

## Acting Up Policy

<b>Author with contact details</b>	Business HR		
<b>Lead Executive/ Senior Manager</b>	Heather Barnett, Chief People Officer		
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<b>Consultation</b>	HR Policy Group	<b>Applicable to:</b>	All staff All sites
<b>Equality, Diversity And Human Right Statement</b>	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
<b>To be read in conjunction with / Associated Documents:</b>	Equality and Diversity Policy  Agenda for Change Terms and Conditions	<b>Information Classification Label</b>	<input type="checkbox"/> <b>Unclassified</b>
<b>Access to Information</b>	To access this document in another language or format please contact the policy author.		

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Version number	Page	Changes made with rationale and impact on practice	Date
2	3	Flowchart added	March 23
2	6	Additional paragraph regarding there being no detriment to increments on return to original post.	March 23
2	6	Additional paragraph regarding the employee in an acting up post being included in workforce change processes of their original post.	March 23
2	7	NHS Terms and Conditions and Safe Recruitment and Selection Policy added.	March 23

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# 1 Purpose

This policy outlines the regulations which cover acting up and processes to be followed to ensure that the selection of an individual to act-up is equitable clear and consistent throughout the Trust.

This policy is in line with the Agenda for Change Terms and Conditions Handbook and can be used in conjunction with the Handbook to support the process for individuals temporarily covering more senior roles in the organisation.

This policy also aims to provide managers and staff with guidance regarding the appropriate procedures to follow in order to ensure the effective, fair, and consistent management of staff acting up in the Trust.

