

Acting Up Policy W13

Within the Cluster additionally refer to:

- Development and Training
- Appraisals
- Knowledge and Skills Framework
- Performance Related Increments
- Employee Performance Management
- Sponsorship of Healthcare Workers for Professional Registration Training
- Secondment

Within relevant Clusters additionally refer to

- Equality and Diversity
- Recruitment and Selection
- Pay Protection
- Travel Expenses

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Acting Up Policy – previously HR54

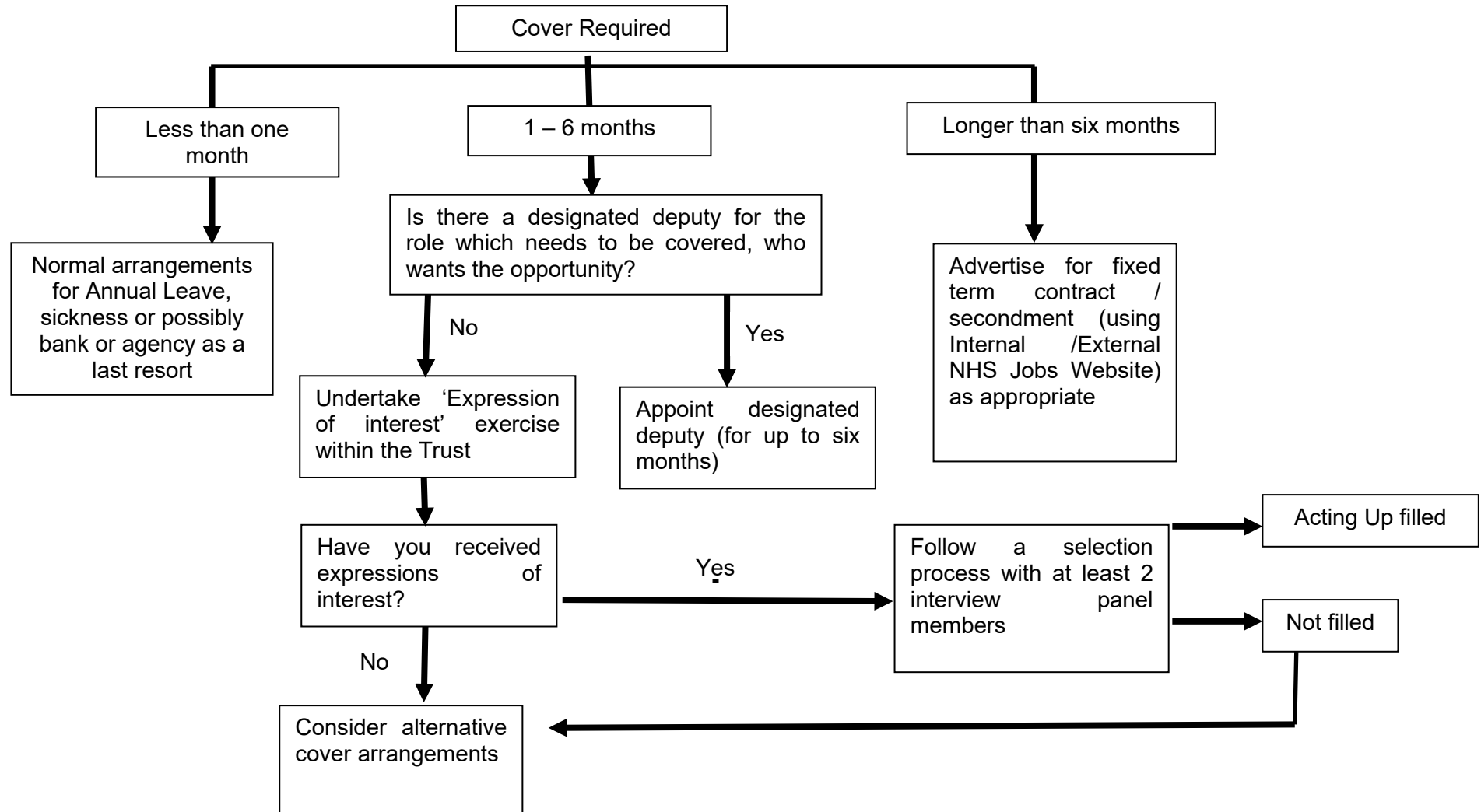
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Flow Chart Outlining the Acting up Process



1. Policy Statement and Overview

- 1.1 The arrangements in this policy are taken from the national Agenda for Change agreement and will be automatically updated by any change to that agreement.
- 1.2 This policy is designed to cover the extended absence from work of the usual post holder normally where the cover is to last for more than one month and no more than six months.
- 1.3 Additional guidance is set out at the end of the policy including Frequently Asked Questions (FAQ's) and Standard Documents/Forms and Letters.
- 1.4 The arrangements for acting up must respect the confidentiality of the employee at all times and not to disclose any personal information to a third party, with the exception of where advice is being sought from their line manager, the HR Department or the Occupational Health Department.

