

# **Public Service Agreement**

**2010 – 2014**

## **Chapter**

### **1. Public Service Agreement 2010 - 2014**

#### **Appendix: Service Delivery Options**

### **2. Health Sectoral**

### **3. Education Sectoral Agreement**

### **4. Civil Service and Non Commercial State-Sponsored Bodies Sectoral Agreement**

#### **Appendix: Irish Prison Service**

### **5. Local Government Sectoral Agreement**

### **6. Redeployment Arrangements**

## Chapter 1

### **Public Service Agreement**

**2010 – 2014**

1.1 This Agreement will ensure that the Irish Public Service continues its contribution to the return of economic growth and economic prosperity to Ireland, while delivering excellence in service to the Irish people. This will be done by working together to build an increasingly integrated Public Service which is leaner and more effective, and focussed more on the needs of the citizen. The Parties to this Agreement recognise that to achieve this, in the context of reduced resources and numbers, the Public Service will need to be re-organised and public bodies and individual public servants will have to increase their flexibility and mobility to work together across sectoral, organisational and professional boundaries.

1.2 The Government acknowledges that public servants have made a very significant contribution towards the recovery of the economy over the last 2 years with over €3 billion saved from the potential Public Service pay and pensions bill:

- The general round pay increases under the terms of the Review and Transitional Agreement due in 2009 were not paid;
- A general moratorium on recruitment and promotion was applied to most of the Public Service, and incentivised early retirement and career break schemes introduced;
- A pension related deduction of an average of nearly 7% was applied to all the earnings of all public servants; and most recently -
- A reduction in rates of pay and allowances took effect on 1 January, 2010.

1.3 The core concern for Government is to restore the public finances and to reduce the deficit to less than 3% of GDP by 2014, in part by achieving sustainability in the cost of delivering public services relative to State revenues. To help achieve that goal, the

Government intends to restructure and reorganise the Public Service significantly in the coming years, having regard in particular to the Government Statement on Transforming Public Services, the Government decisions already taken on rationalising State bodies, the recommendations arising from the Reports of the Special Group on Public Service Numbers and Expenditure Programmes and the Local Government Efficiency Review Group and the National Strategy for Higher Education. This Agreement will enable Public Service numbers to reduce substantially over the coming years in accordance with a new Public Service numbers policy, which will facilitate a progressive reduction in staff numbers across the Public Service by end-2012 and will be implemented by Employment Control Frameworks.

1.4 In order to sustain the delivery of excellent public services alongside the targeted reduction in Public Service numbers over the coming years, the Parties accept that efficiencies will need to be maximised and productivity in the use of resources greatly increased through revised work practices and other initiatives. The Parties will work together to implement this Agreement to deliver an ongoing reduction in the cost of delivery of public services along with excellent services to the public.

### **Public Service Commitments**

#### **Reduction in Public Service numbers**

1.5 To facilitate the necessary reduction in numbers of public servants, the moratorium on recruitment to and promotion in the Public Service and other employment numbers control mechanisms will continue to apply until numbers in each sector have fallen to the appropriate level specified in the Employment Control Framework for that sector. In addition, where the circumstances require it, the Government may offer voluntary mechanisms to exit the Public Service, whether generally or in specific sectors, bodies, locations or services.

1.6 The Government gives a commitment that compulsory redundancy will not apply within the Public Service, save where existing exit provisions apply. This commitment is subject to compliance with the terms of this Agreement and, in particular, to the agreed flexibility on redeployment being delivered. To that end, the redeployment arrangements

referred to below will include opportunities for re-skilling and re-assignment as a key method to retain and secure employment in comparable roles in the Public Service.

### **Redeployment in the integrated Public Service**

1.7 Flexible redeployment is necessary to sustain the commitment to job security within the Public Service. The Parties have agreed appropriate arrangements to redeploy staff within and across each sector of the Public Service. If it is not feasible to redeploy within the sector, cross-sectoral redeployment may take place, within a geographic area where possible, having regard to the arrangements agreed in respect of non-commercial State-sponsored bodies.

1.8 In order to help in the integration of the Public Service, barriers to a unified Public Service labour market will be dismantled, including through legislative provision as appropriate. To the greatest extent possible, there will be standardised terms and conditions of employment across the Public Service, with the focus initially within sectors. In that context, the Parties have agreed to review and revise contractual or other arrangements or practices which generate inflexibility or restrict mobility.

### **Reconfiguring the design and delivery of public services**

1.9 The Parties agree that public bodies and management and individual public servants will have to work more closely across sectoral, organisational and professional boundaries when designing and delivering services. The greater integration of the Public Service will not be achieved through the creation of a single organisation. Instead, the focus will be on having fewer organisations in total, working more closely together, to deliver cost effective public services. The Parties are committed to engaging at a national, sectoral and local level to achieve specified and measurable outcomes in relation to cost containment, service integration and reconfiguration as well as to engaging staff in progressing change.

1.10 In order to maximise productivity gains, both from how work is organised and from streamlining procedures, processes and systems to allow for shared services and e-government developments, a substantial commitment to the redesign of work processes will be necessary. The Parties will co-operate with the drive to reduce costs through organisational rationalisation and restructuring and by service delivery organised in different ways or delivered by different bodies. The aim is to minimise duplication of effort, reuse data within the public system and reduce information demands on the citizens and business. The introduction of new or improved technology, service provision online and electronic funds transfer will be regarded as the norm. Processes and service delivery will be improved by better collation and re-use of data and personal information and by centralising transaction and certain sectoral data handling support functions. Inter-operability and standardisation of specifications and systems (hardware and software) will be mandatory both to achieve cost savings and facilitate integrated approaches. More risk-based approaches in inspection and enforcement activities will be adopted, with fewer but better targeted inspections through co-operation agreements, joint inspection teams and the merger of inspectorates and higher penalties for non-compliance.

1.11 There will be a greater sharing of resources through the use of shared services within and across sectors.

1.12 The Parties are committed to Public Service modernisation as set out in previous agreements.

### **Performance and Skills**

1.13 The Parties agree that, in order to ensure a high performing, high productivity Public Service, appropriately skilled personnel from outside the Public Service will be recruited to secure scarce and needed skills at all levels. Merit-based, competitive promotion policies will be the norm. There will be significantly improved performance management across all Public Service areas, with promotion and incremental progression linked in all cases to

performance. Performance management systems will be introduced in all areas of the Public Service where none currently exist.

### **Sectoral agreements**

1.14 The Parties agree that there will be full cooperation with the arrangements made in the agreements for each sector which are appended to this document. The Parties further agree to work further to develop new collaborative approaches at a local, sectoral or Public Service level, including cross sectoral redeployment within the parameters agreed, to deliver significant cost efficiencies while protecting the quality and effectiveness of services provided to the public.

### **Public Service Pay Policy**

1.15 There will be no further reductions in the pay rates of serving public servants for the lifetime of this Agreement. This commitment is subject to compliance with the terms of this Agreement.

1.16 The position concerning Public Service pay, including any outstanding adjudication findings, will be reviewed in Spring 2011 in accordance with the statutory requirement under both the Financial Emergency Measures in the Public Interest Acts of 2009 to review the operation, effectiveness and impact of the Acts before 30 June 2011, and every year thereafter. In addition to the criteria set out in those Acts, that review will take account of sustainable savings generated from the implementation of this Agreement and of the agreements in each sector. Those savings will be independently verified by the Implementation Body. In the event of sufficient savings being identified in the Spring 2011 review, priority will be given to public servants with pay rates of €35,000 or less in the review of pay which will be undertaken at that stage.

## **Public Service pensions**

1.17 As announced in Budget 2010, the Government has decided to introduce a new single pension scheme for all new entrants to the Public Service. Consultations on the new scheme have started between the Parties and it is agreed that these consultations will conclude in time for legislation to be enacted to allow for the introduction of the scheme on 1 January 2011. Discussions will take place on the method of determining pension increases for existing Public Service pensioners and current public servants in the context of the review of pay policy in Spring 2011. There will be an extension of the period by a year within which the January 2010 pay reductions will be disregarded for the purposes of calculating Public Service pension entitlements.

## **Performance Verification**

1.18 The implementation of this Agreement and of the sectoral agreements between the Parties, which comprise the transformation agenda across the Public Service, must be driven by a dedicated Implementation Body so that early, robust and verifiable outcomes can be assured. The Implementation Body will comprise an independent chair and 6 persons, 3 nominated by Public Service management and by the Public Services Committee of ICTU respectively. In addition, the body can deal with the resolution of implementation issues as they arise.

1.19 In order to enhance the prospects of successful transformation and more integrated services, the Implementation Body will have:

- access to management in every sector;
- direct contact with national and sectoral union representatives as appropriate;
- access to timely and accurate information on staff numbers and payroll costs; and
- independent support to cost and verify savings derived from the implementation of this Agreement and of the sectoral agreements.

1.20 As part of the Body's working arrangements, it will meet regularly, including on a sectoral basis, with the relevant management and unions to review implementation of the transformation agenda for the respective sector. The Implementation Body will make regular reports in relation to progress on the implementation of the transformation agenda across the Public Service, based on this Agreement and the sectoral agreements, to the Taoiseach and the Cabinet Committee on Transforming Public Services.

1.21 In addition to helping to drive implementation of the Agreement, the Body will provide a forum for interpretation and implementation difficulties arising from the relevant sectoral agreements to be addressed in some detail between management and unions, prior to any decision on referral on any issue for mediation and/or arbitration. The Body could be supported by sectoral sub-committees established under its aegis from time to time.

1.22 The Implementation Body may appoint people to promote the process of change under the agreement in each sector or to provide mediation or arbitration in the relevant sector on a case by case or standing basis.

### **Mechanism to resolve disagreements**

1.23 The Parties agree that they will seek to resolve disagreements where they arise promptly. Trade unions and employees will co-operate with the implementation of change pending the outcome of the industrial relations process.

1.24 Where the Parties involved cannot reach agreement in discussions on any matter under the terms of this Agreement within 6 weeks, or another timeframe set by the Implementation Body to reflect the circumstances or nature of the particular matter, the matter will be referred by either side to the LRC and if necessary to the Labour Court; where a Conciliation or Arbitration Scheme applies, the issue will be referred within 6 weeks, or another timeframe set by the Implementation Body to reflect the circumstances or nature of



the particular matter, by either side to the Conciliation machinery under the Scheme and, if unresolved, to the Arbitration Board, acting in an ad hoc capacity. The outcome from the industrial relations or arbitration process will be final. Such determination(s) will be made within 4 weeks, or another timeframe set by the Implementation Body to reflect the circumstances or nature of the particular matter.

### **Stable Industrial Relations Climate**

1.25 The Parties recognise the importance of stable industrial relations and are committed to maintaining a well-managed industrial relations environment to minimise disputes affecting the level of service to the public. A stable industrial relations climate has important benefits for the general public and the Public Service itself. These benefits include the provision of uninterrupted services, improved productivity and staff morale, increased public confidence and the maintenance of Ireland as a desirable location for foreign direct investment.

1.26 Many public services differ from services which are provided by the private sector in that they are essential services which the public cannot obtain from alternative sources. Providers of essential services and their staff, therefore, have a special responsibility to ensure that they have well developed communication channels and to seek to resolve problems before they escalate into industrial disputes. If the problem cannot be resolved then it is agreed by all Parties to take up all available dispute resolution mechanisms (both statutory and non-statutory).

1.27 The Parties agree that:

- no cost-increasing claims by trade unions or employees for improvements in pay or conditions of employment will be made or processed during the currency of the Agreement;
- Employers, trade unions and employees are committed to promoting industrial harmony; and
- Strikes or other forms of industrial action by trade unions, employees or

employers are precluded in respect of any matters covered by this Agreement, where the employer or trade union concerned is acting in accordance with the provisions of this Agreement.

