



## **SECOND GUIDING PRINCIPLE AND ASSOCIATED RECOMMENDATION**

### **MANAGING VACANCIES EFFECTIVELY**

#### **Background**

The Public Service Commission was established to make recommendations to Government on the guiding principles and steps necessary to safeguard the interests of staff and to ensure their smooth transfer to new organisations established as a consequence of Government decisions on the Review of Public Administration, taking into account statutory obligations, including those arising from Section 75 of the Northern Ireland Act 1998.

The Public Service Commission has consulted Government, the sectoral Staff Commissions and representatives of NIC/ICTU about the most appropriate way to manage vacancies as part of a wider set of arrangements which will be required to achieve the Secretary of State's aim of making every possible effort to avoid redundancies in bodies affected by the RPA.

#### **Guiding Principle and Associated Recommendation**

The Public Service Commission recommends that, in order to minimise the risk of redundancies as a result of decisions arising from the Review of Public Administration, and recognising the need to keep open all possible means to redeploy staff, existing employing authorities should avoid creating new posts,

and should also use all available expedients to manage vacancies which might arise within defined groups.

### **Commentary**

The Public Service Commission recognises that decisions taken in relation to managing vacancies should represent a proportionate means of achieving the Secretary of State's aim to make every possible effort to avoid redundancies in a way which is compliant with statutory obligations, including Section 75 of the Northern Ireland Act 1998. The Commission also recognises that it would be inappropriate to apply constraints to the extent that they have a detrimental effect on service delivery. Existing employing authorities should, in the first instance, and with immediate effect, and in conjunction with relevant trade unions at local and other levels, define, and publicise, those services which will be subject to vacancy management schemes as referred to below.

Existing employing authorities should be required, by Government, through sponsoring Departments, to develop and implement vacancy management schemes in consultation with appropriate trade unions, who should be consulted on the application of the Scheme in respect of any particular posts. Schemes should provide that no new posts be created except where an existing employing authority can demonstrate an inescapable requirement for the post. Examples of new posts which might fall into this category include those required to ensure service delivery, where new responsibilities or requirements are imposed by legislation or Government action, or in cases where there is exceptional stress and pressure of work on existing staff.

Furthermore, all vacancies should be scrutinised and, if it can be demonstrated that a particular post must be filled, this should be achieved by an appropriate mechanism, including -

- Temporary promotion
- Acting up
- Delaying a retirement
- Employing staff on fixed term contracts to expire before the handover to a new employing authority
- Secondments

Where staff accept temporary promotion, acting up or secondment etc there will be an underlying guarantee to the employee in respect of continuity of employment rights in their previous substantive post for the purposes of RPA implementation.

Decisions on creating new posts or filling vacancies should be fully documented.

If an existing employing authority concludes that none of the arrangements referred to above is practicable, it should then seek to fill the post through the redeployment of an officer who is affected by the Review of Public Administration, who may be employed in another body, and who wishes to take up a post with the organisation in which the vacancy occurs. When determining the constitution of the selection pool, employing authorities should take into consideration the relevant equality monitoring data.

To facilitate these arrangements, existing employing authorities should collaborate in filling vacancies across the affected bodies to ensure staff have an opportunity to apply for such vacancies as might arise. One option might be to create a clearing mechanism. Circumstances will dictate the detailed arrangements, although decisions should be taken on a case by case basis.

Throughout the RPA implementation process, employing authorities should ensure that appropriate training measures are in place to support staff directly affected by this recommendation.

Existing employing authorities should be required, by Government, through sponsoring Departments, to introduce, and apply, monitoring and review arrangements in relation to policies on managing vacancies. In keeping with the Public Service Commission's recommendations in relation to effective communications, reports on how arrangements for managing vacancies effectively are working in practice should also be provided to staff and local trade unions and/or staff representatives on a regular basis.

SID McDOWELL  
Chairman  
Public Service Commission  
19 July 2006