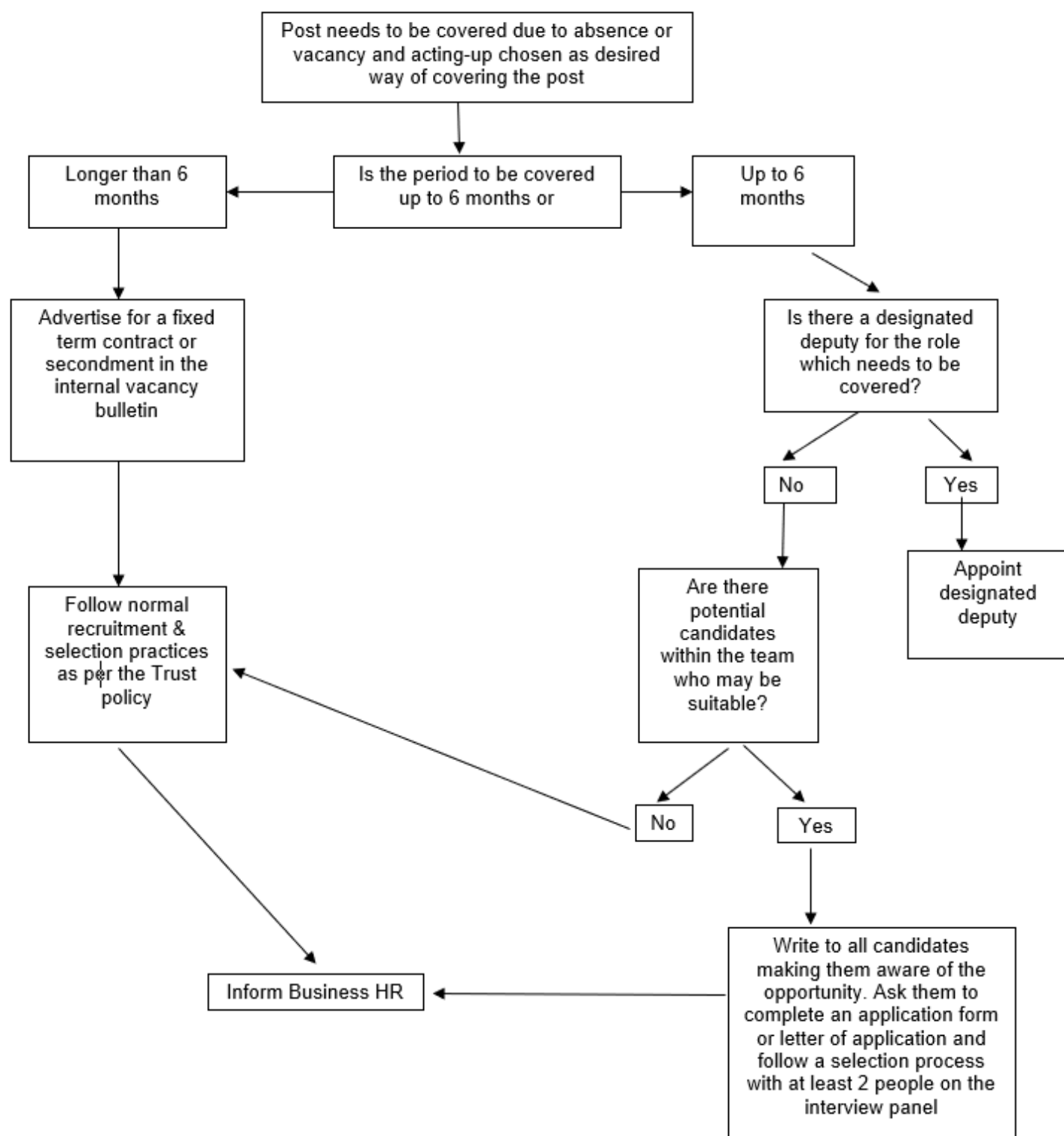
## 1.1 Scope

This policy applies to all staff who are required to assume the full duties and responsibilities of another member of staff at a higher grade, for example:

Temporarily covering a post until a substantive appointment can be made. This should not exceed 6 months unless in exceptional circumstances outlined in section 3.2. This should also not be for a period less than 4 weeks.

- Filling a post to cover maternity leave.
- Covering a post to cover long term absence (e.g., sickness absence)
- Covering posts due to other temporary absences (e.g., secondment)
- To undertake short term projects which require the member of staff to assume roles and responsibilities which are more appropriately graded and remunerated at a higher level.
- Career breaks

## 2 Flowchart



## 3 Policy Content

### 3.1 Definition

The Trust recognises the need for individuals to temporarily cover a more senior post of another member of staff who is absent or to temporarily cover where the post is vacant. This is referred to as 'acting-up'.

### 3.2 Period of Acting-up

In most instances a period of acting-up should not exceed six months and should be a minimum of 4 weeks. If after six months the acting-up period needs to be extended, then the manager should discuss an extension with the Business HR Department and the member of staff currently acting up.

At the start of the process, if an acting-up opportunity is known or likely to be for a period of longer than 6 months, unless there are exceptional circumstances e.g. the position should be advertised as a secondment and/or fixed term contract within the Trust as a minimum.

### 3.3 Selection process for Acting-up

Once a vacant position arises for a short period of time due to the reasons set out in section 1.1, the manager, following discussions with Business HR may wish to consider:

- Redistributing the duties
- Advertising the vacancy as a fixed term post or secondment opportunity
- Looking for an appropriate member of staff to act-up into the post
- Appointing a temporary employee through bank

In exceptional circumstances agencies can be approached however this must be authorised by the Head of Operations and may be subject to financial approval.

If the need arises for a member of staff to act-up the line manager should discuss the issues with Business HR. In order to ensure that the 'acting-up' process is completed consistently, fairly and with due regard to equal opportunities, the manager should ensure that the following steps are undertaken:

Where there is one designated deputy for the post (with deputy responsibilities in their job description), that individual should be asked to 'act-up' into the position, ensuring that they are qualified/have relevant experience to do so. This can be transacted through a contractual change form. However, if the acting up position is going to be longer than 6 months, normal recruitment processes should apply.

In the case of there being more than one potential candidate within the team the manager should discuss the issue with Business HR as a minimum. The manager

should ensure that all potential candidates are contacted in writing to make them aware of the opportunity to act-up into the position. The manager should request that candidates complete an application form via TRAC and organise an interview in accordance with the Trust's Recruitment process.

Where there are no potential candidates within the team, the opportunity should be advertised internally within the Trust as a fixed term contract or a secondment.