1.28 The implementation of this Agreement is subject to no currently unforeseen budgetary deterioration.

## **Appendix: Service Delivery Options**

### *Introduction / Principles*

1. The Public Service is committed to the provision of public services through efficient, high quality and cost effective employment. It is also committed to the use of direct labour to the greatest extent possible, where consistent with the efficient and effective delivery of public services.
2. As stated in section 20 of *Towards 2016* the Parties affirm the importance of public procurement policy as a mechanism for contributing to the maintenance of employment standards and norms including in respect of wage levels, while also ensuring competitive tendering and value for money in public expenditure.
3. The relevant trade unions will be consulted on all aspects of the procurement process at key stages before decisions are made, consistent with the requirements of EU and national procurement law and commercial sensitivity. Management will comply and abide with the requirements of the Employees (Provision of Information and Consultation) Act 2006 to inform and consult with employees.
4. Consistent with the above principles, it is necessary to provide some new and/or existing services on an outsourced basis in the circumstances outlined in section 28.9 of *Towards 2016*. In this regard, existing procedural agreements in the Public Service sectors will continue to apply.

### *Process*

5. Work that may reasonably be considered as small in scale will be dealt with in accordance with normal procedures referred to above.

6. In the first instance, in respect of an existing service, both sides give a commitment to consult on the development of a service plan. This plan will evaluate the existing in-house service, the outsourcing option, and compare both. As part of the evaluation both Parties will consult with a view to agreeing a plan to address the service changes necessary to retain the service in house. In evaluating any proposal to proceed with outsourcing, a number of factors will be taken into account, including overall cost, quality of service, effectiveness, and the public interest. All relevant costs will be included in the evaluation but it will not be determined by unit hourly rates of pay.
7. Where management decide to proceed with outsourcing, there will be regular consultation with the trade unions throughout the commissioning and procurement process.
8. Procurement will not result in a worsening of the pay rates, pension and employment conditions of employees remaining in the Public Service.
9. In line with the commitments in the Public Service Agreement, there will be no compulsory redundancies in any outsourcing. Both sides will maximise redeployment opportunities.
10. Private sector employers acting under a Public Service outsourcing contract will be required to comply with all statutory terms and conditions relating to the employment of people in Ireland, including any registered agreement or ERO.
11. As a matter of public policy, all public contracting authorities will make clear to tenderers their expectation that the statutory industrial relations procedures (LRC or Labour Court) will be utilised for dispute resolution, consistent with domestic and EU procurement law.
12. Public contracting authorities will be required to provide in all outsourcing contracts, other than those smaller contracts specified in paragraph 5, for their right to

information to allow the authority to assess compliance with employment legislation, including REAs and EROs.

13. The Parties will establish a mechanism to monitor compliance with employment law, including REAs and EROs, in outsourced operations, other than those specified in paragraph 5.

## Chapter 2

### **Health Sectoral Agreement**

2.1 Over the coming years, the population will continue to grow and age, and the factors impacting on demand for services (such as the incidence of cancer and chronic diseases) will increase. At the same time, the numbers working in the health services will reduce. Against this background of reduced budgets and workforces, the challenge therefore is not only to maintain the level, quality and safety of services but to expand the range of services that can be easily accessed by patients and clients in their own communities so as to avoid them having to attend hospital.

2.2 The required reorganisation will focus on:

- (a) providing, across all settings, planned services over an extended (8 a.m. to 8 p.m.) day on a Monday to Friday basis and/or five over seven day basis, while also providing emergency services on a 24-hour 7-day basis, thereby reducing the staffing and other resources required at nights and weekends;
- (b) achieving a more productive match between staffing and service activity levels across the working day/week/year while safeguarding quality and clinical performance;
- (c) achieving ongoing reductions in the number of in-patient beds and increases in day case, outpatient and diagnostic capacity, in order to provide faster access to services at lower unit costs;
- (d) providing a greater range of services in community settings, particularly through primary care teams and social care networks, including the provision of such services on a planned basis in the evenings and at weekends;

- (e) delivering better health outcomes and more cost efficient services by reconfiguring a range of other services, including the National Cancer Control Programme, Vision for Change, the medical laboratory services and pre-hospital emergency services;
- (f) compliance with the requirements of the European Working Time Directive;
- (g) the development and implementation of care/disease pathways, processes and protocols to deliver better quality care at lower unit costs;
- (h) further developing and utilising the skills of all health professionals through the introduction of expanded roles and direct referral pathways; and
- (i) the identification and implementation of all opportunities to centralise functional, transactional, support and other services at national level, including areas such as medical card and other scheme processing functions, payroll, procurement and purchasing, ICT and HR management.

2.3 Services will have to be maintained and increased/improved within:

- (i) an employment control framework for the health services which incorporates the existing moratorium on recruitment and promotion, including its provisions for limited exemptions for some grades and exceptions in some circumstances;
- (ii) the implementation of the incentivised scheme for early retirement, the special career break scheme and the shorter working year scheme; and
- (iii) expenditure control/management arrangements which require adherence at all levels to pay and non-pay expenditure allocations, while building on the arrangements now

in place to manage expenditure in other areas like demand-led schemes and the Fair Deal.

2.4 The following collaborative approach involving unions and employers is agreed so that the challenges outlined above can be faced in a manner that delivers significant cost efficiencies while protecting the quality and effectiveness of services provided to the public.

2.5 Significant improvements have been made in performance measurement in the health system in recent years and this must be continued with renewed effort and focus. The Parties also undertake to develop and implement an agreed system for measuring and tracking changes in the input costs (both pay and non-pay) and outputs delivered by the health services over the period covered by this Agreement. This system will be put in place within three months of this Agreement, and will have an important role in the quantification of change and productivity. It will be used to record the contribution of staff to improved quality, productivity and outputs in the context of the work of the Implementation Body and accountability to the public.

2.6 The Parties agree that the following range of measures which will need to contribute to the goals of high quality and cost effective services will be developed and implemented under the overall direction of the Implementation Body in order to achieve the foregoing service outcomes in a way which respects the above expenditure, employment and staff engagement requirements.

2.7 Organisational and service change, on the scale required by this Agreement, requires robust consultation with the trade unions, which takes account of staff concerns and rights. The health services' information and consultation mechanism will be used to assist implementation of the required change in an atmosphere of industrial peace.



2.8 All previous agreements, collective or otherwise, or recommendations by industrial relations bodies remain intact, however, nothing in these should delay implementation of these measures.

2.9 It is agreed that measures 1 to 11 below will be implemented with immediate effect:

1. the redeployment/reassignment, in accordance with the agreed scheme (Health Sector Redeployment Protocol in Chapter 6), of staff within and across service locations within the publicly-funded health service, and across the wider Public Service;
2. further development and delivery of integrated patient centred care;
3. changes to organisational structures, including changes arising in the context of the roll-out of the integrated services programme (the HSE and IMPACT are involved in discussions at the LRC for the purpose of reviewing and agreeing changes to the HSE/IMPACT Framework Agreement and to agree an ongoing process to deal with organisational changes);
4. multi-disciplinary working and reporting arrangements, in addition to existing intra professional clinical governance, that extend beyond professional boundaries particularly in community services;
5. pro-active engagement through partnership structures at all levels to identify and implement initiatives designed to reduce non-pay expenditure through measures to improve value for money, elimination of waste, supply chain management, reduce unnecessary diagnostic tests, etc;
6. revised cross-cover arrangements and reductions in on-call tiers, particularly for NCHD grades, in relation to achieving compliance with the European Working Time Directive;
7. better management of risk, safety and quality within the health sector, through adherence to systems, care pathways, disease programmes, protocols, audit, information management systems, etc. Such systems must be developed under the authority of the Director of Quality and Clinical Care and operationalised under the direction and oversight of the relevant clinical leaders at local level e.g. medical, nursing or allied health professional grades, consistent with the recommendations of the Commission on Patient Safety and Quality Assurance;

8. the use of evidence-based performance measurement, to drive continuous improvements in efficiency/effectiveness;
9. the application of merit-based and competitive promotion policies, based on best practice, at all levels;
10. strengthening of individual, professional and statutory accountability for senior management (General Manager and its equivalent upwards) and comparable clinical grades: preparations for the introduction of PMDS in 2011 will involve discussions with unions during 2010 drawing on experience from elsewhere in the Public Service;
11. the centralisation of functional, transactional, support and other services, as outlined earlier, including through the use of shared services within the public health services;
12. the introduction of an extended working day covering the period 8 a.m. to 8 p.m.(i.e. same contracted hours but different scheduled attendance patterns) for all grades in service locations where this is identified as needed to meet service requirements<sup>1</sup>;
13. the introduction of new arrangements to support the delivery of services over an extended period up to and including 24/7 emergency services (i.e. same contracted hours but rostered differently) for all grades in service locations where this is identified as needed to meet service requirements<sup>1</sup>;
14. reviews by management, including nurse management, of existing rostering arrangements including skill mix, to incorporate changes to achieve the optimal match between staff levels, service activity levels and patient dependency levels across the working day/week/year;
15. as part of the transformation programme across the health service, a process involving all relevant stakeholders is well advanced to deliver major change to the medical laboratory services and associated work practices. The programme will deliver the optimal structures to ensure a quality and fit for purpose 24 hour service.

## **National / Local Engagement**

2.10 The Parties recognise that building trust at both national and local level is a key component to the successful implementation of the transformation programme for the health

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<sup>1</sup> It should be noted that with effect from 16 December 2008 (HSE Circular 03/09) all new employees of the HSE and HSE funded agencies are already liable to work rosters necessary to deliver extended services beyond Monday to Friday including weekends where flexibility is required to address real service demands. New employees include existing staff appointed to promotional posts and staff on renewed temporary contracts.

sector. The Parties accordingly commit to a new ‘Strategic Engagement and Innovation Initiative’ that will provide the context for both national-level and local-level engagement between management, unions and health service staff. The focus of this initiative will be on working together on a collaborative basis to achieve specified and measurable outcomes in relation to cost containment, service integration / reconfiguration, staff engagement and well-being, redeployment, etc.

2.11 Key elements of the strategic innovation initiative will include a number of initiatives, drawing on existing resources and expertise available within the HSE, including:

- a national level Steering Committee involving the HSE, other health service employers, trade unions, service users to monitor and support the significant work being undertaken at local level by unions, management and staff.

2.12 Acknowledging the urgency and the need for the speedy implementation of change as set out in this Agreement, the Parties agree to utilise existing formal procedural protocols and to apply them in a positive and constructive manner to support the implementation of the overall Agreement across the health service. This undertaking includes compliance with:

- The Health Service Information and Consultation Agreement of September 2006 (which gives effect to the EU Directive and the 2006 Act);
- Improving our Services: The HSE Guide to Managing Change in the Health Services of July 2008.

### **Consultation / Adjudication Process**

2.13 In the case of measures 12, 13 and 14, each measure will be discussed with trade union representatives at local level; each proposal presented to the trade unions will contain a full description of the planned change and an assessment of the impact, if any, the change

will have on employee numbers, rosters, earnings, redeployment/re-skilling and family circumstances. Training and development remains a priority for the health sector.

2.14 Where the service change will impact on the family commitments and personal or social arrangements of staff, the consultative process will be used to satisfactorily address the issues arising for individuals in advance of the introduction of the change. Opportunities for re-skilling and re-assignment will be promoted as a key method to retain and secure employment in equally attractive roles within the health service where continuation in a current role is not possible.

2.15 In particular, in implementing measures 13 and 14, management should present a plan which contains the following:-

- the strategic/policy/legislative basis for change
- the objectives of the plan
- an analysis of the need/demand, which underpins the plan
- confirmation by management that the alternative working arrangements will meet quality and clinical care requirements
- impact on human resources – numbers/rosters/earnings across all disciplines
- any information on cost savings
- impact of the alternative attendance pattern on earnings, family commitments and personal or social arrangements.

2.16 In the case of measure 12, the process will deal solely with the impact of the alternative attendance pattern on earnings, family commitments and personal or social arrangements.

2.17 Where agreement cannot be reached at local level within 7 days either side may seek the intervention of a Joint Review Group.

2.18 The Joint Review Group consists of 2 staff representatives and 2 management representatives including 1 representative from the relevant discipline on both sides.

### **Affirmation (2<sup>nd</sup> Stage)**

2.19 The Joint Review Group will assess the proposals and endeavour to assist the Parties within 7 days of referral. The process shall, in addition, identify and address the clinical risk, governance and related issues arising from the proposed service reconfiguration.

