

RPA FAQs

What functions are affected by this and why is it being done?

The RPA was launched by the Executive in June 2002. It covers most of public administration in Northern Ireland and you can find [background and objectives of the review](#) on the RPA website as well as a definition of the RPA affected group at http://www.rpani.gov.uk/rpa_circular_4.pdf

The Secretary of State's decisions on the Review are given in the [Written Ministerial Statement \(PDF 52 KB\)\(opens in a new window\)](#). There are separate, more detailed statements on [Health \(PDF 20 KB\)\(opens in a new window\)](#) and [Education \(PDF 88 KB\)\(opens in a new window\)](#). A [summary of all decisions \(PDF 452 KB\)\(opens in a new window\)](#) was published in March 2006.

What did the consultation responses say about this?

1032 responses were received and they reveal that there was broad support for reform. [An analysis of these is on the RPA website \(PDF 66 KB\)\(opens in a new window\)](#).

When is it all going to happen?

There are indicative timetables available for each sector; details of which may be found at http://www.rpani.gov.uk/index/implementation-arrangements/departmental_implementation_arrangements.htm

Where can I keep myself up-to-date with developments?

The first guiding principle from the Public Service Commission recommended the development and implementation of a communications strategy for the Review of Public Administration. As part of this strategy, on the RPA website you can find regular bulletins detailing the progress of RPA implementation, news releases relevant to its implementation as well as circulars from the RPA Central Unit <http://www.rpani.gov.uk/index/rpa-communications.htm>

For Departmental information please refer to the relevant departmental link: http://www.rpani.gov.uk/index/implementation-arrangements/departmental_implementation_arrangements.htm

Who is safeguarding staff interests?

From the outset Government has given a commitment to protect staff interests. In addition, employers have placed it as a high priority and are

engaged with trade unions at a number of levels. A Central Joint Forum (CJF), comprising representatives from Government and the NI Committee, Irish Congress of Trade Unions (NIC ICTU), has been set up as a formal mechanism to address all relevant RPA implementation issues affecting the interests of employers. In addition to the work of the CJF, consultation is taking place with various unions not affiliated to the NIC ICTU. As part of Government's commitment, the Public Service Commission (PSC) was established on 8 March 2006. The PSC seeks to make recommendations to Government on the guiding principles and steps necessary to safeguard the interests of staff and to ensure their smooth transfer to new organisations established as a consequence of Government decisions on the review of public administration, taking into account statutory obligations, including those arising from section 75 of the Northern Ireland Act 1998.

Can you say more about the Public Service Commission?

Information on the Public Service Commission and their associated recommendations are available on their website <http://www.pscni.gov.uk/>

What about my existing terms and conditions and pay?

In accordance with TUPE, staff will transfer with their work to the new employer with their pay and terms and conditions.

What does TUPE stand for?

The Transfer of Undertakings (Protection of Employment) Regulations 2006 is the main piece of legislation governing the transfer of an undertaking, or part of one, to another. The regulations are designed to protect the rights of employees in a transfer situation enabling them to enjoy the same terms and conditions, with continuity of employment, as formerly. TUPE protection is not subject to any specific time limit. In addition, TUPE places significant constraints on the variation of these terms and conditions at a later stage.

Government has proposed to incorporate into RPA implementation legislation the necessary provisions to ensure this applies to all staff transferring.

What about my pension?

The transfers will follow the principles of TUPE along with appropriate arrangements to protect occupational pensions, including severance terms. Government has given a commitment to protect staff rights in accordance with the Cabinet Office guidance Staff Transfers in the Public Sector and the guiding principles set out in the HMT guidance, A Fair Deal for Staff Pensions.

It is also intended that this will be covered in the PSC's 3rd Guiding Principle, Staff Transfers.

In addition, it is Government's intention to include legislative provisions which will require pensions to be protected so that the new organisations will provide pension arrangements which are broadly comparable, taken as a whole to those arrangements which applied before the transfer.

Can I take my existing part-time status with me?

Your existing terms and conditions will carry forward to the new employer, following the principles of TUPE.

What happens if I refuse to transfer?

The RPA will be implemented, by legislation, following the principles of TUPE, on the basis that transfers of functions will be conducted so that staff will transfer with their work, unless there are genuinely exceptional reasons for not doing so. On the date of transfer, the new organisation will be your legal employer. Under TUPE arrangements, your employer would be obliged to treat the refusal to transfer as a resignation.

It is Government's intention to put in place an independent dispute resolution process which would allow staff to seek redress in relation to RPA-related transfers.

How are the reductions in staff numbers to be managed?

The Secretary of State gave the commitment in his statement of 22 November 2005 that every possible effort would be made to avoid redundancies. In a bid to do so, Government has already issued a Guidance Note outlining that employers will be required to implement vacancy management schemes, in consultation with appropriate trade unions.