For long periods of acting up, managers may wish to consider the period being covered by several employees in turn, to share the opportunity to gain experience.

Once an individual(s) has been selected to act-up and the manager has notified Employment/Recruitment teams, they will confirm the following details of the acting-up arrangements to the individual in writing:

- Start date
- Reason for the acting-up
- Expected end date of the acting-up
- Payment of acting-up allowance, if applicable

If the manager wishes to extend or to end the acting-up period before the end date signified, the manager should discuss the circumstances with Business HR and the employee and followed up in writing. If the manager wishes to end the acting-up period earlier than signified, unless in exceptional circumstances (e.g., if the immediate health and safety of staff, service users or the public are placed at risk if the acting-up was to continue) the employee should be provided with one week's notice (individual circumstances will be considered in discussion with HR). It is recommended the manager provides as much notice as possible to the employee. The Trust reserves the right to end any acting up arrangements with immediate effect in exceptional circumstances. This will be done in accordance with the Trust's disciplinary and capability policies.

### 3.4 Guidelines for pay

In accordance with the Agenda for Change Terms and Conditions pay should be set either at the minimum of the new pay band or, if this would result in no pay increase (by reference to basic pay plus any recruitment and retention premium if applicable) the first pay point in the band which would deliver an increase in pay which would result in an increase in pay and the incremental date stays the same.

In circumstances where the individual is not required to carry out the full responsibilities of the post, pay will be determined by job evaluation.

Where temporary movement into a higher pay band results in only one extra pay point the incremental date will remain unchanged. Where temporary movement

results in more than one extra pay point the incremental date for the period of the temporary movement becomes the date the movement began.

In certain circumstances it may be agreed that the individual may be acting up into a post which is not on agenda for change e.g., director level post. In such circumstances, the pay for this would be agreed as appropriate by the Remuneration Sub Committee or by the Chief Executive.

At the end of the acting up period, employee's will return to their original post on their original salary and terms and conditions, with no detriment to any increments. Pay protection will not apply.

If during the acting-up period, their original post is subject to Workforce Change processes, the employee will be included in any consultation processes.

### 3.5 Performance/conduct of staff during the acting-up period

An individual's performance in the acting-up position should be regularly reviewed. The line manager of the employee acting up is responsible for ensuring necessary training, support and supervision is provided. If concerns about performance in the higher grade arise, advice should be sought from Business HR. These concerns should then be discussed with the member of staff before a decision is made to discontinue the acting-up arrangement.

### 3.6 Subsequent and future promotion immediately following the acting-up period in current and any other post

A period of acting-up will not result in an individual automatically moving into the post substantively. If there is a subsequent promotion to the higher grade the individual's period of paid acting service is considered to determine the incremental date and point of entry to the higher scale.

If the original post holder does not return to the role, the post will be advertised in the usual way and the Trust's recruitment process will take place. The member of staff that has acted up into the post will have the opportunity to apply in competition with other applicants.

## 4 Exceptions

There are no exceptions.

## 5 Training

The Business HR Team can provide advice and guidance to all staff and managers across the Trust in relation to the application this policy.

## 6 Monitoring of Compliance

Minimum requirement to be monitored	Process for monitoring e.g., audit/ review of incidents/ performance management	Job title of individual(s) responsible for monitoring and developing action plan	Minimum frequency of monitoring	Name of committee responsible for review of results and action plan	Job title of individual/ committee responsible for monitoring implementation of action plan
Annual	Internal Review Commissioned by Workforce Committee	Deputy Director of Workforce	Annual	Workforce Committee	Deputy Director of Workforce

## 7 Relevant Regulations, Standards and References

The Equality Act 2010  
NHS Terms and Conditions  
Safe Recruitment and Selection Policy

## 8 Equality, Diversity and Human Right Statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance as an employer and service provider. It will adhere to legal and performance requirements and will mainstream equality, diversity and human rights principles through its policies, procedures and processes. This policy should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary after appropriate consultation. The Trust will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.



This policy and procedure can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact Business HR in the first instance.

The Trust will endeavour to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements.