2. Scope

- 2.1 This policy applies to all staff and posts covered by the Agenda for Change agreement including relevant new or amended posts. It does not apply to Executive Directors, doctors, dentists or Contractors or Agency workers not employed by the Trust.
- 2.2 The purpose of this document is to ensure that recruitment and selection for all Acting up temporary posts, is fair within the provisions and spirit of the Trust's Equality, Diversity and Inclusion Policy, equitable and well managed. The policy will help support the organisation to meet its needs for a flexible and adaptable workforce.

3. Definitions

- 3.1 **Acting Up:** In line with the Agenda for Change Terms and Conditions Handbook, acting up refers to a situation when an individual may be moved into a higher pay band where it is necessary to fill a post on a temporary basis. This may occur when a position is vacant for a period of over one month and not more than six months and where they are carrying out the full duties of the higher banded post.

4 Responsibilities

- 4.1 It is the responsibility of managers to ensure that the use of acting up arrangements are limited to covering periods of absence between one and six months, (unless there is a valid reason to extend for a short-term period).
- 4.2 Where there is a requirement to cover an individual's role over a shorter period less than one month, every effort must be made to ensure that this is covered by an individual employed on the same band as the post that they are covering. However, all staff may be required to cover a different job at a different level for a short period without becoming eligible for payment, providing the role is within their competence.

5. Terms and Conditions during Acting up

- 5.1 To qualify for payment, the period of acting up must satisfy the requirements of the relevant section of the Agenda for Change Terms and Conditions Handbook on 'Temporary Movement to a Higher Pay Band' (Part 2 Section 6) as set out in the Guidance section of this policy.
- 5.2 Remuneration and other terms and conditions are as specified in the Agenda for Change Terms and Conditions of Service Handbook.

5.3 If any terms are changed as part of the acting up, the relevant manager is responsible for notifying ESR/Pay Services using the appropriate change of circumstance form.

5.4 Once the original period of acting up has ended any further provisions or extensions to the acting up arrangements must be duly advertised following the appropriate procedure.

6. Acting-Up Positions

6.1 Any long term/planned absences which require cover by an acting-up position should be filled using the appropriate process, (see Appendix A). If necessary, the post should be advertised using the normal Trust Recruitment and Selection process and also in accordance with the Trust Equality and Diversity Policy.

7. Contractual Documentation for Acting Up Arrangements

7.1 Managers will write and confirm arrangements; a template letter is available on the managers' resources area and Appendix C.

7.2 Managers must also complete the appropriate Change of Circumstance form and send to ESR/Pay Services, retaining a copy on the individual's personal file.

7.3 Secondments are to be dealt with under a separate policy (W15) and Secondment of Healthcare Workers for Professional Registration Training are to be dealt with under (W14).

8. Return to Substantive Post

8.1 Towards the end of the acting up period, the manager and employee should work together to confirm the arrangements for the employee to return to their substantive role within the Trust when they will revert to all of the Terms and Conditions applicable to their substantive post, including remuneration. Managers are encouraged to discuss with the employee their performance during their acting up role and have a discussion about their development and opportunities moving forwards.

9. Authorisation

9.1 All formal periods of acting up are to be treated as temporary promotions and authorisation to fill an Acting up post must be gained through the appropriate Care Group Approval process. Authority should be obtained before any commitment is made to the individual member of staff who is to act up.

10. Training

There is no mandatory training associated with this policy. If staff have queries about its operation, they should contact their line manager in the first instance.

11. Review Process

The Trust will review this policy every 5 years, unless there are significant changes at either national policy level, or locally.

12. Equality Impact Assessment (EQIA)

This policy applies to all relevant employees equally and does not discriminate positively or negatively between protected characteristics.

