



SECOND GUIDING PRINCIPLE AND ASSOCIATED RECOMMENDATIONS

MANAGING VACANCIES EFFECTIVELY IN EXISTING ORGANISATIONS

Note: This reissued Guiding Principle supersedes the previous Managing Vacancies Guiding Principle, dated the 19th July 2006, which was accepted by the direct rule administration on 31st August 2006.

Background

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 Executive decisions on the Review of Public Administration, taking into account statutory obligations, including those arising from Section 75 of the Northern Ireland Act 1998. In formulating this Guiding Principle and Associated Recommendations, the Commission has also had due regard to the previous administration's commitment, as set out in the statement of 22 November 2005, that "Every possible effort will be made to avoid redundancies." The Commission welcomes the Executive's commitment to this underlying objective.
2. The Public Service Commission has consulted the Executive, 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 Executive's commitment to make every possible effort to avoid redundancies in bodies affected by the RPA.
3. This revised Managing Vacancies Guiding Principle, supersedes the previous Managing Vacancies Guiding Principle, dated the 19th of July 2006, which was accepted by the direct rule administration on 31st August 2006. This revision reflects experience from the implementation of RPA to date. It also refines the use of the RPA Affected Group in filling posts and focuses efforts on those staff designated to be at a clearly identified risk of compulsory redundancy ["at risk" staff].

Guiding Principle

4. 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 employers should, at the appropriate time, implement vacancy management schemes and avoid creating new posts.

Associated Recommendations

5. The Public Service Commission recommends, that in consultation with Trade Unions and employers, the Executive should publish an updated list of public sector organisations deemed to be affected by the direct rule administration's announcements and recent decisions taken by the Executive (the RPA Affected Group).
6. The Public Service Commission recommends that the Executive requires existing employers:
 - Through sponsoring Departments and the sectoral Staff Commissions, to develop and implement vacancy management schemes in consultation with appropriate Trade Unions and staff representatives. The Commission recognises the operational difficulties which might be faced by employers in immediately implementing vacancy management schemes given that the implementation of RPA may proceed over a much longer timeframe than initially envisaged. The Commission therefore recommends that employers consult with Trade Unions and other staff representatives on the timing of the introduction of the scheme so as to safeguard the interests of existing staff to the fullest possible extent, whilst balancing this with the business needs of the organisation.
 - In conjunction with relevant Trade Unions at local and other levels, to define, and publicise, those services which will be subject to vacancy management schemes.
 - To consult with Trade Unions and other staff representatives on the application of the Scheme in respect of any particular posts. The Schemes should provide that no new posts be created except where an existing employer 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 Executive action, or in cases where there is exceptional stress or pressure of work on existing staff.
 - To identify staff who are at a clearly identified risk of compulsory redundancy and to advise staff whether they are, or are not, in the "at risk" group. Should an individual then consider themselves to be "at risk" they should be entitled to a response from their employer clarifying the position. Employers should consult on the designation of "at risk" staff with Trade Unions and staff representatives.
 - Should seek to fill a vacancy or new post in the following order of consideration:

- 1) By the use of an internal mechanism with the objective of dealing in the first instance with staff who have been identified as being “at risk”. Examples of internal mechanisms are transfers, re-deployment, the offer of suitable alternative employment, temporary promotions, internal competition, delayed retirement etc. 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.
- 2) By targeting “at risk” staff in that sector as a whole.
- 3) By targeting “at risk” staff across all the sectors in the RPA Affected Group.
- 4) By way of open competition.

A “clearing house” mechanism may be used to enable employers to collaborate in filling vacancies or new posts across the sectors thereby ensuring “at risk” staff have an opportunity to apply for positions/vacancies as might arise.

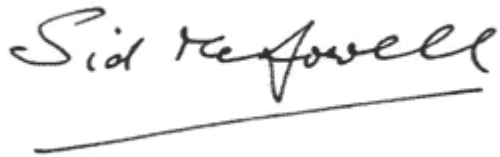
- To take account of employment law and equality considerations when considering the methods available for filling a vacancy or a new post and when determining the composition of the selection pool.
- To fully document decisions on creating new posts or filling vacancies.
- To ensure that appropriate training measures are in place throughout the RPA implementation process to support staff directly affected by this Guiding Principle and Associated Recommendations.
- Through sponsoring Departments and the sectoral Staff Commissions, 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.
- To take all reasonable steps, both pre and post transfer, to manage or accommodate surplus staff thereby meeting or exceeding their statutory obligations.

Commentary

7. The Public Service Commission recognises that decisions taken in relation to managing vacancies should represent a proportionate means of achieving the Executive’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 and has therefore recommended the order of consideration for filling vacancies.

8. The Commission considers that both existing and new employers should pro-actively take steps to alleviate staff anxiety, implement effective communication and minimise the possibility of compulsory redundancies.

A handwritten signature in cursive script that reads "Sid McDowell". The signature is written in black ink and is positioned above a solid horizontal line that serves as a separator.

SID McDOWELL
CHAIRMAN
PUBLIC SERVICE COMMISSION
25 January 2008