



Agency Restructuring Policy

GOVERNMENT OF THE COOK ISLANDS

Effective: June 2018

Policy Statement

This Policy provides the opportunity to change Agency structures in order to improve service delivery and productivity.

Scope

This policy applies to all Public Sector Agencies.

Changes to Agency Structures can be informed by:

- Changes to the operating environment of the Agency
- Changes to an Agency's mandated functions
- Changes to address Agency performance reviews/audits

Principles

The Public Service Act 2009 provides the following values Public Servants must adhere to:

Honesty	acting honestly, being truthful, and abiding by the laws of the Cook Islands
Impartiality	providing impartial advice, acting without fear or favour, and making decisions on their merits
Service	serving the people well through faithful service to the Government of the Cook Islands
Respect	treating the people, the Government of the Cook Islands, and colleagues with courtesy and respect
Transparency	taking actions and making decisions in an open and transparent way
Accountability	being able to explain the reason for actions taken, and taking responsibility for those actions
Efficiency and Effectiveness	achieving good results for the Cook Islands in an economical way

Changes to the Agency strategic and operating environment can lead to restructuring. Agency restructuring can result in jobs becoming surplus to requirements i.e. redundant. Changes to Agency organisational structures must support mandated functions, improvements in service delivery and consider personnel, operating and capital funding requirements.

Legislation and Regulations

Public Service Act 2009, Employment Relations Act 2012 and other relevant legislation.

Definitions

Agency means any department, instrument, or agent of the Government and includes a body corporate or organisation that is wholly owned or controlled by the Crown

Capacity Assessment refers to an assessment undertaken in adherence with the Machinery of Government Policy

Central Agencies refers to the Office of the Prime Minister, Office of the Public Service Commissioner, Ministry of Finance and Economic Management and the Crown Law Office

Division means an output or functional unit within the department

Employee is any person who is an employee of the Public Service

Employer means the Public Service Commissioner and Heads of Agencies or their delegated authority

Functions in this policy means the activities assigned to Agencies, through legislation or policy directives, to perform on behalf of the Crown (Queen's Representative) under the umbrella of the Legislative arm (Parliament), Judiciary arm (Courts) or Government (Executive)

Machinery of Government means the interconnected structures and processes of Government such as the functions and accountability of various agencies across the public sector

Office of the Public Service Commissioner (OPSC) is the office established through the Public Service Act 2009 ("PSA") to support the Public Service Commissioner administer the PSA

Public Service Commissioner means the Public Service Commissioner appointed under Article 73 of the Constitution and Section 5 of the Public Service Act 2009

Rationalised in this policy means making Agencies more efficient by eliminating surplus assets or personnel and streamlining process to improve the delivery of services

Redundant in this policy means to be no longer needed or relevant

Procedures

Employers are responsible for administering this policy and ensuring all policies are easily accessible for employees. Employees must read, understand and adhere to this policy.

Roles and Responsibilities

OPSC will:

- Review Agency functions and propose changes to these functions across the Public Sector
- Monitor changes to Agency structures to ensure adherence with legislation
- Review Agency structures to ensure they reflect the government's policies and strategic goals
- Support Agency structures that are rationalised and cost effective to deliver core functions

Employers will ensure:

- Agency structures support the achievement of strategic goals and delivery of core functions
- Agency structures are rationalised and funded from the Agency Budget baselines

Employees should:

- Be proactive in gaining awareness of how Agency structures affect the work they do
- Be more attentive to changes in the operating environment that may impact on the Agency
- Support rationalised operations and processes to improve performance and service delivery

Functions of Government

Agency Structures can be modified as a result of changes to its functions or key activities mandated through government policies and/or legislation, or as a result of a capacity assessment. Broad functional groups where changes could result in a restructure include:

Functions	Detailed activities
Policy	Strategic planning, policy development, policy analysis and evaluation, forecasting, legislative drafting and developing standards
Service Delivery	Provision of public goods (infrastructure) and services
Regulatory	Licensing, certification, sector/industry regulation, permissions, accreditation, inspection, compliance and financial audits
Corporate Support	Financial management, human resources management, information systems, capability building and corporate services
Governance/Oversight*	Coordinating relationships between different agencies, monitoring performance, efficiency reviews and performance management audits and enabling agencies to reach performance targets

**Undertaken by Central Agencies (Internally) and Offices of Parliament (externally) e.g. Parliament, Opposition Office, Audit Office and Ombudsman.*

Reviews of Agency Functions enable the:

- Identification and classification of mandated functions into broad functional groups
- Analysis of key functions to be delivered by the Agency and identification of overlaps in functions across Agencies
- Transfer of functions between Agencies
- Elimination of redundant functions
- Identification of appropriate resourcing to deliver Agency functions

Changes to Agency Structures

Every Agency must have a Strategic Plan and Annual Business Plan aligned to the National Sustainable Development Plan and relevant sector plans. Agency Structures must support the achievement of strategic goals and delivery of functions.

Employers must ensure changes to Agency Structures:

- Are supported with a change management plan
- Support changes in mandated functions
- Support effective and efficient service delivery
- Support personnel capacity and capability development
- Have sufficient operating and capital resourcing, including redundancy costs
- Consider potential risks and mitigation strategies to address these

The Public Service Commissioner must be consulted on changes to Agency structures.

The Public Service Act 2009 requires Agency Structures to specify the:

- total number of positions and
- types of employees employed to carry out the functions of the agency

At the operational level, any changes that create redundant positions and affect personnel must be managed in accordance with the Redundancy Policy. Changes to jobs and remuneration levels as a result of Agency restructuring should be managed in accordance with the Job Evaluation and Remuneration policies.

Other Provisions

All documentation relating to changes in Agency structures must be retained for audit purposes for at least seven years and only accessible by the employer and/or authorised staff. After the seven year period, the Agency may destroy the documentation in adherence with government official information management policies.

The Office of the Public Service Commissioner is responsible for reviewing and updating this policy after a year of implementation.

Associated Documents

Redundancy Policy Job
Evaluations Policy
Remuneration Policy
Code of Conduct Policy
Machinery of Government Policy

Other information

For policy queries contact the Office of the Public Service Commissioner on phone (682) 29421 or email: pscinfo@cookislands.gov.ck