way. You are asking a question, and we are presenting it as it relates to something that exists at present, but let us look at it in a different way and talk about the dispersal of public sector jobs. If we could get away from the concentration of public sector jobs in the Belfast area, we would not necessarily face some of the problems that we do. We are looking at this with blinkered vision at the moment because of what exists. However, there is the question of whether it should exist. If we decentralise to a larger degree, those facilities will be available, not as hubs in particular areas, for which you have to toss a coin to decide where, but through a natural process. The jobs are concentrated in Belfast at the moment, so people are travelling out on business, and that is why there is a need for a hub.

Mr Cree: I have some short points to make. You mentioned the difficulties with background and said that there is perhaps a lack of trust. What are the main difficulties between the unions and HR at present?

Mr Bannon: Do you mean between the unions and HR Connect?

Mr Cree: Yes.

Mr Bannon: The IT systems themselves suffered difficulties when being set up, and, as such, took a lot longer than was anticipated to get going. HR Connect was advertised as providing a better service. However, the service that it provides is not as good as that provided by the system that existed beforehand. There are a lot of difficulties. I am a bit hesitant to elaborate, because I am not here to give evidence about HR Connect as a system.

Mr Cree: No, but it clearly has a bearing on the issue.

Mr Bannon: It has a bearing because we are looking at people who provide systems, either IT systems or services. I mention that because the previous evidence that was given referred to third parties being involved in providing advice, guidance and everything else. It sounded to me as though HR Connect is advertised as being all-singing and all-dancing. However, that has not been our

experience. It sends out wrong information, and, even from the point of view of security, information is sent to the wrong people sometimes or to people who happen to have a similar name. That information would sometimes be considered to be confidential, private or personal information. Those things are still happening.

Mr Cree: You have mentioned family-friendly arrangements a few times. Can you define those, please?

Mr Bannon: Family-friendly arrangements fall into the broad definition that I started with; that is, they are able to meet both the business need and the need of the individual. Therefore, we should have policies that facilitate, primarily from an equality point of view, the balance between a working life and a home life. It is essentially that. It is something that the Civil Service is proud of advocating that it does. It says that it has a lot of family-friendly arrangements in place.

Mr Cree: Can I interpret that, to make it simple, as working only a certain number of hours per day?

Mr Bannon: Not necessarily.

Mr Cree: It is more vague than that.

Mr Bannon: The number of hours that a person works in the day can have a bearing on it, yes.

Mr Cree: Here is my last point. Yesterday, we learned about the high incidence of stress in sickness absence. Do you believe that flexible working can help to alleviate that situation, or might it exacerbate it?

Mr Bannon: If the approach taken is that you have a menu of options under the general umbrella of flexible-working arrangements — term-time working and other arrangements — that can be drawn on to suit certain circumstances. We see that as an advantage. However, if it is an enforced policy that simply states that everyone must work weekends or public or privilege holidays from now on, that will be a negative.

The Chairperson: The new Civil Service 'People Strategy 2013-16' includes a commitment to:

"Explore use of technology to support an agile, flexible and mobile workforce."

Does NIPSA have a corporate view, so to speak, on that commitment, given that it apparently has opposition to mobile working? Did NIPSA sign off on that particular strategy with the Civil Service?

Mr Bannon: We had sight of the people strategy by way of a document secondary to the overall Civil Service HR strategy. Within that, there was a people strategy. We had sight of both documents and had the opportunity to respond to both. We are prepared to talk to an employer about any matter. That what we are here for: to negotiate on those matters. Therefore, we do not close down anything automatically. We close down when there is an imposition or something is introduced without proper consultation and negotiation. We are aware that the officials indicated that discussions had started about flexible working with NIPSA. That was the statement made in February. What they have done is say that would like to talk to us about flexible working, but that has been the height of it. A few things have filtered through in isolation, rather than as a corporate or overall policy, on how the Civil Service wants to move forward. We got something recently about changing from taking off Easter Monday and Easter Tuesday to taking off Good Friday and Easter Monday. That was suggested under the banner of flexible working. We say that that is a very small, piecemeal thing. If they want to talk to us about flexible working, that should be done in a structured way. There has not actually been —

The Chairperson: Do you think that the Department takes the whole issue seriously enough?

Mr Bannon: I will have to be careful in what I say. *[Laughter.]* Industrial relations are fairly sound. Management seem to take an awful lot of time talking among themselves. Then, when they come up with an idea, we are presented with it and asked to come back with a response by next Friday — that type of thing. It is perhaps not as bad as that, but I say it to illustrate the point. We should be part of the process as we go along. Corporate HR is a unit in DFP that negotiates with NIPSA on Civil

Service-wide issues, such as the staff handbook and terms and conditions. The individuals there have said that they want to talk to us about flexible working. We have had a few informal chats about it. We understand that Corporate HR is consulting with Departments at the moment on a number of things that are primarily being driven by DSD —

Mr Billy Lynn (Northern Ireland Public Service Alliance): Yes, universal credit and welfare reform.

Mr Bannon: It is consulting on a wider basis with Departments. It has committed to having those discussions with us when it comes to some views on those matters. We expect that to happen. However, sufficient time should be allowed for it.

The Chairperson: Are there any examples of good or best practice elsewhere? Colin referred to the United States example, but are there particular examples that you are aware of that —

Mr Bannon: We would not say so. In fact, we have been saying to the Civil Service of late that, over the years, the Civil Service in Northern Ireland was the pioneer of a lot of flexible working arrangements and the equality agenda. Unfortunately, Billy and I have been working for 30-odd years on trade union matters in the Civil Service, and it took some time.

Mr Lynn: Try 40.

Mr Bannon: I was speaking for myself.

Once we got there, we did some very good pioneering work in the Civil Service. We have almost become complacent about that again and sat on our laurels. Maybe there is something on the turn again. People used to look to the Civil Service, and why not? It is a significant employer in Northern Ireland.

The Chairperson: Billy and Kieran, thank you both very much.