The majority of vacancies in existing posts that will arise are likely to be as a result of natural wastage. In most of these cases, particularly in front-line positions, it is expected that such vacancies will be filled as in the normal course of business. No new posts in RPA affected areas should be created unless there is considered to be an inescapable requirement for the post. In other cases, where it is considered that a vacancy must be filled, employers should consider internal sources. Where it is considered that such vacancies must be filled through externally sourced resources, consideration should be given to employment on fixed term contracts, which would expire before the date of transfer, or through the use of secondments. This is likely to apply especially where a post is to disappear or be materially altered as a result of RPA changes.

In addition, where it is determined that there is a need to fill a new, or substantially new post in a new organisation through an external competition,

applications should be sought, in the first instance, from staff employed in the RPA Affected Group. However, there may be exceptional circumstances where this is not appropriate and a decision will be taken to fill a post through a fully open, external competitive process.

How are statutory equality obligations being factored into RPA implementation?

Each government department with responsibility for implementing the RPA decisions has a statutory obligation under Section 75 of the NI Act 1998 and, in line with their Equality Schemes, has to have due regard to the need to promote equality of opportunity and to have regard to the desirability of promoting good relations.

Each decision taken by Departments in relation to RPA implementation will be subject to screening and, where potential adverse impact is identified, full Equality Impact Assessments will be conducted.

It is fundamental to the overall implementation of the RPA decisions, particularly on employment and location issues, that EQIAs are conducted on an iterative basis, with each decision providing the equality context for future decisions. OFMDFM Equality Directorate will work with, and provide strategic advice to, Departments on a coordinated approach to equality. To help monitor the equality impacts, periodic statistical analysis of the changing composition of the workforces affected will be carried out by OFMDFM, using data specially compiled for the exercise. This will also be made available to Departments and other public authorities for their own analysis.

A number of cross-departmental steering groups have been established to facilitate a coordinated approach across Departments involved in the implementation of key priority issues such as human resources/employment and the location of the public sector estate. In addition, a cross-departmental Equality, Rights and Good Relations Forum, has been established to provide an arena for identifying effective approaches to integrated/co-ordinated implementation of the statutory duties and for the exchange of information and expertise about the mainstreaming of equality, good relations, social need and human rights issues in the process of implementation. This includes external representatives from the Equality Commission, the NI Human Rights Commission, the Community Relations Council, the NI Commissioner for Children and Young People and NIC ICTU.

What engagements have there been with TUS and what are the arrangements for the future?

Arrangements are in place for engagement at Cross Sector, Sector and Employer level.

Will I be re-located geographically?

If it is proposed to physically re-locate work, staff would move within their existing contractual mobility obligations. As yet no decisions have been taken as to where the new organisations will be located, however, all such proposals would be subject to the normal consultation processes.

Currently the affected sectors are working together on the arrangements for re-location. In addition, an Estates working group has been set up to collate the estates strategies and plans in the various RPA areas and to stimulate their effective co-ordination taking account of other reform programmes so that decision making by Ministers and Local Authorities on the location of new bodies is well informed and soundly based, having regard to service delivery needs, providing the best value for money, the rights of staff and consistency with government's wider social policy objectives and its statutory obligations, including those under Section 75 of the Northern Ireland Act 1998.

Will all staff working in this area be transferred?

The policy is that staff will transfer should their respective functions transfer but there is still a lot of work to be done in this regard.

Where do I return to if I am on a career break?

Where applicable, while on a career break you continue to be under contract with your employer during absence. However, as with normal procedure, there is no guarantee that you would return to your previous post at the end of the career break. Therefore if the function transfers out you might not necessarily be affected, there may however be exceptions to this rule. Your right to return to the Department would be determined by business need in the normal way.

What happens to staff who are on secondment?

A distinction has to be drawn between people who are actually employed by an area of the public sector which is transferring under RPA and those who are employed elsewhere but are seconded to one of the affected areas. Employees transfer under TUPE or under TUPE type provisions. Seconded employees either return to their employer or have their secondment arrangements amended so that their secondment is to the transferee organisation. Posting at the end of secondment would be a matter to be dealt with in the normal way and would, of course, not necessarily be back to the parent department.

Where do I return to if I'm on maternity leave?

You continue to be under contract with your employer during your absence so, if your employment transfers, you will follow to the new employer.

Are all staff in RPA-affected organisations being treated consistently?

All transfers will be treated in accordance with Cabinet Office Guidance on Staff Transfers in the Public Sector. In addition, to ensure the fair and consistent treatment of staff across all RPA affected areas Government has given a commitment to the consistent implementation of the PSC's recommendations which it has accepted.

What are the boundaries of the 7 new Councils?

The Local Government Boundaries Commissioner, Dick Mackenzie, was appointed on 1 June 2006

The provisional recommendations for new Councils Boundaries were unveiled by the Local Government Boundaries Commissioner, on 7 November 2006.

Views are now being sought on the boundaries, the names of the new Councils, the distribution, names and arrangement of the proposed wards.

The closing date for receipt of submissions on the provisional recommendations is 5 January 2007.

For more information on the provisional boundaries please see http://www.lgbc-ni.org/index/announcements/press_releases.htm

Could the Assembly overturn the RPA recommendations?

We cannot predict what the returning Executive might do.