13. Process for Monitoring Compliance

Aspect of compliance or effectiveness being monitored	Monitoring method	Responsibility for monitoring (job title)	Frequency of monitoring	Group or Committee that will review the findings and monitor completion of any resulting action plan
Active management of the circumstances of all individuals who are acting up	ESR report	HR Team	Bi-Monthly	Centre Management Team
Length of acting up period is in accordance with the limits set out in this policy	ESR report	HR Team	Bi-Monthly	Centre Management Team

14. References

- **Legislation:** Equality Act 2010 and Employment Rights Act 1996.
- **Other references:** The NHS Employers Website www.nhsemployers.org and NHS Terms and Conditions Service Handbook (AfC)

Guidance & Supporting documents

Filling an Acting Up Post

1. What process should I follow to fill an Acting Up position?

Please refer to the flow chart in Appendix A which outlines the process to follow. In the event there is no clear deputy or more than one deputy to fill the role, the acting up opportunity must be advertised internally only within the Trust. Individual expressions of interest (rather than a fully completed application form) is acceptable. In the event there are more than one application an interview process must be undertaken. It is good practice even with one candidate to hold an interview.

2. Can an Acting Up Opportunity be shared with more than one individual?

Yes, through job share.

3. I have advertised for expressions of interest for an Acting up post and the best candidate does not have all the relevant skills and experience required; can I still appoint them?

Individuals may not have all the necessary skills and experience for the post they will be Acting Up into, the gaps must be identified and discussed at interview. Appropriate support and arrangements must be put in place and recorded by the manager.

4. I have been offered an Acting up post, but I don't want it, what do I do?

You don't have to accept the acting up position. A refusal does not prohibit the individual from applying to act up in the future.

5. What other options are available as an alternative to Acting Up?

Managers may wish to consider the following when a position is vacant for a period under 6 months:

- redistributing the duties, to a suitably qualified and competent member of staff.
- appointing a temporary employee through bank.
- In exceptional circumstances agencies can be approached however this must be authorised by Care Group Management.

Documentation

6. What paperwork needs to be completed to confirm an Acting-up agreement?

The manager will write to confirm the details. A template letter is available on the managers' resources area and in Appendix C. The line manager will need to complete an ESR Change of Circumstance form to confirm the changes in remuneration to ESR and pay services.

Terms and Conditions and arrangements during your Acting up

7. I have pre booked annual leave, will this be honoured in my Acting Up post?

Yes, unless you and your new manager agree otherwise.

8. What training and induction process will I need to go through?

The line manager during your acting up post will arrange an appropriate induction, mandatory training and other training to fulfil the competencies required in the acting up role.

9. Who will be my manager during my acting-up post?

This should be confirmed to you in writing at the beginning of your acting up role, so you are clear on how to report to on a day-to-day basis, for appraisals, annual leave requests and reporting of any sickness absence, etc.

10. Will I receive Overtime, Other Enhancements and Additional Hours payment?

Yes if appropriate to the Acting Up position.

11. What will my salary be during my Acting up post?

Pay should be set either at the minimum of the new pay band or, if this would result in no pay increase, the first pay point in the band that would deliver an increase in pay. In circumstances where the individual is not required to carry out the full responsibilities of the post, pay will be determined by job evaluation.

12. I currently receive Pay Protection due to a management of change; will I continue to receive this during and after my Acting Up Arrangement?

If the salary of your Acting Up post is less than your protected pay, you will continue to receive pay protection for the period you were originally notified.

If your Acting Up post is the same band as your protected pay you will continue to be paid on your protected rate, (as detailed in the Pay Protection Policy).

If you are Acting Up to a higher band than your pay protection, you will receive the salary for your Acting Up post only and not your pay protection. On return to your substantive post, if you still have a period of protected pay remaining you will continue to receive this for the time notified; (this also means that the time spent on your acting up position will count towards the duration of pay protection when paid a higher salary than your pay protection).

13. Will my Incremental date change?

Where temporary movement into a higher pay band results in only one extra pay point the incremental date remains the same. Where there is more than one extra pay point the incremental date for the period of the temporary movement becomes the date the Acting Up position commenced.

On reverting back to the substantive post the employee will revert back to their substantive pay point except where an increment would have occurred on the scale; in this case any incremental progression will be applied as usual. Refer to Examples in Appendix B.

14. Will I be entitled to travelling expenses?

Yes if the Acting Up post involves a change of base (refer to the Trust Reimbursement of Travel, Accommodation and Subsistence Expenses Policy).

15. Will I need to maintain my professional registration if my Acting up post does not require this?

Yes. In the event of failure to maintain professional registration, the process outlined in the Trust's Professional Registration Policy and associated procedures will apply.

