

INFORMATION BULLETIN FOR STAFF ON RPA/REFORM EMPLOYMENT ISSUES

JULY 2014

This Bulletin deals with questions about employment and human resource issues relating to the creation of the new councils which have been raised by staff.

POLICIES AND PROCEDURES IN PLACE

The following policies and procedures are in place to support implementation of reform.

1. Vacancy Control Detailed Procedures

These set out the arrangements for protecting the staff 'At Risk' of redundancy by restricting recruitment to certain posts and avoiding creating posts which might put existing staff at risk of redundancy.

2. RPA Staff Transfer Scheme for Local Government Staff

The Scheme sets out the arrangements to directly transfer staff in existing councils (including Environmental Health and Building Control Group Committees) at 31 March 2015 to the new structures on 01 April 2015.

Staff will be transferred in line with Part 16 section 122 of the Local Government Act (Northern Ireland) 2014 and Schedule 8 sets in place the arrangements for the transfer of staff to the 11 new council structures. Schedule 8 confirms that existing contractual terms and conditions will be protected in accordance with current employment legislation such as TUPE^[1] and the Acquired Rights Directive on which TUPE is based, as detailed in paragraph 2 of that Schedule, and also the Northern Ireland Executive's Guiding Principles.

- It should be noted that TUPE is a material factor defence.
- Decisions on structures will be made by the new Councils. However it is envisaged that the majority of staff will remain in their current posts and locations.

TUPE^[1] The Transfer of Undertakings (Protection of Employment) Regulations 1981 and 2006 are designed to protect the rights of employees when a transfer occurs from one employer to another. This Scheme of Transfer relies on the TUPE 2006 Regulations as applied at 04 June 2014.

3. Procedure for Filling Posts in the New Council Structures

The Procedure sets out the approach to be used for filling posts in the new council structures including:

- Direct transfers to unchanged or minimally altered/amended posts
- Vacancies
- New or substantially new posts

It is anticipated that in many cases the process will identify large groups of staff or whole sections/departments which are unchanged and can simply be confirmed in the new council structure.

4. RPA Staff Severance Scheme for Local Government

This details the conditions under which severance payments may be offered and how such severance payments will be calculated.

It is anticipated that there will only be limited need for councils to make use of the Severance Scheme.

FURTHER AGREEMENTS BEING DEVELOPED

Work is underway to develop the following:

Model Policies for the new Councils

The Joint Forum has been asked to help develop and agree model HR policies for the new councils and work is underway in respect of:

- Location, Relocation and Expenses
- Code of Conduct for Local Government Employees
- Capability
- Grievance
- Disciplinary
- Social Media

Consultation and Negotiation Machinery for Local Government post April 2015

New arrangements for consultation and negotiation will be required after April 2015. A proposed framework was issued in April 2013 and received widespread support across local government. Further details are now being developed to bring this into operation.

OTHER SUPPORT

- Staff undertaking new roles and responsibilities will have access to appropriate training and support.
- There is currently a range of training and development support being offered across the sector within individual councils and clusters, through the Local Government Training Group and by the professional groups which operate in the sector.
- Where changes are proposed to officer's roles, responsibilities, or location, there will be consultation with the individuals concerned and trade union representatives.

CONSULTATION

The Local Government Reform Joint Forum (the Joint Forum)

- The Local Government Reform Joint Forum was set up by the Minister as the formal mechanism primarily for the local government Employers (the councils) and the Trade Unions that represent local government staff (NIPSA, UNITE and GMB) to negotiate and agree the employment and human resource issues relating to the RPA/Reform process and to help ensure the smooth transfer of staff from the existing councils to the new council structures.

A Local Consultation and Negotiation Forum (Local Forum) in each of the 11 clusters

- One of the first actions of the Joint Forum was to recommend and oversee the establishment of Local Consultation and Negotiation Forums in each of the 11 new council clusters. Information on the Local Forum operating in your area can be obtained from your Human Resources department or from your local shop steward/trade union representative.

FURTHER INFORMATION

This Bulletin cannot answer every potential question about how reform may impact on staff.

Copies of all Agreements/Circulars and other information about the Joint Forum can be accessed by visiting www.lgsc.org.uk and clicking on the Local Government Reform Joint Forum button on the right-hand side of the home page.

Matters arising at local council level should be directed through the Local Consultation and Negotiation Forums.

Matters which may require attention at a regional level can be referred to the Joint Forum via the Local Government Staff Commission which supports the Forum and acts as independent secretariat. www.lgsc.org.uk