

**ACTING- UP POLICY AND PROCEDURES**

**Version 3.0**

<b>Document Control Summary</b>
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<b>Title</b>	<b>Acting Up Policy &amp; Procedure</b>
<b>Purpose of document</b>	Policy and procedure to ensure consistency in the manner in which staff are selected to act up and details of payment for this.
<b>Electronic file reference (network or intranet)</b>	<a href="http://elftintranet/admin/misc_pages/preview.asp?recordid=482">http://elftintranet/admin/misc_pages/preview.asp?recordid=482</a>
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<b>Author</b>	Revised by Mehvish Shaffi-Ajibola, HR Advisor.
<b>Circulated to</b>	JSC Sub group members
<b>Approved By (Names, titles and date)</b>	Joint Staff Committee August 2014
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<b>Financial implications of this version</b>	No Change

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**VERSION CONTROL SUMMARY**

<b>Version</b>	<b>Date</b>	<b>Comment/Changes</b>
1.0	5/09/02	Agreed by Joint Staff Committee and Trust Executive Group (JSC)
2.0	24/1/08	Changes made and agreed by JSC
3.0		

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### 1. INTRODUCTION

- 1.1 East London NHS Foundation Trust (hereinafter referred to as the 'Trust') recognises the need for individuals to temporarily cover a more senior post of another member of staff who is absent, temporary cover for vacant posts or posts which need to be covered for a limited duration. This is referred to as 'Acting-Up'.
- 1.2 The Trust is committed to equality of opportunity for all staff and will apply this principle throughout the recruitment and selection process. The Trust will ensure development opportunities are maximised during the acting-up arrangement. This policy aim is to ensure that all acting-up opportunities are identified, processed and implemented in a fair and reasonable manner and in accordance with the Trusts Equal Opportunity Policy.
- 1.3 In accordance with the Recruitment and Selection policy all posts including acting-up will be advertised.
- 1.4 This policy outlines the regulations which cover acting-up, the circumstances under which staff maybe offered acting-up posts and processes to be followed to ensure that the selection of an individual to act-up is equitable clear and consistent throughout the Trust.
- 1.5 A flow diagram of the process is included as Appendix A.

### 2. EQUALITY STATEMENT

- 2.1 The Trust is committed to equality and diversity. In applying this policy, recruiting managers, employees and their representatives will have regards to the principles and requirements of the Trust Equality Impact Assessment. As a result the implementation of this policy and its impact will be monitored and reported regularly.

Recruiting managers will not discriminate in the application of this policy as defined within the Equality Act 2010 and not contravene the prohibited conduct contained within this.

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### 3. SCOPE OF POLICY

- 3.1 The policy applies to all permanent/ fixed term staff members who are required to assume the full duties and responsibilities of another member of staff at a higher grade for a limited time, for example:
- Temporarily covering a post until a substantive appointment can be made; this should not exceed 6 months unless in exceptional circumstances underlined in section 4.
  - Filing a post to cover maternity leave;
  - Covering a post to cover long term absence (e.g. sickness absence)
  - Covering posts due to other temporary absence (e.g. secondment)
  - Ancillary staff covering annual leave;
  - 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.
  - Covering period between permanent appointments.
- 3.2 Acting-up does not occur when the staff occupying the higher paid job is on holiday or is absent for short periods of less than one month.

### 4. TIME PERIOD FOR ACTING-UP

- 4.1 In most instances, a period of acting-up should not exceed six months. If after six months the acting-up period needs to be extended, then the recruiting manager should discuss an extension with the Human Resources Manager. The proposed extension can include a variety of reasons the list below is not exhaustive:

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- The acting –up extension is to cover a notice period on behalf of the successful applicant of the vacant position.
  - The planned return of the substantive post holder has been unavoidable delayed.
  - The ward/ department/ service area is undergoing organisational change and it would not be appropriate to recruit substantively until the change process is completed.
- 4.2 If an acting-up opportunity is likely to be for a period of longer than over 6 months and does not fall within section 3 then the position should be advertised as a Fixed Term Contract/Secondment in accordance to the Trust's Recruitment & Selection Policy.
- 4.3 If the post is vacant following the original acting-up period of up to 6 months, the substantive post must be subject to competition and therefore advertised on NHS Jobs internally as a minimum.
- 4.4 The Human Resources Department will be responsible for ensuring that the length of time for acting-up is applied as stated above ensuring the process in keeping records of all acting up posts is monitored regularly. In some circumstances it is not possible to know the duration of the period of acting-up. If this is the case, a regular review should be set at least once during the period and should not be left for more than 3 months.

## 5. ADVERTISING & SELECTION

- 5.1 Once a vacant position arises for a short period of time due to the reasons set out in section 3, the recruiting manager, following discussions with the Human Resources Department, 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 by undertaking an expression of interest exercise and interview process;
  - appointing a temporary employee through bank;
  - In exceptional circumstances agencies can be approached however this must be authorised by the service Director.