### **Dispute Resolution (Final Stage)**

2.20 If the Joint Review Group cannot resolve the matter within 7 days of the referral, either party can refer issues relating to the impact of the alternative attendance pattern on earnings, family commitments and personal or social arrangements to an agreed third party adjudicator who will hear the dispute and issue binding proposals to both sides within 21 days of the referral. Implementation of the adjudicator's findings will commence immediately. Adjudications in relation to loss of earnings will be paid within 90 days or as otherwise recommended.

2.21 The existing premium rates, as confirmed by letter to the Staff Panel, will continue to apply, and will also apply equally to categories of staff who historically have not worked these patterns and who, therefore, did not receive these premium payments.

### **Discussions with the Irish Medical Organisation**

2.22 Further discussions will take place with the Irish Medical Organisation in relation to the Government commitment to make appropriate changes to the Competition Act and a

transformation agenda for General Practitioners (GPs). These discussions will be completed within two weeks.

## Chapter 3

### **Education Sectoral Agreement**

3.1 The following range of measures are designed to facilitate the most effective and efficient use of resources and to maximise the quality of educational delivery:

#### **3.2 Teachers**

- The provision, with effect from the start of the 2010/11 school year, of an additional hour per week to be available to facilitate, at the discretion of management, school planning, continuous professional development, induction, substitution and supervision (including supervision immediately before and after school times). This list is not exhaustive.
- With effect from the start of the 2010/11 school year, post-primary teachers to be available for three timetabled class periods per week under the supervision and substitution scheme (while leaving the current maximum number of hours used per teacher per week under this scheme the same as at present).
- Full implementation of new procedures providing for redeployment of surplus teachers, to commence from June 2010 and to be fully implemented for the start of the 2011/12 school year.
- A comprehensive review and revision of the teaching contract to identify and remove any impediments to the provision of efficient and effective teaching to students in all sectors. This review and revision to be completed in advance of the start of the 2010/11 school year.

### 3.3 **Special Needs Assistants**

- A comprehensive review and revision of the existing employment terms and conditions to identify and remove any impediments to the provision of efficient and effective support for students with special care needs. This review and revision to be completed in advance of the start of the 2010/11 school year and to have regard to those elements of the Towards 2016 Agreement relating to SNAs.
- Flexible deployment of Special Needs Assistants within schools to respond to urgent work demands and to cover for periods of absences by SNA colleagues.
- Where work demands arise during non-instruction days, school management will continue to have discretion to deploy staff to appropriate SNA duties.

### 3.4 **Vocational Education Committees (Other than teachers and SNAs)**

- A comprehensive review and revision of existing employment terms and conditions to harmonise them with similar grades in the Public Service. This review and revision to be completed in advance of the start of the 2010/11 school year.
- Co-operation with the restructuring and rationalisation of the VEC sector.
- Co-operation with the introduction of shared services in areas such as payroll, student support, procurement and purchasing, ICT and HR management.
- Implementation of redeployment schemes across the VEC sector and the wider Public Service with effect from the start of the 2010/11 school year. These schemes to have regard to schemes developed in comparable sectors.



### 3.5 **Institutes of Technology**

- The completion by 31 August 2010 of all elements of the review of the academic employment contract currently in train.
- With effect from the start of the 2010/11 academic year, the provision of an additional hour per week to be available to facilitate, at the discretion of management, all educational activities in the Institutes. This usage to be informed by the outcome of the review referred to above.
- Flexible delivery of new courses specifically targeted at unemployed individuals.
- Implementation of redeployment schemes for academic, administrative, technical and support staff across the Institutes and between Institutes and the wider Public Service as appropriate with effect from the start of the 2010/11 academic year.

### 3.6 **Universities and other Higher Education Institutes**

- With effect from the start of the 2010/11 academic year, the provision of an additional hour per week to be available to facilitate, at the discretion of management, teaching and learning in the university/institute.
- Co-operation with the introduction of academic workload management and full economic costing models and with the compilation of associated data to support these.

- Co-operation with redeployment/re-organisation/rationalisation arising from the review of Higher Education strategy and changing economic and social circumstances.
- A comprehensive review and revision of employment contracts to identify and remove any impediments to the development of an optimum teaching, learning and research environment. This review and revision to be completed in advance of the start of the 2010/11 academic year.

## **Chapter 4**

### **Civil Service and Non-Commercial State-Sponsored Bodies Sectoral Agreement**

#### **Introduction**

4.1 The Civil Service and State Agency sectors will be smaller, leaner, more integrated and more technology driven. They will be high performing, efficient and effective, operating within a reduced cost base and with fewer staff. Outdated practices will be eliminated and existing resources better managed.

4.2 Measures required to achieve this vision are set out below. These build on developments to date in HR practices as well as improved business processes in areas such as revenue collection and agriculture payments. The Civil Service and State Agencies will also be bound by measures of more general application throughout the Public Service, tailored as appropriate to meet the needs of individual sectors, in addition to the specific commitments outlined below.

#### **Greater Flexibility**

4.3 With a view towards progressing the requirement for a more flexible Public Service, it will be necessary to redeploy staff from non-priority areas to services requiring additional resources or arising from the rationalisation and restructuring of various public services, within individual sectors and across the wider Public Service itself. Redeployment of civil servants and the staff of non-commercial State-sponsored bodies (NCSSBs) will take place in accordance with the agreed redeployment arrangements (see Chapter 6) and will supersede any such existing redeployment arrangements.

4.4 In the context of managing this transformation agenda, issues such as restricted mobility, staffing levels and structures, work practices, office opening and closing hours, shift patterns, attendance and cross-stream reporting arrangement patterns will be reviewed and may be revised. It is accepted that where such practices are shown to give rise to unnecessary

costs or inefficiencies they will be eliminated. The Parties, therefore, commit themselves towards achieving a modern, efficient and customer focused service which will meet both current and future Public Service requirements in the context of restricted public expenditure levels, involving reduced budgets and the overall numbers employed. Such reorganisation involves a commitment on all sides, and where it is deemed essential and necessary to achieve the better utilisation of human resources, to consult on and implement these changes.

4.5 The Parties recognise that a more accelerated engagement is required at local level in order that negotiations to achieve the above objectives can be brought to finality and are committed to the speedier resolution of such negotiation processes.

4.6 In the event of the Parties reaching an impasse on any of the above matters at Departmental/ NCSSB level, either party may refer the issue(s) in dispute in accordance with the resolution mechanism provided for in the overall Public Service Agreement.

4.7 Management reaffirms the importance of the continued promotion of the work life balance arrangements in the Civil Service. The transformation agenda accepted by both sides requires that previously agreed work-life balance policies and arrangements may need to be reviewed and revised as appropriate in the context of more integrated public services and with a reduced cohort of staff.

4.8 Where such a review is deemed essential, the Parties agree to review all such existing arrangements with a view towards aligning the efficient delivery of services and individual employees' previously agreed arrangements. In this context, options for e-working or redeployment (in line with the agreed redeployment arrangements) may be considered where feasible. Where changes to such arrangements are deemed necessary, consideration will be given to the impact on any individual affected and any changes implemented on an agreed basis.

4.9 It is agreed that discussions on a review of the “Work Sharing Circular’ with a view towards issuing of a new circular will be concluded within the next two months and if not agreed referred to Arbitration by 1<sup>st</sup> June 2010.

4.10 In addition, the revised arrangements for managing sick leave will be implemented on June 1<sup>st</sup> 2010.

4.11 Measures will be put in place to ensure a high performing, high productivity Public Service. Merit-based, competitive promotion policies will be the norm across all grades. There will be greater use of open recruitment at all levels. Appropriately skilled personnel from outside the Public Service will be recruited in order to secure scarce and needed skills, for example in the field of information technology.

4.12 In line with the commitment to introduce significantly improved performance management across all Public Service areas, and following the current review, the Performance Management and Development system will be strengthened with promotion and incremental progression linked in all cases to performance and the implementation of appropriate systems to address under-performance, including, where appropriate, training or, where necessary, through disciplinary procedures. The review will be completed and the necessary measures implemented in 2010. It is recognised that the issue of a third party involvement will be finalised one way or the other in the context of the review.

### **Better business processes**

4.13 Business processes and service delivery will be improved by a move to service provision online as a norm, the elimination of data entry, the reuse of information already provided, the centralisation of transaction handling, the use of electronic funds transfers, and a review of relevant legislative provisions. The introduction of new technology will be regarded as the norm.

4.14 Better arrangements for the management of risk and better and more co-ordinated inspection arrangements will be introduced across functions within the Public Service.

4.15 There will be a greater sharing of resources through the use of shared services within and across sectors, in activities such as human resources, pensions, payroll, financial management, procurement and ICT.

4.16 Greater efficiency will be achieved by the use of EFT payments. Outdated and inappropriate practices and arrangements will be eliminated.

#### **Non Commercial State-sponsored Bodies (NCSSBs)**

4.17 The measures identified above will apply to the Civil Service and also to NCSSBs as appropriate. In addition, implementation of the decisions announced by the Government on the rationalisation of State agencies and any future decisions will involve redeployment arrangements within NCSSBs and between NCSSBs and the Civil Service or the wider Public Service, in line with the agreed redeployment arrangements, as well as the greater use of shared services within or between NCSSBs or between NCSSBs and the Civil Service.

4.18 There will be full support in the Civil Service and State Agencies with programmes and initiatives to support and assist the unemployed, including the rollout of the FÁS placement programme. This Programme will not displace existing graduate placement programmes.

## **Appendix: Irish Prison Service**

1. The Irish Prison Service must secure prison grade payroll savings of €21million to ensure the maintenance of the prison service on a safe and secure basis within the constraints outlined at Paragraph 1 of the Civil Service document.

2. To build on the progress already made in the PFOC and to achieve greater modernisation within the IPS it will be necessary to engage in a joint fresh examination of all tasks within the prisons system. The task review will examine in detail all current organisational, structural and operational arrangements that are necessary so that prisons can operate in the most effective and efficient manner.

3. This in depth review will include consideration of:

- All staff to management ratios;
- Measures to further empower supervisory management grades;
- Greater use of technology, e.g. video links, tuck shops, further development of PRIS, consideration to be given to the development of the electronic transfer of warrants;
- Changing detailing arrangements, including self detailing;
- Introduction of enhanced sentence management processes. In this regard there are progressive regimes and enhanced privileges schemes operating in other European jurisdictions, for example, prisons in Northern Ireland that promote mutual respect, a positive working relationship with staff, other professionals and fellow prisoners, which can form the basis of proposed regime changes in the Irish Prison Service. This transformation would allow reduced staffing levels where feasible and having regard to health and safety, thus freeing up staff to open new areas of the prison estate;
- Practices such as grace periods and meal breaks will be reviewed and may be revised where necessary;
- A review of all allowances on a cost neutral basis with a view to aligning the payment of allowances with IPS strategic priorities.

4. Adoption of the findings of the review may result in adjustments to some rosters, in line with the general principles as outlined in Paragraph 3 of PFOC, and may require greater flexibility in relation to staff transfers. Every effort will be made by all Parties to ensure the delivery of the savings identified above is achieved through this examination of all tasks in the prison system. This task review will be completed on a rolling basis between June and September 2010. Implementation of the findings of the review at any location shall commence within 6 weeks of the completion of the review at that location.

5. In the event that the necessary level of savings outlined above cannot be clearly identified by the end of this process it may be necessary to introduce changes to ensure the required level of savings is delivered. In the event that such proposals are tabled by either side any issues arising will be considered by the Parties for early resolution. Where agreement cannot be reached at this level the dispute resolution mechanism set out in the main Civil Service document will apply.

6. In line with the overall Civil Service Agreement proposals in the following areas will be progressed:

- Open recruitment above entry level;
- A scheme of accelerated promotion;
- Building on Agreed Report 5/97, the introduction of new prison administration grades with defined roles and responsibilities.

7. Nothing in this Agreement will be taken to imply anything beyond the terms of the Agreement.

8. In line with the general Civil Service Agreement, it is agreed in relation to grades represented by the AHCPS that-

- issues such as staffing levels and structures, work practices, overall attendance arrangements and cross-stream reporting will be reviewed and may be revised,



- open recruitment at all levels will be progressed, and
- there will be an in-depth review of all tasks in the prison services; the AHCPS will be involved with this review.

