

## RPA GUIDANCE NOTE: LOCATION

### Introduction

1. This Guidance Note confirms that the Executive has accepted the Public Service Commission's 7<sup>th</sup> Guiding Principle, Location (copy attached at Annex 1) and is issued to assist and provide clarification to Departments and public sector employers in the RPA Affected Group (see RPA Circular 02/2007<sup>1</sup>) on the practical implementation of the Guiding Principle.

### Key Principles

2. Employers must ensure that any decision on the location of a workplace must reflect, as far as possible, an equitable distribution of Public Sector jobs<sup>2</sup> and be objectively justified, in particular, in terms of giving full consideration to safeguarding the interests of staff. Employers must seek to balance these factors as objectively as possible and be aware that there will be other additional factors that will need to be considered and balanced alongside these<sup>3</sup>.
3. Where existing staff face a change of workplace location, employers must ensure that they carefully consider both the needs of business and staff's personal preferences, where possible, in the decision-making process and maintain an appropriate balance between these two factors. In doing so, employers should remain conscious of other factors that will need to be considered and balanced alongside these<sup>3</sup>.
4. Employers should consistently and effectively apply the overarching "Framework to Underpin Decisions on the Location of Public Sector Jobs Resulting from the Review of Public Administration"<sup>3</sup> in their sector. **In applying the Framework, employers should pay particular attention to the Public Service Commission's 7<sup>th</sup> Guiding Principle on Location as agreed by the Executive** and ensure that the Framework's detailed application in their sector:
  - is subject to consultation with trade unions and other staff representatives;
  - gives due cognisance to equality and good relations;

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<sup>1</sup> Currently under review

<sup>2</sup> The equitable distribution of Public Sector jobs needs to be viewed in sectoral and employer contexts reflective of the nature of the organisations involved.

<sup>3</sup> For further information please refer to the "Framework to Underpin Decisions on the Location of Public Sector Jobs Resulting from the Review of Public Administration" – [http://www.rpani.gov.uk/estates\\_framework.pdf](http://www.rpani.gov.uk/estates_framework.pdf). Please note that a review of policy on the location of public sector jobs in Northern Ireland is currently underway. The framework will be considered as part of the policy review and therefore may change as a result of the final outcome. However, in the interim it should be applied to any decisions being made about the location of RPA-related bodies.

- requires a business case to justify significant staff relocations;
  - emphasises effective communication to ensure all employees are made aware of the location strategy and policies;
  - supports the full use of technology to mitigate against workplace disruptions;
  - establishes, if not already established in their organisation, what constitutes reasonable travel to work distances, taking account of, for example, access routes, the availability and frequency of public transport and personal circumstances; and,
  - offers and gives proper consideration to flexible working practices and other relevant HR policies which have regard to management needs and which would help to alleviate staff difficulties associated with a change in workplace location.
5. Appeals against a change of workplace location should be addressed through the existing internal grievance procedures and, if appropriate, through the third party dispute resolution procedures which will be developed in response to the PSC's 3<sup>rd</sup> Guiding Principle (Staff Transfers).
  6. Where existing contractual entitlements do not provide for reimbursement of expenses in respect of re-location, employers must provide for reimbursement of reasonably and necessarily incurred additional travelling or other removal expenses as a consequence of a change of workplace location on a basis which is comparable to that provided by other employers in the RPA Affected group. As a matter of process, employers should look to other arrangements in place in their sector in the first instance. Employers should also, on a case by case basis, provide for reimbursement of reasonably incurred expenses outside this where they consider that exceptional circumstances exist. In addition, in line with the 3<sup>rd</sup> Guiding Principle, employers must provide compensation for employees who suffer other material detriment as a consequence of relocation outside the scope of any applicable mobility clause<sup>4</sup> or who are transferred contrary to the terms of their Staff Transfer Scheme.
  7. Efforts should be made within sectors to clarify for relevant employers the arrangements for implementation of paragraph 6 above. Such arrangements should include guidance on the duration and amount of any reimbursement or where appropriate compensation to be provided.
  8. Employers should ensure that, in consultation with Trade Unions, support is provided for those employees whose place of work or work function changes. Such support should be appropriate to the particular circumstances of the employees concerned and could include, but not be

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<sup>4</sup> A mobility clause is a term in a contract of employment that identifies the degree to which employees may be required to move from one workplace location to another. Alternatively this could be known as location/base arrangements.

limited to, capacity building, retraining and career counselling as appropriate.

**Action Required**

9. All Employers are required to implement the key principles outlined in paragraphs 2 – 8 above at the appropriate point in implementation plans.

