

**GUIDANCE NOTE ON FILLING NEW OR SUBSTANTIALLY NEW POSTS  
IN NEW ORGANISATIONS BEING CREATED AS A RESULT OF THE  
REVIEW OF PUBLIC ADMINISTRATION**

**Introduction**

1. Further to Government's acceptance of the Public Service Commission's 4<sup>th</sup> Guiding Principle, Filling New or Substantially New Posts in New Organisations (see RPA Circular 02/2007); this guidance note is issued to assist sponsor organisations and employers in the RPA Affected Group in the practical implementation of the guiding principle.

**Interpretation**

2. This guidance note applies to new posts or substantially new posts in new organisations being created as a result of the Review of Public Administration. It does not apply to vacancies in existing organisations, including those taking on new functions, which are covered by RPA Circular 05/2006 on Managing Vacancies Effectively. It also does not apply to posts filled by staff transfer as covered by the Commission's 3<sup>rd</sup> Guiding Principle.
3. Where it is determined that there is a need to fill a new, or substantially new post in a new organisation by means of a competition, applications should be sought, in the first instance, from staff employed in the RPA Affected Group.
4. There may be exceptional circumstances where this is not appropriate and a decision is taken to fill a post through a fully open, external competitive process. Exceptional circumstances may include situations, for example, where the duties of the post are so specialised

or unique and/or it is evident that those in the RPA Affected Group do not have the skills and experience necessary to undertake the job, or that the composition of the potential pool from within the RPA Affected Group is so unbalanced as to represent unjustifiable disproportionate impact in the light of statutory obligations. In these circumstances, the sponsor organisation or employing authority should:

- provide notification of this decision, through the RPA Central Unit, to the Public Service Commission at least 3 weeks in advance of the post being advertised;
- document fully the reasons for any such decisions within this overarching framework.

### **Action required**

5. Government will take powers to enable it to determine the field of consideration for new, or substantially new, posts in all of the bodies being created as a result of the RPA, including local authorities, to ensure consistent and fair treatment of all staff in the RPA Affected Group.
6. Sponsor organisations and employers are required:
  - to ensure that all staff have access to the definitive list of public sector organisations deemed to fall within the RPA Affected Group so that they are clear on their entitlement to apply for new or substantially new posts, provided they can satisfy the eligibility criteria for the specific post;

- to implement, through existing RPA implementation arrangements, the guidance outlined above in consultation with trade unions with immediate effect;
  - when filling a post through fully open, external competition, to document and retain the justification for this course of action; and
  - during the period of RPA implementation, to provide the RPA Central Unit with quarterly reports\* on filling new, or substantially, new posts in new organisations through the existing reporting system for managing vacancies in existing organisations. These periodic reports will be forwarded to the Public Service Commission.
7. The Commission has indicated that the creation of new organisations may necessitate a review of this Guiding Principle.

**RPA CENTRAL UNIT  
February 2007**

\* Quarterly reports should be as at 31 March, 30 June, 30 September, and 31 December – and should be received by the 14<sup>th</sup> of the following Month.