## Chapter 5

### **Local Government Sectoral Agreement**

#### **Introduction**

5.1 Local Government has implemented the following Government policies to address these challenges:

- The suspension of payment of the general round increases under the terms of the Review and Transitional Agreement;
- The application of a general moratorium on recruitment and promotion in the Public Service;
- The introduction of a pension related deduction of an average of 7% from the earnings of all public servants; and
- The implementation of incentivised early retirement (ISER) and career break schemes (ICBS).

5.2 These measures combined with the reorganisation and restructuring of work have contributed to cost reduction, although, in some cases, this has been tempered by resulting and immediate higher superannuation costs for the Local Government sector. The implementation of the ISER and ICBS schemes have led to a combined exit of almost 600 whole time equivalent staff from the system. This, combined with the implementation of the moratorium and the use of more flexible work patterns etc have enabled the sector to reduce its staffing complement from 37,242 whole time equivalents in June 2008 to 32,252 in December 2009.

#### **Restructuring**

5.3 A key element in reducing internal boundaries and simplifying the production of services will be the rationalisation of State agencies in the Local Government sector. These measures will help provide central corporate supports to a Local Government sector focussed on the delivery of value for money services to the public.

5.4 The future development of Local Government structures will take place in the context of the Renewed Programme for Government and to be reflected in the White Paper on Local Government. Implementation of any restructuring measures will take account of this programme and have regard to the contents of the White Paper. These may be expected to take account (inter alia) of the need for rationalisation of services and delivery through shared service resources. The Local Government sector has several examples of such changes being successfully implemented, including the following:

- Restructuring of organisations to reflect a reduced number of directorates and greater levels of responsibility at Director of Service level and below;
- Achieving more efficient delivery of services through a variety of organisational and delivery models;
- Restructuring of service delivery to leverage the operational benefits available through regional delivery, e.g.
  - Regional Project Offices for roads projects,
  - Regional planning and management of river basins and regional development of emergency plans,
  - Provision of waste licensing on a shared regional basis,
  - Provision of landfill facilities on a regional basis,
  - Provision of services such as fire services on an agency basis from one LA to another,
  - Provision of corporate and other services by city and county councils for town and borough councils (e.g. payroll/rates collection/traffic fines/recruitment/planning/sanitary),
  - Co-ordination of county wide services across sectors through the local authority-led multi-agency County and City Development Boards.

5.5 Restructuring along these lines will be required on an ongoing basis as organisational and operational needs dictate. There will be a substantial move to shared services for finance, payroll, HR and other activities. In this regard, the Local Government sector is in the process of implementing a shared superannuation service and is investigating further opportunities in payroll consistent with and contributing to the Transforming Public Services agenda. Optimum achievement in these areas will depend in turn on progressing some

underpinning elements such as reducing the number of pay cycles, having regard to the need for transitional measures.

5.6 Such organisational restructuring is intended to promote greater coherence in policy-making and service delivery and can yield significant cost savings in respect of both service delivery and internal administration. It is intended also that national agencies would engage local authorities amongst others in the delivery of services on their behalf. The Local Government sector has significant experience in the delivery of services on a collaborative basis, including the following examples:

- Provision of the Rental Accommodation Scheme (RAS);
- Establishment of Economic Units within Local Authorities;
- Accommodation of the Sports Partnership Facilitator role within the corporate auspices of the local authority;
- Provision of superannuation services for VECs.

5.7 Significant further potential exists to deliver services through the local authority structures and infrastructure, and using innovative collaborative models, including the following illustrative and non-exhaustive list of examples:

- Provision of services relating to the operation of City and County Enterprise Boards;
- Provision of services for FÁS;
- Provision of services relating to means testing for the Department of Social Protection and others;
- Provision of tourism initiatives on behalf of Tourism Ireland and the Department of Tourism, Culture and Sport;
- Assistance in the provision of community services.

### **Shared Services**

5.8 There will be a greater sharing of resources through the use of shared services within the Local Government sector and across the Public Service. In the Local Government sector, shared service approaches could be investigated to leverage additional value from processes related to the register of electors (which is expected to come within the mandate of an

Independent Electoral Commission in accordance with the renewed Programme for Government) and the processing of motor tax applications.

5.9 Co-location of staff from national bodies in Local Government hosted one-stop centres will be promoted.

### **Procurement**

5.10 The Local Government has launched initiatives for aggregated procurement of electricity. This approach could be extended to a range of areas including, for example, the procurement of fire tenders. At an institutional level, individual local authorities are pooling procurement functions in areas such as media buying.

5.11 The e-quotes system will be further developed and utilised in the Local Government area.

### **e-Government**

5.12 In the Local Government sector, the delivery of the NPPR tax initiative has been largely conducted online, with 75% of payments to date being made online through a shared facility developed by the LGCSB. Availability of planning documents and motor taxation online are further examples of developments in this area. Individual local authorities have gone further, and process payment of waste and water charges online. The Local Government sector will continue developing online and e-services where the potential exists.

### **Redeployment**

5.13 The principles of redeployment for the Local Government sector have been aligned with those set out in the redeployment schemes for the Civil Service and Non Commercial State-sponsored Bodies. This scheme reflects the needs of the Local Government sector and will complement schemes adopted in other sectors (See Local Government Redeployment Arrangements in Chapter 6).

5.14 The Parties to this Agreement have agreed a comprehensive redeployment scheme for the sector consistent with the principles being applied across the Public Service. In the Local Government sector, redeployment will take place in the first instance within individual county and city councils, and thereafter between individual county and city councils, and between individual county and city councils and other Civil and Public Service bodies.

5.15 Where disputes arise as to redeployment, there must be a speedy and final method of resolution. Extremely flexible redeployment arrangements must be viewed as the corollary to arrangements that do not provide for compulsory redundancy.

### **Productivity and Performance**

5.16 It is essential that the productivity potential from new work practices is realised in areas such as rostering, cross-stream reporting, team based working and the development of skills mixes, with a potential consequential effect on current payments. Better management and standardisation of annual and sick leave, and family friendly policies, including flexitime, will be necessary to manage continuity of service and peak demands and to effect pay bill savings. Other flexibility is possible through eliminating demarcation (e.g. Litter inspectors would be required to provide remedial works where appropriate). The “Main Trade Makes Good” Agreement would be fully leveraged to support this flexibility.

5.17 It is recognised that PMDS requires modification in order to achieve its full potential. In particular, there is a need to link PMDS and other HR policies. This will require the development and implementation of a competency framework for all grades in local authorities. Incremental progression and promotion will be linked to PMDS, and will provide a methodology for recognising staff who perform well and for handling underperformance. The revised PMDS model will be designed and agreed by the PMAMG.

5.18 In the Local Government sector, examples of productivity include:

- Modernisation of work practices and the linking of payments to hours worked;
- Review of on call arrangements;
- Maximise flexibility and service provision through a review of current working arrangements.

5.19 Issues for resolution will be dealt with in accordance with the provisions of the dispute resolution mechanism contained in paragraph 24 of the general Public Service Agreement.

## **Redeployment Arrangements**



## **Chapter 6**

### **Redeployment Arrangements**

#### **6.1 Health Service Redeployment Protocol**

##### **Policy Statement**

6.1.1 Agreed protocol between the HSE, health service employers funded by the HSE and trade unions representing staff employed throughout the health services.

6.1.2 Health employers confirm their commitment to the development and maintenance of positive working environments in which all employees are valued equally and are encouraged to enhance their work life and develop themselves.

6.1.3 The Parties to this protocol recognise the important role early and complete consultation can play in the successful realisation of reconfiguration or rationalisation of services where deemed necessary for service improvement or cost containment.

6.1.4 The health service employers and trade unions recognise that voluntary redeployment is the preferred option in the first instance.

6.1.5 Redeployment will be organised in a manner which maximises the efficient and effective deployment of resources while recognising the rights, entitlements and needs of the employee.

6.1.6 Core considerations in the development of redeployment decisions will be the continued delivery of effective, safe and timely patient care and the effective deployment of resources.

6.1.7 The redeployment protocol applies to all employees in the HSE and health employers funded by the HSE and opportunities to fill positions through redeployment will be equally available to those employees on statutory leave or other agreed leave associated with family friendly policies.

- 6.1.8 The protocol will not impact on the normal management decisions to deploy/assign duties or staff as deemed appropriate, or temporary transfers due to emergencies.
- 6.1.9 Existing specific agreements regarding issues of redeployment associated with discrete projects/service reconfiguration in specific locations will remain unaltered.
- 6.1.10 There will be a greater need to use redeployment having regard to the Government moratorium on recruitment in the Public Service.

### **Scope of Practice for Regulated Clinical Professionals**

- 6.1.11 Safe patient care must inform all decisions on redeployment. While the protocol applies to all HSE employees and to health service employers funded by the HSE, certain regulated professions carry individual responsibility with regard to their competence to practice safely and effectively while fulfilling their professional responsibility within their scope of practice. In no circumstances may a redeployment opportunity be promoted or acceded to where the receiving position would require the redeployed individual to work outside their scope of professional practice.

### **Rationale for Redeployment**

- 6.1.12 Redeployment of employees may be required for a number of reasons including the following:-
- to meet organisational and operational needs, including reconfiguration of services;
  - where, as a result of organisational restructuring, an individual's job no longer exists in its current format;
  - to redirect or develop skills and competencies required to meet evolving patient or service user needs;
  - matching employee skills and competencies with specific organisational requirements;
  - to meet staffing and service imperatives;
  - to respond to service priorities and urgent work demands.

6.1.13 In addition, health service employers in the service planning exercise, or revisions to it, will identify, at the earliest possible date, employment categories or service areas of diminishing demand or which, due to financial constraints, face reconfiguration or closure.

### **Procedure for Redeployment**

6.1.14 Volunteers for redeployment will be sought in the first instance.

6.1.15 Normally redeployment will occur for the reasons set out in paragraphs 6.1.12 and 6.1.13 above.

6.1.16 Where such areas are identified all practical options available for employees, including reference to existing transfer lists (where applicable) will be explored.

6.1.17 All health service employees, including those on approved leave schemes, will be entitled to apply for consideration for vacancies within their own grade, category or profession.

6.1.18 In accordance with Public Appointments Commission regulations, promotional posts may only be obtained through competition.

6.1.19 Redeployment may not always be to a role/grade of similar/equal status. However, an employee's existing pay and terms and conditions of employment will be protected if they participate in the redeployment scheme.

6.1.20 The following criteria will be used generally to determine the suitability of an applicant for redeployment:-

- the nature of the work;
- qualifications;
- skills and experience required to carry out the work;
- attitude or capability of the individual to undertake the work;
- working arrangements e.g. hours of work, shift arrangements;
- level of responsibility.

### **Competence, Re-skilling, Education and Training**

6.1.21 Where a full skills/competency match does not exist following a redeployment decision appropriate training will be considered to equip the employee with the skills necessary for their new role. The nature of the education/training will be mutually agreed between line management and the employee. A return to the employee's original position may also be considered where considered practicable.

### **Essential Redeployment**

6.1.22 Where there are insufficient volunteers management will be able to require staff to redeploy. Staff will normally be selected on the basis of length of service having regard to the skill set requirement for the post.

6.1.23 Staff may be redeployed to a location within a 45 km radius of their current work location or of their home address, whichever is the shorter commute. In making such redeployment decisions regard will also be had to reasonable daily commute time.

6.1.24 In some instances, due to the specialist nature of the post, redeployment options will of necessity be considered beyond these guideline distances. In making offers of redeployment, regard will also be had to reasonable daily commute time.

6.1.25 The protocol will not preclude redeployment applications from employees who wish to redeploy to a location/service of their choice and which may be beyond the guideline distance outlined above.

### **Appeal Process**

6.1.26 Where a staff member wishes to appeal a redeployment decision such an appeal will be managed by an agreed adjudicator who will issue a decision within the terms of the scheme within 21 days and whose decision will be accepted.