Extending, Ending an Acting Up Arrangement or filling the position permanently

16. I was appointed to Act up for six months, can the Acting Up be extended?

Yes, in exceptional circumstances, such as:

- The planned return of the substantive post holder has been delayed.
- The ward/department/service is undergoing organisational change and it would not be appropriate to recruit substantively until the change process is completed.
- Where the recruitment process for the substantive post is underway.

The Manager will confirm this extension in writing and notify ESR.

17. What happens at the end of the Acting Up period?

You will return to your substantive post and pay band. Please see worked examples in Appendix B.

18. Will my substantive role be available to return to?

Yes, unless you are notified otherwise, at the beginning or during your Acting Up for reasons such as a Management of Change Re-organisation, where a suitable alternative role should be identified.

19. How will I be kept informed of any developments if my role is affected by organisational change?

Your substantive line manager will be required to consult with you if your substantive role is affected by any organisational changes during your acting up post, the same way you would be consulted if you were in the post.

20. What do I need to do if I am Acting up and the position becomes vacant on a permanent basis?

Any permanent post should be advertised in accordance with the Trust Recruitment and Selection Policy. No employee who has held acting up position will have a right to be automatically appointed to the post, but you are able to apply for the post when advertised.

21. Can an Acting up agreement be terminated early?

In certain circumstances an agreed acting-up arrangement may be terminated early (i.e. before the end date) for example if there is an early return by the post holder from maternity or sick leave. Other than in exceptional circumstances the employee should be given a minimum of one month's notice of termination of the acting up and return to their substantive post. Pay Protection will not apply.

Worked Examples for Incremental Dates: Appendix A

Example 1

Band 5

Increment date 1st August currently on spine point 21

Starts Acting Up as a band 6 on 1st July moves to point 22

On 1st August moves to point 23

On end of Acting Up (1st December) reverts to point 22

On Increment date of 1st August following year moves to spine point 23

Increment date remains unchanged as per Agenda for Change

Example 2

Band 5

Increment date of 1st August currently on spine point 18

Starts Acting up as a band 6 on 1st July moves to spine point 21

Increment date changes to 1st July as per Agenda for Change

On end of Acting up (1st December) moves to point 19 (as should have had an increment in August)

On 1st July following year moves to 20

Example 3

Band 5

Increment date of 1st July currently on spine point 18

Starts Acting Up 1st August as a band 6 point 21

Increment date changes to 1st August as per Agenda for Change

On end of Acting up (1st December) moves to point 18 and increment date reverts 1st July (as per Agenda for Change para 6.34)

On 1st July following year moves to point 19

Example 4

Band 5

Increment date of 1st July currently on spine point 18

Starts Acting Up 1st February as a band 6 point 21

Increment date changes to 1st February as per Agenda for Change

On end of Acting up (1st August) moves to point 19 and increment date reverts 1st July (as per Agenda for Change para 6.34)

On 1st July following year moves to point 20

Template Letter to confirm Acting Up: Appendix B

Strictly Private and Confidential

NAME
ADDRESS

Princess Royal Hospital / Royal Shrewsbury
Hospital
Apley Castle / Mytton Oak Road
Telford / Shrewsbury
Shropshire
TF1 6TF / SY3 8XQ

Tel: 01952 641222 / 01743 261000 ext. XXXX

DATE

Dear NAME

Re: Acting Up to [POST] – Temporary variation to terms and conditions of employment

Further to your recent interview/our discussions, I am pleased to offer you the opportunity to act up to the post of **[POST, Band x]** with effect from **[date]**. The acting up period will end on **[end date – no longer than 6 months from start date]**.

A job description for this role is attached and the terms and conditions of this post are as follows:

Hours: XXX (and days of work if applicable)
Work Base: XXX (with travel across site, if applicable)
Band: XXX
Spine Point: XXX
Reporting to: XXX (name and job title)

Your incremental date will remain unchanged/ will change to (ADD DATE e.g. 1st July), that you commenced in this Acting Up Arrangement. (DELETE AS APPROPRIATE) REFER TO ACTING UP PROCEDURE WORKED EXAMPLES

At the end of the acting up period you will return to your substantive post of **[job title]**, band **X**, spine point **X** and your incremental date will be **DATE**.

All other terms and conditions of employment remain the same and your continuity of employment will not be affected.

I have completed an ESR Change of Circumstance Form to this effect to notify Pay Services of the above arrangement.

Should you wish to discuss the contents of this letter please do not hesitate to contact me.

Yours sincerely

Managers Name
Job Title

cc: Personal File
Enc. Copy of Job Description and Person Specification