## **9 Legal Requirements**

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

## 10 Appendices

### Appendix 1: Equality Impact Assessment

<b>Title</b>	Acting Up
<b>Strategy/Policy/Standard Operating Procedure</b>	Policy
<b>Service change (Inc. organisational change/QEP/ Business case/Project</b>	
<b>Completed by</b>	
<b>Date Completed</b>	

**Description** *(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)*

This policy outlines the regulations which cover acting up and processes to be followed to ensure that the selection of an individual to act-up is equitable clear and consistent throughout the Trust.

**Who will be affected** *(Staff, patients, visitors, wider community including numbers?)*

All Staff (non-medical)

The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service, or project (Inc. organisational change/Business case/ QEP Scheme).**
- **Reviewing or changing an existing policy, strategy, function/service, or project (Inc. organisational change/Business case/ QEP Scheme):**
  - If no or minor changes are made to any of the above and an EIA has already been completed, then a further EIA is not required, and the EIA review date should be set at the date for the next policy review.
  - If no or minor changes are made to any of the above and an EIA has NOT previously been completed, then a new EIA is required.

- Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative, or neutral) on groups from any of the protected characteristics listed below.

*When considering any potential impact, you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff numbers and demographics, local consultations, or direct engagement activity. You should also consult available published research to support your analysis.*

### Section 1 – Initial analysis

Equality Group	Any potential impact?  Positive, negative or neutral	Evidence  <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
<b>Age</b> <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding, consent, care of the elderly and child welfare)</i>	Neutral	
<b>Disability</b> <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical, and social barriers)</i>	Neutral	
<b>Gender Reassignment</b> <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>	Neutral	
<b>Marriage &amp; Civil Partnership</b> <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>	Neutral	

<p><b>Pregnancy &amp; Maternity</b>  <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i></p>	<p>Neutral</p>	
<p><b>Race</b>  <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i></p>	<p>Neutral</p>	
<p><b>Religion or belief</b>  <i>(Consider any benefits or opportunities to advance equality as well as any barriers affecting people of different religions, belief, or no belief)</i></p>	<p>Neutral</p>	
<p><b>Sex</b>  <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women e.g.: same sex accommodation)</i></p>	<p>Neutral</p>	
<p><b>Sexual Orientation</b>  <i>(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay, or Bisexual)</i></p>	<p>Neutral</p>	

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

If you have identified any **negative** impact, you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

**If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.**

**Section 2 – Full analysis**

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

<b>Is what you are proposing subject to the requirements of the <a href="#">Code of Practice on Consultation?</a></b>	Y/N
<b>Is what you are proposing subject to the requirements of the Trust's Workforce Change Policy?</b>	Y/N
<b>Who and how have you engaged to gather evidence to complete your full analysis? (List)</b>	
<b>What are the main outcomes of your engagement activity?</b>	
<b>What is your overall analysis based on your engagement activity?</b>	

### Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table: all actions should be added to the Risk Register for monitoring.

<b>Action required</b>	<b>Lead name</b>	<b>Target date for completion</b>	<b>How will you measure outcomes</b>

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

Section 4 – Organisation Sign Off

Name and Designation	Signature	Date
Individual who reviewed the analysis		
Chair of Board/Group approving/rejecting proposal		
Individual recording EA on central record		

Appendix 2: Roles and Responsibilities

Role	Responsibility
<b>Chief People Officer</b>	The Director of Workforce is responsible for ensuring that this Policy is fully implemented and that there is a continuing commitment to the training of managers in the implementation of policies.
<b>Human Resources</b>	<ul style="list-style-type: none"> <li>• To promote the policy and give guidance and support to managers and staff.</li> <li>• To monitor and review the implementation and operation of the policy.</li> </ul>
<b>Line Managers</b>	<ul style="list-style-type: none"> <li>• To apply the principles</li> <li>• Ensure that staff are aware of and understand the policy.</li> <li>• Ensure that the staff are updated with regard to any changes to this policy</li> </ul>
<b>Employees</b>	All employees are required to comply with the working practices and policies within the Trust.