6.1.27 Nothing in this protocol affects an individual's statutory rights.

**Monitoring**

6.1.28 This redeployment protocol will be monitored by a steering committee comprising three management and three trade union nominees. The committee may recommend, through the National Joint Council, amendments or enhancements to the scheme, including opportunities for re-skilling and re-training, based on experience gained through its operation.

## **Education sector redeployment arrangements**

**(for staffing grades covered by the following unions – IMPACT, SIPTU and UNITE)**

### **General principles**

6.2.1 These procedures will be implemented in an open and transparent manner with full regard to the need for consultation with individuals and the representative Trade Unions and in line with the legislative requirements as contained in the Information and Consultation Act (2006).

6.2.2 These principles shall apply to all employees in grades in the education sector represented by IMPACT, SIPTU and UNITE and comprehended by paragraph 6 of the Public Service Agreement.

6.2.3 The objective is to absorb surplus staff where posts have become surplus for whatever reason, by means of redeployment. In all circumstances, redeployment in the first instance will take place by means of a reassignment within the employees' own employer, either to suitable posts at their own grade or at an analogous grade for which the employee has the necessary skills, qualifications and competencies. If no suitable post exists within that organisation, redeployment shall be to another employer within the education sector to a suitable post at their own grade or at an analogous grade for which the individual has the necessary skills, qualifications and competencies. If no suitable post exists within the education sector, redeployment shall be to a suitable post within the wider Public Service on no less favourable basic pay and pension terms.

6.2.4 These principles will provide opportunities for individuals to explore career development in seeking a suitable alternative role (where appropriate). They are based on the concept of a flexible approach to facilitate staff movement throughout the education sector, in particular to enable the movement of employees from areas which are no longer a priority or which have been restructured, to areas of greater need. Individuals may volunteer to redeploy

to posts at a lower grade (in such circumstances they will receive pay, and terms and conditions associated with the lower grade).

6.2.5 Surplus staff may be absorbed through reassignment and/or redeployment within the organisation, in which case employees may be redeployed to other positions or functions or geographical areas within the organisation. Each individual employer will be expected to manage this process internally.

6.2.6 Redeployment will generally take precedence over recruitment (including recruitment of fixed-term employees), transfers and promotions except in circumstances where identified special skills are required or where the post cannot otherwise be filled through redeployment arising from geographical or other constraints, or to meet essential human resource planning and business needs.

#### **Identification and filling of vacancies in the education sector by redeployment**

6.2.7 Where an organisation is facing increasing demands for its services and experiences resource pressures, it must first seek to meet these demands from the reorganisation or restructuring of work or business units and/or the redeployment of staff internally (taking account of any staff due to return from career breaks and special leave in accordance with the terms of these schemes).

6.2.8 Where there is no potential for redeployment within the organisation, the employer should identify staff for redeployment as follows:

- (i) Where an activity or programme is no longer being carried out or the work associated with an activity or programme has ceased or diminished, the number of staff associated with that activity or programme should be deemed to be a surplus number within the organisation as a whole and available for redeployment. Surplus staff numbers may also arise as a result of rationalisation, reconfiguration, reorganisation or restructuring of services or functions or where a general reduction in authorised numbers is required. The employer should, in those

circumstances, identify the numbers of staff at each relevant grade which are surplus.

(ii)Volunteers who are willing to redeploy should be sought from relevant grades in the organisation.

(iii)Where there are no or insufficient volunteers, management will be able to require staff to redeploy. Selection will be made in accordance with the “last in first out” principle (LIFO). Seniority in the context of LIFO is defined as the most senior in terms of pensionable service within the grade, save where different arrangements exist for the determination of seniority.

6.2.9 An organisation that has been given sanction to fill a post will do so, where possible, through redeployment from another organisation. An employer having been offered a suitable candidate may not refuse to accept the employee, provided that the employee has a satisfactory record in relation to sick leave and that there are no issues in relation to conduct or performance in process at the time. In the event of a refusal on those grounds, the post shall be offered to the next suitable candidate in line with these principles.

6.2.10 In the event that the only volunteer for a post is an employee having an unsatisfactory record in relation to sick leave or having conduct or performance issues in progress, the donating and receiving organisations may consider whether the transfer of the employee can proceed, notwithstanding the employee’s record, before a LIFO arrangement is initiated. Where it is agreed that the transfer can proceed, the receiving organisation will have the right to continue to address any conduct, performance or attendance issues.

6.2.11 An employer may not refuse to accept an employee on the grounds of an unsatisfactory record in relation to sick leave or having conduct or performance issues in progress in circumstances where the organisation from which the employee being transferred is being abolished (and not merged with any other organisation). In such instances the receiving organisation will have the right to continue to address any conduct, performance or attendance issues.



### **Redeployment across disciplines**

6.2.12 Where possible staff selected for redeployment will be redeployed to a post at a similar or analogous grade for which the individual has the necessary skills, qualifications and competencies. In the event that no post exists at a similar or analogous grade, then management will be able to require staff to redeploy to a post at a different grade or within a different discipline (where they are being assimilated to a grade with less favourable terms they will retain their existing basic pay and pension terms on a personal-to-holder red-circled basis). In all circumstances such redeployment will only occur where the necessary qualifications are held by the staff in question. Where a full skills/competency match does not exist following a redeployment decision, then appropriate training will be facilitated to equip the employee with the skills necessary for the new role.

### **Assignment within defined distances**

6.2.13 Where staff are being redeployed to another organisation in accordance with these principles, they will be assigned to a post within a 45km radius of their current work location or home address, whichever is the shorter commute. Regard will also be had to reasonable daily commute time.

6.2.14 Given that Public Service organisations and posts are fewer in number and more dispersed in some parts of the country than in others, redeployment options may of necessity be beyond these guideline times and distances in some instances. In these circumstances, consultation will take place with the relevant employee(s) and union(s) in relation to the assignment(s) on offer.

### **Spouses and children's pension schemes**

6.2.15 Where an employee is not a member of the spouses and children's pension scheme in their current organisation, s/he will remain a non-member of the spouses and children's pension scheme on transfer to another organisation under these principles. Equally, where an employee is a member of the spouses and children's pension scheme in their current organisation, s/he will continue to be a member of the spouses and children's pension scheme on transfer to another organisation under these principles.

### **Seniority and worksharing schemes**

6.2.16 Staff moving in line with these general principles will retain their existing seniority. The retention or variation of any applicable worksharing schemes of any staff member moving will be subject to the terms of any Circulars which exist in relation to these matters, or of any amendment made to such Circulars, or to the terms of any future Circulars made in this regard.

### **Arrangements for the implementation of these general principles**

6.2.17 Arrangements will be drawn up and agreed between management and the unions which will facilitate the practical implementation of these general principles in the education sector.

### **Dispute resolution and monitoring in line with these general principles**

6.2.18 A Steering Committee will monitor the progress of these principles and address issues which may arise in relation to their operation. The Steering Committee shall be made up of representatives of:

- (i) relevant management authorities and employers in the education sector;
- (ii) relevant unions in the education sector;
- (iii) the Department of Education and Science.

6.2.19 In the event of a dispute arising in relation to any aspect of the operation of these principles and/or a redeployment decision, the dispute will be referred to an independent adjudicator, selected from a panel agreed by the Steering Committee, who will issue a decision within the terms of the scheme and whose decision will be binding on all Parties and final.

## **Review of the principles**

6.2.20 The operation of these redeployment principles will be re-examined at a later stage taking account of developments in Public Service staff numbers policy and the review of the Moratorium on recruitment and promotion in the Public Service at the end of 2010. If necessary, the re-examination will explore further options to address any remaining surplus.

## **Redeployment Arrangements for the Civil Service**

### **General**

6.3.1 In view of the major economic challenges facing the country the Government are committed to obtaining maximum efficiencies from, and reducing the size of, the Public Service. The Government and the Public Service unions confirm that in the context of a reduction in numbers serving in the Public Service:

- (i) it will from time to time be necessary to increase staffing in certain designated priority areas in accordance with Government policy;
- (ii) in such instances where additional staff are required the Government will in the first instance investigate the feasibility of redeploying serving public servants with the relevant skills sets;
- (iii) redeployment of staff/posts may be necessary for temporary or long-term needs on foot of changing business patterns or priorities or to respond to urgent work demands; and that
- (iv) management will have the discretion to redeploy staff/posts not just within the same location but also within defined areas as set out in paragraph 6.3.15 below.

6.3.2 The Minister reserves the right to redeploy civil servants as may be required and appropriate, between Departments<sup>2</sup>:

- where services or functions are allocated or re-allocated between Departments;
- to meet priority needs; or

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<sup>2</sup> For “Department”, read “Department or Office” throughout this document.

- to address needs arising from rationalisation, reconfiguration, reorganisation or restructuring of services or functions, including by the imposition of general or specific levies of staff where necessary.

In the case of a levy, volunteers to redeploy will normally be sought in the first instance, Where insufficient numbers volunteer, persons will be selected on the basis of seniority, with those having the least service in the grade being required to move (hereafter referred to as “Last In First Out” – LIFO). Specific arrangements may also be made for the redeployment of any surplus from one Department to another within the defined radius set out in paragraph 6.3.15.

6.3.3 Redeployment will generally take precedence over recruitment (including fixed term employees), transfers and promotions except in circumstances where special skills are required or where the post cannot otherwise be filled through redeployment arising from geographical or other constraints, or to meet essential manpower planning and business needs.

6.3.4 Where the Government decides that certain functions of a Department are to be transferred to another area of the Civil or Public Service, the posts and/or staff associated with those functions will also transfer, as appropriate to the needs of the receiving organisation taking account of the skills mix and the need to avoid duplication of roles.

## **Part 1: Redeployment of surplus personnel within the Civil Service**

### **Identification of staff to be redeployed.**

6.3.5 The Department of Finance, having consulted with each Department, will determine numbers for each Department and will keep this position under review in light of emerging priorities. The Department of Finance will from time to time need to determine the order in which surplus staff may be redeployed from different organisations and to determine prioritisation in the placement of such staff in the Civil Service, in NCSSBs or in other Public

Service organisations, taking account of the circumstances prevailing in each organisation, location issues and, most critically, the staffing needs of the organisations being given the redeployed staff.

6.3.6 Where surplus posts are identified in a Department, existing arrangements regarding the filling of posts, whether by agreed sequences for promotion, recruitment or by inter-departmental transfer arrangements, will no longer apply whether generally or within the defined radius set out at paragraph 6.3.15 save as provided for in these arrangements.

6.3.7 Departments should identify staff for redeployment as follows:

- (i) Where an activity or programme is no longer being carried out, the posts associated with that activity or programme should be deemed to be surplus and available for redeployment. Surplus posts may also arise as a result of rationalisation, reconfiguration, reorganisation or restructuring of services or functions or where a general reduction in authorised numbers is required following a determination under paragraph 6.3.5. The Department should in those circumstances identify the numbers of posts at each relevant grade which are surplus and the location of the surplus;
- (ii) Volunteers who are willing to redeploy should be sought from relevant grades in the Department. In addition, staff returning from career breaks in the relevant grades who cannot be accommodated in their parent Department, should be included;
- (iii) Where there are no or insufficient volunteers, staff to be made available for redeployment should be identified in accordance with LIFO.

6.3.8 Departments will provide detailed information to the Public Appointments Service (PAS) on the staff concerned, including grade, current work location and home address, within one month of a surplus being identified.

6.3.9 The PAS will establish Resource Panels for each General Service grade and for each Professional & Technical (P&T) grade. The placing of staff will be by reference to the defined radius set out in paragraph 6.3.15<sup>3</sup>.

### **Identification and filling of vacancies by Redeployment.**

6.3.10 Where a Department is facing increasing demands for its services and experiences resource pressures, it must first seek to meet these demands from the reorganisation or restructuring of work or business units and/or the redeployment of staff internally (taking account of any staff due to return from career breaks, other special leave, etc).

6.3.11 Where a Department considers that its internal staffing resources are insufficient to meet its work demands, the Department must make a business case to the Department of Finance seeking sanction to secure additional staffing resources. The Department of Finance will determine the number(s) and grading of staff to be redeployed (if any) and if additional resources also need to be transferred.