**RPA CENTRAL UNIT**  
**11<sup>th</sup> July 2008**

# Seventh Guiding Principle and Associated Recommendations - Location



## SEVENTH GUIDING PRINCIPLE AND ASSOCIATED RECOMMENDATIONS

### LOCATION

#### Introduction

1. The Commission's role is 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.
2. In pursuance of that role, the Commission's approach to location is represented in the Guiding Principle and Associated Recommendations described below. In formulating the Guiding Principle and associated recommendations, the Commission has also had due regard to Government's commitment, as set out in the statement of 22 November 2005, that "Every possible effort will be made to avoid redundancies."
3. The Public Service Commission has consulted the Executive, the sectoral Staff Commissions and representatives of NIC/ICTU about the most appropriate way to safeguard the interests of staff and ensure their smooth transfer into new organisations with respect to changes in workplace location.

#### Guiding Principle

4. The Commission recognises that workplace location is of major importance to staff and that as the Review of Public Administration is implemented decisions will have to be taken on location. The Commission **recommends** that, in consultation with Trade Unions and other staff representatives, the Executive should develop an overarching location framework strategy for all public services. In developing such a strategy, full consideration should be given to safeguarding the interests of staff. The Commission considers that any decision on the location of a workplace must be objectively justified and reflect, as far as possible, an equitable distribution of Public Sector jobs.

## Associated Recommendations

### 5. The Commission **recommends** that:

- Employers should aim to minimise hardship and domestic disruption as far as possible, within management needs, of those staff who face a change of workplace location. This should require ascertaining the personal preferences of staff, taking into account, for example, the domestic circumstances of employees, any relevant health factors or employee commitments such as caring for dependants.
- The Executive should ensure the consistent and effective application of the overarching framework strategy across the public sector. The overarching framework and its detailed application at sectoral level should:
  - Be subject to consultation with trade unions and other staff representatives;
  - Stress equality considerations, Lifetime Opportunities - Northern Ireland Anti-Poverty and Social Inclusion Strategy, A Shared Future Policy Framework and Rural Proofing.
  - Require a business case to justify significant staff relocations;
  - Emphasise effective communication to ensure that all employees are made aware of the location strategy and policies;
  - Support the full use of technology e.g. video conferencing, E-Government initiatives to mitigate against workplace location disruptions;
  - Establish what constitute reasonable travel to work distances, taking account of, for example, access routes and the availability and frequency of public transport;
  - Offer flexible working practices and any other relevant HR policies which have regard to management needs and which would help to alleviate staff difficulties associated with a change in workplace location;
  - Detail the mechanism by which staff may appeal against a change of workplace location; (1)

And in addition;

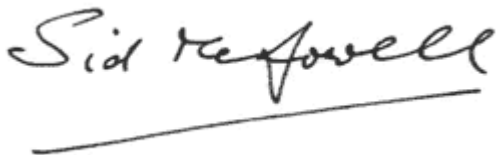
- Where contractual entitlements do not provide for reimbursement of expenses in respect of re-location, employers should make provision for reimbursement of reasonably incurred additional travelling or other removal expenses as a

consequence of a change of workplace location on a basis which is comparable to that provided by other employers in the RPA Affected Group.

- Employers should, on a case by case basis, provide for reimbursement of reasonably incurred expenses outside this where they consider that exceptional circumstances exist.
- In line with the 3<sup>rd</sup> Guiding Principle employers should in addition provide compensation for employees who suffer other material detriment as a consequence of a relocation outside the scope of any applicable mobility clause (2).
- Ensure that employers, in consultation with Trade Unions, support those employees whose place of work, or work function changes. Such support should include, but not be limited to capacity building, retraining and career counselling as appropriate.

### **Commentary**

6. Commissioners have already recognised the tensions which could arise between the range of principles contained in the document “A Policy and Guiding Principles for the Location of Public Sector Jobs”. Commissioners considered that any decision on location needed, in particular, to be consistent with established Government policies on equality, Regional Development and Sustainable Development and that compensation should be made to staff who suffer material detriment as a consequence of a relocation outside the scope of any applicable mobility clause (2).

A handwritten signature in black ink that reads "Sid McDowell". The signature is written in a cursive style and is positioned above a horizontal line.

**SID McDOWELL**  
**CHAIRMAN**  
**PUBLIC SERVICE COMMISSION**  
**12 October 2007**

(1) This mechanism will be contained in a Code of Practice on Staff Transfers.

(2) A mobility clause is a term in a contract of employment that identifies the degree to which employees may be required to move from one workplace location to another. Alternatively this could be known as location/base arrangements.