6.3.12 Where sanction has been received from the D/Finance to fill a post(s), the PAS should be notified of the positions to be filled by redeployment and details of the relevant sanction. Positions will be offered to officers in accordance with the sequence set out in Appendix A or B.

6.3.13 Staff moving under the arrangements set out in Appendix A or B will retain their existing seniority (save that seniority arrangements in place for decentralisation moves will continue to apply to such moves). The retention or variation of any applicable worksharing

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<sup>3</sup> The PAS may for their administrative purposes only collect and store information on staff and vacancies on a regional basis to enable them to manage the operation of the redeployment arrangements effectively.

arrangements of any staff member moving will be subject to the terms of Circular 21/2001, or of any amendment made to that Circular.

6.3.14 A Department having been offered a suitable candidate, or having selected a candidate with suitable skills/experience under the arrangements set out in Appendix A or B, may not refuse to accept the officer, subject to the officer having a satisfactory record in relation to conduct and sick leave (i.e. no disciplinary action has been initiated against the officer and the officer's sick leave does not exceed 56 days in the preceding four years). In the event of a refusal on those grounds, the post shall be offered to the next suitable candidate under the arrangements set out in Appendix A or B. In the event that the only volunteer for a post is an officer having an unsatisfactory record in relation to conduct or sick leave, the donating and receiving organisations may consider whether transfer of the officer can proceed, notwithstanding the officer's record, before a LIFO arrangement is initiated. In any such consideration, regard should be had to the overall size of the receiving office and, in particular, the number of posts at that grade level in the location in question. In any instance where an office from which a person is being transferred is due to be abolished, a Department may not refuse a candidate on the grounds of conduct or sick leave. In these circumstances, management in the receiving organisation will have the right to continue to address any such underperformance or attendance issues.

#### **Assignment within Defined Distances**

6.3.15 Staff on Resource Panels may be assigned to another Civil Service job at the appropriate grade in an alternative Department within a defined radius i.e. where possible, staff will be redeployed to another Civil Service post within a 45km radius of their current work location or of their home address, whichever is the shorter commute. Regard will also be had to reasonable daily commute time.

6.3.16 Where no suitable post is available in another Civil Service Department within a reasonable daily commute, redeployment options will be sought in NCSSBs and in other sectors, initially within a 45km radius.



6.3.17 Given that Civil Service Departments and Public Service organisations/ posts are fewer in number and are more dispersed in some parts of the country rather than in others, redeployment options may of necessity be beyond these guideline distances in some instances. In these circumstances, consultation will take place with the relevant union in relation to the assignment on offer. In making offers of redeployment, regard will also be had to reasonable daily commute time.

### **Professional and Technical Posts**

6.3.18 Where a surplus of posts arises in the Professional and Technical grades in a Department, volunteers from relevant grades will be sought for placement on Resource (Professional and Technical) Panels for staff in these grades. Positions will be offered to Professional and Technical staff in accordance with the arrangements set out at Appendix B.

6.3.19 Staff placed on the Professional and Technical Resource Panel may be considered for redeployment to an equivalent professional or technical grade in the Civil Service, redeployment to an equivalent professional or technical grade within an NCSSB or within another sector or may indicate a willingness to opt for redeployment to an equivalent General Service position. In order to be considered for inclusion on the General Service Resource Panel, such staff must satisfy the PAS that they have the necessary skills, competencies and/or qualifications as appropriate for the relevant General Service grade.

6.3.20 General Service staff placed on General Service Resource Panels may also indicate a willingness to consider redeployment to an equivalent Professional and Technical grade. In order to be considered for inclusion on the Professional and Technical Resource Panel, such staff must satisfy the PAS that they have the necessary skills and competencies and/or qualifications as appropriate for the relevant professional & technical grade.

6.3.21 Where a staff member in a professional or technical grade has expressed a willingness to redeploy to a General Service position, or where a staff member in a General Service grade has expressed a willingness to redeploy to a Professional and Technical position, the PAS may offer a suitable position to such a person in accordance with seniority and relevant experience, subject to a selection and regrading process conducted by PAS. This process may involve a competency based interview. The selection process may involve identification of skills, competencies and/or qualifications as appropriate required for the job and/or a competency based interview, and a commitment to undertake any necessary additional skills/competencies development by the officer. Where possible, staff will be redeployed to another Civil Service post within a 45 kilometre radius of their current work location or home address, whichever is the shorter commute. Regard will also be had to reasonable daily commute time.

## **Part 2: Operation of Redeployment arrangements between the Civil Service and Non-Commercial State Sponsored Bodies**

6.3.22 Redeployment arrangements between the Civil Service and Non-Commercial State Sponsored Bodies (NCSSBs) may arise where organisations are being merged, functions are transferring or other reconfiguration of current organisational structures is proposed resulting in surplus staff. General principles governing redeployment arrangements in relation to NCSSBs are set out in a separate paper - “Redeployment – Arrangements for NCSSBs”- which has been agreed with the staff side.

6.3.23 In situations where the Government decides that the functions of an NCSSB are to be transferred to the Civil Service, the posts and/or staff associated with the function will also transfer, as appropriate to the needs of the receiving Department taking account of the skills mix and the need to avoid duplication of roles.

6.3.24 The identification of surplus posts in NCSSBs will be a matter for management in the various bodies, and their parent Department, in consultation with the Department of Finance and in line with Government policy on Public Service numbers.

6.3.25 The PAS will establish Resource Panels for NCSSB staff. A person from a surplus identified in an NCSSB may be offered a vacancy in the Civil Service, or in another sector in accordance with the arrangements set out in the “Redeployment – Arrangements for NCSSBs” Agreement.

6.3.26 A person on a General Service or Professional and Technical Resource Panel in the Civil Service may be offered a vacancy in an NCSSB or in another sector in accordance with paragraph 6.3.16 above and where the qualifications and expertise can be matched with the requirements of the post to be filled. The PAS will manage the selection process in such cases. The guidelines as regards distance set out in paragraph 6.3.15 above will apply.

6.3.27 The Department of Finance will, however from time to time need to determine the order in which surplus staff may be redeployed from different organisations and to determine prioritisation in the placement of such staff in the Civil Service, in NCSSBs or in other Public Service organisations, taking account of the circumstances prevailing in each organisation, location issues and, most critically, the staffing needs of the organisations being given the redeployed staff.

6.3.28 Where a redeployment transfer is being made under paragraphs 6.3.22 to 6.3.26 above, the initial placement to the Civil Service or to the NCSSB may be on the basis of secondment. Persons redeployed from an NCSSB to the Civil Service in these circumstances or from the Civil Service to an NCSSB will be appointed on no less favourable terms and conditions in relation to basic pay and pension. Persons taking up offers of redeployment to the Civil Service will be subject to Civil Service non-pay terms and conditions of employment, including the code of conduct and the disciplinary code. In any instance where

the body from which the person is being transferred is due to be abolished, an organisation may not refuse a candidate on the grounds of conduct or sick leave.

6.3.29 *Spouses and Children's Pension Scheme* – Where a staff member had previously opted out of the Spouses and Children's Scheme and is not a current member of the Scheme, s/he will remain a non-member of the Scheme on transfer to another Public Service or Civil Service body under these redeployment arrangements. Equally where a staff member is a current member of the Spouses and Children's Scheme, s/he will continue to be a member of the Scheme on transfer to another Public Service or Civil Service body under these arrangements.

### **Part 3: General Provisions**

#### **Moving work to a regional location**

6.3.30 Where programmes or activities in regional locations are no longer to be carried out, and there is no or limited relocation potential, Departments and NCSSBs (as appropriate) in the location may be asked to identify other blocks of work that could be discharged by staff within the defined radius set out at paragraph 6.3.15 provided such reallocations of functions could operate in an efficient, effective and economic manner

#### **Review Procedures**

6.3.31 A Steering Committee, representative of the Official and Staff Sides, will monitor the progress of the scheme with a view to resolving individual problems and addressing general issues which may arise in relation to its operation.

#### **Review of the Redeployment Scheme**

6.3.32 The operation of the Redeployment Scheme will be re-examined later taking account of developments in Public Service staff numbers policy and the review of the Moratorium on

Recruitment and Promotion in the Public Service at end 2010. If necessary, the re-examination will explore further options to eliminate any remaining surplus.

## **Appendix A**

### **Arrangements for the Filling of Civil Service Posts by Redeployment**

*Note: The prior approval of the Department of Finance is required for the filling of any posts/vacancies.*

#### ***A. Posts in Dublin***

##### *1. Dublin Arrangements:*

(a) In the normal course, approved vacancies arising in Dublin will be offered in the first instance to staff on the Dublin Arrangements in accordance with the existing protocols agreed with the staff side, where the release of a staff member would result in the filling of a decentralised post from the CAF.

##### *2. General Posts which cannot be filled from the Dublin Arrangements:*

(a) If the post cannot be filled from the Dublin Arrangements, and there are no identified skills or experience associated with the post, the vacancy will be offered to officers in the Dublin area on the relevant Resource Panel.

(b) The Department of Finance may require PAS from time to time to confine the circulation of offers to certain Departments only.

(c) Positions will be offered to officers on the Resource Panel, subject to paragraph (b) above. The PAS will invite applications from officers on the panel. The position will be offered to the most senior officer from among the applications received by the PAS.

(d) In the event that the position is offered to a person on the Professional & Technical Resource Panel the arrangements set out at Appendix B will apply.

(e) If there are no volunteers for the post, LIFO will apply, having regard to reasonable daily commute in terms of distance and time.

(f) Where particular skills or experience have been identified by a Department as necessary for a particular post (e.g. ICT, audit, procurement), such positions will, with the prior

agreement of the Department of Finance, be offered only to officers on the Resource Panel who have indicated that they have relevant skills or experience in the area in which the vacancy arises. The receiving Department will be provided with details of up to 6 persons who have indicated an interest in the position and will arrange a placement from among that group based on a transparent and objective set of criteria. A timeframe will be set for the process. If there are no volunteers for the post, LIFO from among those with the relevant skills or experience will apply, having regard to reasonable daily commute in terms of distance and time.

(g) Where Civil Service staff are on a resource panel and no suitable posts are available in another Civil Service Department within a reasonable daily commute, redeployment options will be sought in NCSSBs and in other sectors, initially within a 45km radius as set out in paragraph 6.3.15 above.

(h) In accordance with the arrangements set out in the “Redeployment – Arrangements for NCSSBs” Agreement, a priority vacancy arising in a Civil Service Department staff may in certain circumstances be filled from an NCSSB resource panel or from another sector.

## **B. Civil Service Posts in Locations Outside of Dublin**

(a) *Surplus Staff*: In the normal course, a vacancy arising in an existing Office outside of Dublin or in a newly decentralised Office will first be offered to staff within the defined radius set out at paragraph 6.3.15 that are surplus (and may be restricted by the Department of Finance from time to time to staff from a single body with a surplus). The position will be offered to the most senior officer from among the applications received by the PAS.

(b) In the event that the position is offered to a Professional & Technical person on a Resource Panel the arrangements set out at Appendix B will apply.

(c) In the event that there is no volunteer for the post, LIFO will apply, having regard to the guidelines in relation to distance at paragraph 6.3.15 above.

(d) *Central Applications Facility*: If there are no surplus staff, or where all surplus staff within the defined radius set out at paragraph 6.3.15 have been placed, the filling of posts in Offices outside of Dublin or newly decentralised Offices will be offered to CAF volunteers in accordance with the existing protocols agreed with the staff side.

(e) In the event that the CAF volunteer comes from a Department which does not have staff on the Resource Panel because it is below its authorised numbers level as agreed with the Department of Finance, and there is a surplus of staff within the defined radius as set out at paragraph 6.3.15, the Resource Panel may be used to backfill the resultant vacancy in accordance with the procedure at paragraph (a) above.

(f) Where particular skills or experience have been identified by the Department as necessary for a particular post (e.g. ICT, audit, procurement), such positions will, with the prior agreement of the Department of Finance, be offered only to officers on the Resource Panel who have indicated that they have relevant skills or experience in the area in which the vacancy arises. The receiving Department will be provided by the PAS with details of up to 6 persons who have indicated an interest in the position and will arrange a placement from among that group based on a transparent and objective set of criteria. A timeframe will be set for the process. If there are no volunteers for the post, LIFO from among those with the relevant skills or experience will apply, having regard to the guidelines in relation to distance at paragraph 6.3.15 above.

(g) In the event that there are no officers on the Resource Panel within the defined radius set out at paragraph 6.3.15, or from time to time, beyond those guideline distances, with relevant skills or experience under the arrangements set out in subparagraph (f), and the post is not a newly decentralising post, the position will be offered to all Civil Service CAF applicants who have expressed an interest in the location in question. CAF applicants may be invited to submit a CV to the PAS indicating their relevant skills or experience for the post. The PAS may shortlist in accordance with stated criteria if the numbers of CAF applicants is greater than 6. The employing Department will be provided by the PAS with details of the CAF applicants who submit an expression of interest in the position and will arrange a placement from among that group based on a transparent and objective set of criteria. Existing CAF protocols will continue to apply in relation to newly decentralising CAF posts included in the Government's current Decentralisation Programme.

(h) In the event that a position is offered to Professional & Technical person on the general Resource Panel the arrangements set out at Appendix B will apply.

(i) Where Civil Service staff are on a resource panel and no suitable posts are available in another Civil Service Department within a reasonable daily commute, redeployment options



will be sought in NCSSBs and in other sectors, initially within a 45km radius as set out in paragraph 6.3.15 above.

(j) In accordance with the arrangements set out in the “Redeployment – Arrangements for NCSSBs” Agreement, a priority vacancy arising in a Civil Service Department staff may in certain circumstances be filled from an NCSSB resource panel or from another sector.

## **Appendix B – Professional & Technical Staff**

### **A. Posts in Dublin**

#### *1. Decentralising Departments*

(a) In the normal course, vacancies arising in Dublin will be offered in the first instance to Professional & Technical staff in decentralising Departments having regard to relevant skills and competencies and/or qualifications as appropriate to the position in which the vacancy arises.

(b) If there is more than one volunteer for the position, the post will be offered to the most senior officer who volunteers having regard to relevant skills and competencies and/or qualifications. Seniority will be based on total service in the grade in the Civil Service.

(c) If there are no volunteers for the post, LIFO will apply.

#### *2. Professional & Technical post which cannot be filled from among Decentralising Departments:*

(a) If the post cannot be filled from among the decentralising Departments the vacancy will be offered to officers in the Dublin area on the relevant Resource Panel having regard to skills and competencies and/or qualifications as appropriate in the position in which the vacancy arises.

(b) The Department of Finance may require PAS from time to time to confine the circulation of offers to certain Departments only.

(c) If there is more than one volunteer for the position, the post will be offered to the most senior officer who volunteers having regard to relevant skills and competencies and / or qualifications. Seniority will be based on total service in the grade in the Civil Service.

(d) If there are no volunteers for the post, LIFO will apply

## ***B. Posts in Locations Outside of Dublin***

(a) *Surplus Staff*: In the normal course, a vacancy arising in an existing location outside of Dublin or a newly decentralised office will first be offered to staff in an organisation within the defined radius as set out at paragraph 6.3.15 which has been identified as having surplus staff having regard to skills and competencies and /or qualifications as appropriate in the position in which the vacancy arises.

(b) Having analysed the data supplied to them in relation to staff on the Resource Panel, the PAS will invite expressions of interest from all officers on the appropriate Panel with skills, competencies and/or qualifications as appropriate.

(c) An assessment process which will be managed by the PAS will assess the applicants' skills and competencies and/or qualifications to ensure that they match the requirements of the position. The post will be offered to the most senior officer who volunteers from among those assessed as meeting the requirements of the position.

(d) In the event that there is no volunteer for the post, LIFO will apply from among those with the relevant skills, competencies and/or qualifications. LIFO will be applied having regard to the guidelines regarding distance set out in paragraph 6.3.15 above.

(e) *Central Applications Facility*: If there are no surplus staff, or where the surplus staff within the defined radius as set out at paragraph 6.3.15, or from time to time beyond these guidelines distances, have been placed, posts will be offered to CAF volunteers in accordance with the existing protocols agreed with the staff side.

(f) Where a staff member in a professional or technical grade has expressed a willingness to redeploy to another professional or technical grade, or where a staff member in a General Service grade has expressed a willingness to redeploy to a Professional and Technical position, the PAS may offer a suitable position to such a person in accordance with seniority, relevant skills, competencies and/or qualifications and subject to a selection and regrading process conducted by PAS. This process will involve a competency based interview. The selection process may involve identification of competencies/qualifications required for the job and a commitment to undertake the necessary skills/competencies/professional development by the officer.

(g) If no suitable candidate is available from within the Civil Service, the Department may ask the PAS to offer the position to NCSSB Resource Panels within the defined radius as set out in paragraph 6.3.15.

(h) Where Civil Service staff are on a resource panel and no suitable posts are available in another Civil Service Department within a reasonable daily commute, redeployment options will be sought in NCSSBs and in other sectors, initially within a 45km radius as set out in paragraph 6.3.15 above.

(i) In accordance with the arrangements set out in the “Redeployment – Arrangements for NCSSBs” Agreement, a priority vacancy arising in a Civil Service Department staff may in certain circumstances be filled from an NCSSB resource panel or from another sector.

## **Redeployment Arrangements for Non-Commercial State Sponsored Bodies**

### **General Principles**

6.4.1 In view of the major economic challenges facing the country the Government are committed to obtaining maximum efficiencies from, and reducing the size of, the Public Service. The Government and the Public Service unions confirm that in the context of a reduction in numbers serving in the Public Service:

- (i) it will from time to time be necessary to increase staffing in certain designated priority areas in accordance with Government policy;
- (ii) in such instances where additional staff are required the Government will in the first instance investigate the feasibility of redeploying serving civil and public servants with the relevant skills sets;
- (iii) redeployment of staff/posts may be necessary for temporary or long term needs on foot of changing business patterns or priorities or to respond to urgent work demands; and that
- (iv) management will have the discretion to redeploy staff/posts not just within the same location but also within defined areas as set out in paragraph 6.4.16 below.

6.4.2 In light of the constraints on the public finances and the need to maximise the use of resources, it is necessary to develop appropriate redeployment mechanisms so that staff can be moved from activities which are of lesser priority, or which have been rationalised, reconfigured, reorganised or restructured, to areas of greater need.

6.4.3 The Government and the Public Service unions agree to co-operate with the implementation of effective redeployment arrangements both within the sectors of the Public Service and across the sectors, where necessary.

6.4.4 The Parties agree that redeployment within the NCSSB sector will be based on the following broad principles:

- (i) Where surplus staff are identified in an NCSSB the steps set out at paragraph 6.4.16 below will be taken to source alternative employment.
- (ii) The aim will be to absorb surplus staff where posts have become surplus, for whatever reason, by redeployment either to suitable fillable posts within the employing body or the sector, as appropriate. If it is not feasible to redeploy to another NCSSB, cross-sectoral redeployment may take place, within a geographic area where possible. In such cases, redeployment to the most relevant sector will be considered in the first instance e.g. redeployment to a Local Authority would be considered in the case of a body associated with the Local Authority sector.
- (iii) Redeployment will take place in a fair, equitable and transparent manner.
- (iv) Management will have the discretion to redeploy staff/posts not just within the same locations but also within nearby geographic areas in circumstances where priority posts are vacant and the filling of these posts has been sanctioned.
- (v) Volunteers for redeployment will normally be sought in the first instance, if appropriate. In the absence of sufficient, suitable volunteers, management will be able to require staff to redeploy.
- (vi) Staff moving to another NCSSB will do so on no less favourable terms and conditions in relation to basic pay and pension (where they are being assimilated to a grade with less favourable terms they will retain their existing basic pay and pension terms on a red-circled basis). Discussions will take place with the staff side in relation to arrangements to address issues regarding loss of earnings.
- (vii) Redeployment will generally take precedence over recruitment (including fixed term employees), transfers and promotions except in circumstances where special skills are required or where the post cannot otherwise be filled through

redeployment arising from geographical or other constraints, or to meet essential manpower planning and business needs.

- (viii) Where the Government decides that the functions of a Public Service body are to be transferred to another area of the Public Service, the posts and or staff associated with those functions will also transfer, as appropriate to the needs of the receiving organisation taking account of the skills mix and the need to avoid duplication of roles.
- (ix) These redeployment arrangements will supersede any existing agreements on the deployment of staff.
- (x) The Department of Finance will from time to time need to determine the order in which surplus staff may be redeployed from different organisations and to determine prioritisation in the placement of such staff in the Civil Service, in NCSSBs or in other Public Service organisations, taking account of the circumstances prevailing in each organisation, location issues and, most critically, the staffing needs of the organisations being given the redeployed staff.

6.4.5 It is accepted that the above general principles need to be adapted to take account of issues arising in individual sectors.

### **Specific Arrangements for NCSSBs**

#### **Identification of staff to be redeployed.**

6.4.6 The parent Department will consult with the NCSSB concerned, taking account of relevant Government decisions including its policy on Public Service numbers.

6.4.7 Where surplus posts are identified in an NCSSB, existing arrangements regarding the filling of posts, whether by promotion or recruitment will no longer apply whether generally or in a geographic area, save as provided for in these arrangements.

6.4.8 NCSSBs should identify staff for redeployment as follows:

(i) Where an activity or programme is no longer being carried out, the posts associated with that activity or programme should be deemed to be surplus and available for redeployment. Surplus posts may also arise as a result of rationalisation, reconfiguration, reorganisation or restructuring of services or functions or where a general reduction in authorised numbers is required. The NCSSB should in those circumstances identify the numbers of posts at each relevant grade which are surplus.

(ii) Volunteers who are willing to redeploy should be sought from relevant grades in the Organisation.

(iii) Where there are no or insufficient volunteers, staff in the relevant grades to be made available for redeployment should be identified in accordance with the “last in first out” principle (LIFO).

6.4.9 Each NCSSB will provide detailed information to the Public Appointments Service (PAS) on the staff concerned, including grade, current work location and home address, within one month of a surplus being identified.

6.4.10 The PAS will establish Resource Panels for each grade level.

#### **Identification and filling of vacancies in NCSSBs by Redeployment.**

6.4.11 Where an NCSSB is facing increasing demands for its services and experiences resource pressures, it must first seek to meet these demands from the reorganisation or restructuring of work or business units and/or the redeployment of staff internally (taking account of any staff due to return from career breaks, other special leave, etc).



6.4.12 Where an NCSSB considers that its internal staffing resources are insufficient to meet its work demands, the NCSSB must make a business case to its parent Department in the first instance seeking sanction to secure additional staffing resources. The parent Department will consult with the Department of Finance who will determine the number(s) and grading of staff to be redeployed (if any) and if additional resources also need to be transferred.

6.4.13 Where sanction has been received to fill a post (s) in an NCSSB, the PAS should be notified of the positions to be filled and details of the relevant sanction. PAS will offer the position to suitably qualified staff in other NCSSBs in the first instance.

6.4.14 Staff moving under these arrangements will retain their existing seniority based on service in the grade in the organisation from which they are transferring.

6.4.15 An NCSSB having been offered a suitable candidate may not refuse to accept the officer, subject to the officer having a satisfactory record in relation to conduct and sick leave (i.e. no disciplinary action has been initiated against the officer and the officer's sick leave does not exceed 56 days in the preceding four years). In the event of a refusal on those grounds, the post shall be offered to the next suitable candidate under these arrangements. In the event that the only volunteer for a post is an officer having an unsatisfactory record in relation to conduct or sick leave, the donating and receiving organisations may consider whether transfer of the officer can proceed, notwithstanding the officer's record, before a LIFO arrangement is initiated. In any such consideration, regard should be had to the overall size of the receiving office and, in particular, to the number of posts at that grade level in the location in question. In any instance where an NCSSB from which a person is being transferred is due to be abolished, an organisation may not refuse a candidate on the grounds of conduct or sick leave. In these circumstances, management in the receiving organisation will have the right to continue to address any such underperformance or attendance issues.

## **Protocol for Assignments**

6.4.16 It is envisaged that the following steps would apply in relation to the sourcing of an alternative post for surplus staff within an NCSSB:

- (i) The NCSSB would firstly seek to redeploy the staff to other higher priority work within the organisation where there is suitable skills and grading match and where the filling of the vacant post has been sanctioned and such filling is in line with the future business needs of the organisation. In determining suitable skills, an NCSSB will consider the scope for re-training in developing the skill set of the surplus staff members.
- (ii) If no internal option is available, the NCSSB would then place the surplus staff on Resource Panels.
- (iii) Staff may be assigned to another post in an appropriate grade in an alternative NCSSB within the defined radius set out below where the filling of that post has been sanctioned and is in line with the future business needs of the organisation. Where possible, staff would be redeployed to a location within a 45km radius of their current work location or of their home address, whichever is the shorter commute. Regard will also be had to reasonable daily commute time.
- (iv) Where no suitable post is available in another NCSSB within a reasonable daily commute, redeployment options will be sought in other sectors initially within a 45km radius. In such cases, redeployment to the most relevant sector will be considered in the first instance e.g. redeployment to a Local Authority would be considered in the case of a body associated with the Local Authority sector.
- (v) Where no suitable post is available in another NCSSB or in another sector within a 45km radius, redeployment options will of necessity be considered beyond these

guideline distances. In making offers of redeployment, regard would also be had to reasonable daily commute time in addition to distance.

- (vi) It is recognised that, in some cases, it may not be possible to meet the needs of all staff in terms of the redeployment options available. In circumstances where all possible redeployment options have been explored or it has not proven possible to reach agreement on redeployment options within a reasonable timeframe taking account of the business needs of the receiving organisation, there may be circumstances where voluntary departure from their employment would be appropriate. In such situations, there will be discussions with the relevant unions on the terms of any arrangements (which will be in line with any centrally agreed arrangements) to accommodate such wishes.
  
- (vii) In the event, that staff remain to be placed having exhausted all the options at steps (i) to (vi) above, further options will be considered and will be discussed with the relevant unions.

### **Professional and Technical Posts**

6.4.17 Where a surplus of posts arises in the Professional and Technical grades in a NCSSB, volunteers from relevant grades will be sought for placement on Resource (Professional and Technical) Panels for staff in these grades.

6.4.18 Staff placed on the Professional and Technical Resource Panel may indicate a willingness to opt for redeployment to an equivalent professional or technical grade and/or to an equivalent administrative position. In order to be considered for inclusion on the Administrative Resource Panel, such staff must satisfy the PAS that they have the necessary qualifications, skill and competencies as appropriate for the relevant administrative grade.

6.4.19 Administrative staff placed on Administrative Resource Panels may also indicate a willingness to consider redeployment to an equivalent Professional and Technical grade. In order to be considered for inclusion on the Professional and Technical Resource Panel, such staff must satisfy the PAS that they have the necessary qualifications, skill and competencies as appropriate for the relevant professional & technical grade.

## **Part 2: Operation of Redeployment arrangements between Non-Commercial State Sponsored Bodies and the Civil Service**

6.4.20 Redeployment arrangements between Non-Commercial State Sponsored Bodies (NCSSBs) and the Civil Service may arise where organisations are being merged, functions are transferring or other reconfiguration of current organisational structures is proposed resulting in surplus staff.

6.4.21 In situations where the Government decides that the functions of a Non-Commercial State Sponsored Body (NCSSB) are to be transferred to the Civil Service, the posts / staff associated with the function will also transfer, as appropriate to the needs of the receiving organisation taking account of the skills mix and the need to avoid duplication of roles.

6.4.22 A person from a surplus identified in an NCSSB may be offered a vacancy in the Civil Service or in another sector in accordance with the protocols set out in paragraph 6.4.16, and where skills, competencies and / or qualifications as appropriate can be matched with the requirements of the post to be filled. The PAS will manage the selection process.

6.4.23 The initial placement may be on the basis of secondment. Persons redeployed from an NCSSB to the Civil Service in these circumstances or from the Civil Service to an NCSSB will be appointed on no less favourable terms and conditions in relation to basic pay and pension. Persons taking up offers of redeployment to the Civil Service will be subject to Civil Service non-pay terms and conditions of employment, including the code of conduct

and the disciplinary code. In any instance where the body from which the person is being transferred is due to be abolished, an organisation may not refuse a candidate on the grounds of conduct or sick leave. In these circumstances, management in the receiving organisation will continue to address any such underperformance or attendance issues.

6.4.24 *Spouses and Children's Pension Scheme* – Where a staff member had previously opted out of the Spouses and Children's Scheme and is not a current member of the Scheme, s/he will remain a non-member of the Scheme on transfer to another Public Service or Civil Service body under these redeployment arrangements. Equally where a staff member is a current member of the Spouses and Children's Scheme, s/he will continue to be a member of the Scheme on transfer to another Public Service or Civil Service body under these arrangements.

### **Part 3: General Provisions**

#### **Regional issues**

6.4.25 Given that Civil Service Departments and Public Service organisations are fewer in number and are more dispersed in some parts of the country rather than in others, redeployment options may of necessity be beyond the guidelines distances in paragraph 6.4.16 in some instances. In making offers of redeployment, regard would also be had to reasonable daily commute time.

#### **Moving work to a regional location**

6.4.26 Where programmes or activities in locations outside of Dublin are no longer to be carried out, and there is no or limited relocation potential, NCSSBs in the location, in consultation with the parent Department, may be asked to identify other blocks of work that could be discharged by staff within the defined radius set out at paragraph 15 provided such reallocations of functions may be carried out in an efficient, effective and economic manner. Such opportunities are likely to be limited.

## **Review Procedures**

6.4.27 A Steering Committee, representative of the Official and Staff Sides, will monitor the progress of the scheme with a view to resolving individual problems and addressing general issues which may arise in relation to its operation.

## **Review of the Redeployment Scheme**

6.4.28 The operation of the Redeployment Scheme will be re-examined later taking account of developments in Public Service staff numbers policy and the review of the Moratorium on Recruitment and Promotion in the Public Service at end 2010. If necessary, the re-examination will explore further options to address outstanding issues.

## **Redeployment Arrangements for Local Authorities**

### **General Principles – Local Government Sector**

6.5.1 These procedures will be implemented in an open and transparent manner with full regard to the need for consultation with individuals and representative Trade Unions and in line with the legislative requirements as contained in the Information and Consultation Act (2006).

6.5.2 The aim of the scheme is to meet staffing requirements by absorbing surplus staff by means of redeployment within the organisation, within the sector and across the Public Service. It will provide opportunities for volunteering staff to explore career development in seeking a suitable alternative role (where appropriate). It facilitates a flexible approach to staff movement throughout the Local Government sector, in particular to facilitate the movement of staff from areas which are no longer a priority or which have been restructured, to areas of greater need (either within or outside the local authority). Staff may volunteer for posts at a lower grade (in such circumstances they will receive pay, and terms and conditions associated with the lower grade).

6.5.3 In all circumstances, redeployment of surplus staff in the first instance will take place by means of a reassignment within the employees' own local authority<sup>4</sup> either to other posts at their own grade or at an analogous grade for which the individual has the necessary skills, qualification and competencies. Reassignment within the local authority can be to other positions or functions or geographical areas within the local authority. This can and will include the redeployment of professional and technical staff to administrative posts and vice versa (qualifications permitting). Each individual local authority will be expected to manage this process internally.

6.5.4 If no suitable post exists within the local authority, surplus staff will be redeployed to another local authority to a suitable post at their own grade or at an analogous grade for which the individual has the necessary skills, qualification and competencies. If no suitable

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<sup>4</sup> All reference to local authority in the context of this document will incorporate a County/City Council, Town Council and Borough Council for which the Manager is the Manager.

post exists within the local authority sector, surplus staff will be redeployed to suitable posts within the wider Public Service on no less favourable basic pay and pension terms.

6.5.5 Redeployment will generally take precedence over recruitment (including fixed term employees), transfers and promotions except in circumstances where identified special skills are identified or where the post cannot otherwise be filled through redeployment arising from geographical or other constraints, or to meet essential manpower planning and business needs.

### **Identification and Filling of Vacancies in Local Authorities by Redeployment**

6.5.6 Where a local authority is facing increasing demands for its services and experiences resource pressures, it must first seek to meet these demands from the reorganisation or restructuring of work or business units and/or the redeployment of staff internally (taking account of any staff due to return from career breaks or other special leave in accordance with the terms of these schemes).

6.5.7 Where there is no potential for redeployment internally within the organisation, each Local Authority should identify staff for redeployment as follows:

- (i) Where an activity or programme is no longer being carried out or the work associated with an activity or programme has ceased or diminished, the number of staff deemed surplus to that activity or programme should be deemed to be a surplus number within the local authority as a whole and available for redeployment. Staff may also be deemed surplus as a result of rationalisation, reconfiguration, re-organisation or restructuring of services or functions or where a general reduction in authorised numbers is required. The local authority should, in those circumstances, identify the numbers of staff at each relevant grade which are surplus.
- (ii) Volunteers who are willing to redeploy should be sought from relevant grades in the organisation.



- (iii) Where there are no or insufficient volunteers, staff for redeployment will be selected and will be required to redeploy. Selection will be made in accordance with the “last in first out” principle (LIFO)<sup>5</sup>.

6.5.8 Details of surplus staff for redeployment and vacant fillable posts will be managed and maintained centrally to facilitate the process.

6.5.9 A local authority that has been given sanction by the Department of the Environment, Heritage and Local Government (DoEHLG) to fill a post will do so, where possible, through redeployment of staff from another local authority. A local authority having been offered a suitable candidate may not refuse to accept the employee, subject to the employee having a satisfactory record in relation to sick leave. A local authority having been offered a suitable candidate may not refuse to accept the employee where there are no issues relating to conduct or performance of the employee at the time of redeployment.

6.5.10 In the event of a refusal on those grounds, the post shall be offered to the next suitable candidate under these arrangements.

6.5.11 For local authorities with vacant fillable posts, where more than one candidate for redeployment exists, volunteering candidates will be selected on the basis of seniority, and non-volunteering candidates will be selected on the basis of reverse seniority.

### **Cross Disciplinary Redeployment**

6.5.12 Where possible, staff selected for redeployment will be redeployed to a post at a similar or analogous grade for which the individual has the necessary skills, qualifications and competencies. In the event that no post exists at a similar or analogous grade, then staff will be required to redeploy to a post at a different grade or within a different discipline (where they are being assimilated to a grade with less favourable terms they will retain their existing basic pay and pension terms on a red-circled basis). In all circumstances such redeployment will only occur where the necessary qualifications are held by the staff in question. Where, during a redeployment process, the skills and competency match is

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<sup>5</sup> Seniority in the context of “LIFO” is defined as the most senior in terms of pensionable service within the grade save where different arrangements exist for the determination of seniority.

considered incomplete, appropriate training will be facilitated to equip the employee with the skills necessary for the new role as part of a redeployment process.

### **Redeployment Outside the Employing Local Authority**

6.5.13 Where staff are being redeployed to another organisation in accordance with these principles, they will be assigned to a post within a 45 km radius of their current work location or home address, whichever is the shorter commute. Regard will also be had to reasonable daily commute time.

6.5.14 Given that Public Service organisations and posts are fewer in number and more dispersed in some parts of the country than in others, redeployment options may of necessity be beyond these guideline times and distances in some instances. In these circumstances, consultation will take place with the relevant employee(s) and union(s) in relation to the assignment(s) on offer.

### **Review Procedures**

6.5.15 The Local Authority National Council will monitor the progress of the scheme and address general issues which may arise in relation to its operation.

### **Local dispute resolution**

6.5.17 In the event of a dispute arising in relation to any aspect of the operation of this scheme and/or a redeployment decision, the dispute will be referred by either party to an independent adjudicator agreed through the Local Authority National Council, who will issue a decision within the terms of the scheme and whose decision will be binding.

### **Review of the Redeployment Scheme**

6.5.18 The operation of the Redeployment Scheme will be re-examined at a later stage taking account of developments in Public Service staff numbers policy and the review of the

Moratorium on Recruitment and Promotion in the Public Service at end 2010. If necessary, the re-examination will explore further options to address any remaining staff surplus.