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- 5.2 If the need arises for a member of staff to act-up the recruiting manager should discuss the issues with the Human Resources Department and seek advice even if there is only one interested applicant.
- 5.3 In order to ensure that the 'acting-up' process is completed consistently, fairly and with due regard to equal opportunities, the acting-up opportunity must be advertised in accordance to the Trusts Recruitment and Selection Policy.
- 5.4 It may not be appropriate to undertake an internal advertisement process as set out in the Trust's Recruitment and Selection policy. In this instance the recruiting manager should ensure that the following steps are undertaken:
- Where there is one designated deputy for the post, that individual should be asked to 'act-up' into the position, ensuring that they are qualified to do so. However if the acting-up position is going to be longer than 6 months, competition in certain circumstances may be sought
  - In the case of there being more than one potential candidate within the team the recruiting manager should discuss the issue with the Human Resources Department and as a minimum the recruiting manager should ensure that all potential candidates are contacted in writing to make them aware of the opportunity to act-up into the position (also known as expression of interest). The recruiting manager should request that candidates complete an application form or letter of application and organise an interview with a minimum of 3 interview panel members (in accordance with the Trust's Recruitment & Selection Policy);
  - Where there are no potential candidates within the team or after an unsuccessful expression of interest exercise, the opportunity should be advertised internally on the NHS Jobs website as a fixed term contract or a secondment.
  - For long periods of acting up, recruiting managers may wish to give consideration to the period being covered by several employees in turn if practicable, to share the opportunity to gain experience.
- 5.5 Once an individual(s) has been selected to act-up, the recruiting manager should complete a Staff Change form and send a copy of this to the Human Resources Department. The recruiting manager will then confirm the appointment details of the acting-up arrangements to the individual in writing:

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

Refer to Appendix B for further information.

### 6. PERFORMANCE & ATTENDANCE DURING PERIOD OF ACTING UP

- 6.1 The recruiting manager is responsible for ensuring that the successful candidate is properly inducted into the new post and ensure regular clinical/ management supervision is in place to support the employee in their acting-up role.
- 6.2 In instances where performance is an issue advice should be sought from Human Resources. These concerns should then be discussed with the member of staff before a decision is made to discontinue the acting-up arrangement or decision should be made to manage the employee in accordance to the Trust's Staff Performance & Capability policy.
- 6.3 In cases where attendance is an issue, advice should be sought from Human Resources and discussed with the member of staff. In some circumstances it may be appropriate to consider whether or not it is viable for the acting-up post to continue e.g. in cases of long-term sickness or inadequate attendance.
- 6.4 All acting-up appointments will be subject to a formal review after 3 months in post, followed by quarterly review meetings thereafter. A review meeting will be arranged and a date agreed upon successful appointment. The meeting will be held between the responsible manager and employee in the acting-up post
- 6.5 To conduct a formal review meeting:
- Responsible manager must ensure the employee is notified of the review meeting 5 working days in advance ensuring sufficient time is available to discuss the appointment.
  - In the meeting reinforce the requirements of the post and review the employee performance alongside the requirements



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Discuss the initial end date of appointment and discuss any changes (if any). If the initial end date of appointment differs update the employee and confirm the new end date. The responsible manager should complete a Staff Change form confirming the new details and send a copy of this to the Human Resources Department.

- A summary of the review meeting is recorded and agreed. Any changes to the acting-up post will be confirmed in writing within 5 working days. Use Appendix B for further information.

### 7. ENDING ACTING-UP APPOINTMENTS

- 7.1 At the end of the period of acting up the employee will return to his/her substantive or agreed post with the agreed/ same terms and conditions of service.
- 7.2 If the recruiting manager wishes to end the acting-up period before the end date signified, the recruiting manager should discuss the circumstances with the Human Resources Department and the employee should be provided with 4 weeks' notice.
- 7.3 The Trust reserves the right to end any acting up arrangements with immediate effect 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 appointment was to continue) This will be done in accordance with the Trust's disciplinary and capability policies.

### 8. GUIDELINES FOR PAY

- 8.1 In accordance with the Agenda For Change NHS 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 and the incremental date stays the same.
- 8.2 In certain circumstances remuneration for the acting-up post will vary, this is dependent on the following instances:
- The individual is not required to carry out the full responsibilities of the post this can include acting-up on a part time basis e.g. one or two days per week or project related work. In this instance, pay will be determined by job evaluation The recruiting manager will be expected to provide a revised job description outlining the duties and responsibilities to be undertaken which will have to be job evaluated by the local HR team.

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- As part of an agreed development plan (Personal Development Plan), acting-up may be considered as an appropriate development area for members of staff, which will not warrant a financial reward. This will usually occur when full responsibilities are not fully undertaken, e.g. when taking the lead on a particular area of the role.
- 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.

## **9. CHANGES TO INCREMENT DATE**

- 9.1 In instances where the acting-up pay equates to only one extra pay point within their substantive pay band, the increment date stays the same. However where the change involves more than one pay point above their substantive pay band, the increment date for the period of the temporary movement becomes the date that the acting-up began.
- 9.2 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.

## **10. COSTS**

- 10.1 It is the responsibility of the recruiting managers to ensure that they have identified any additional costs in their budget before any arrangements are implemented under the policy and to complete a staff changes form to effect the change to pay.

## **11. SUBSEQUENT PROMOTION FOLLOWING THE ACTING-UP PERIOD**

- 11.1 A period of acting-up will not result in an individual automatically moving into the post substantively and the substantive post will be advertised in line with the Recruitment and Selection Policy. If there is a subsequent promotion to

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the higher grade the individual's period of paid acting service is taken into account to determine the incremental date and point of entry to the higher scale.

### **12. POLICY REVIEW**

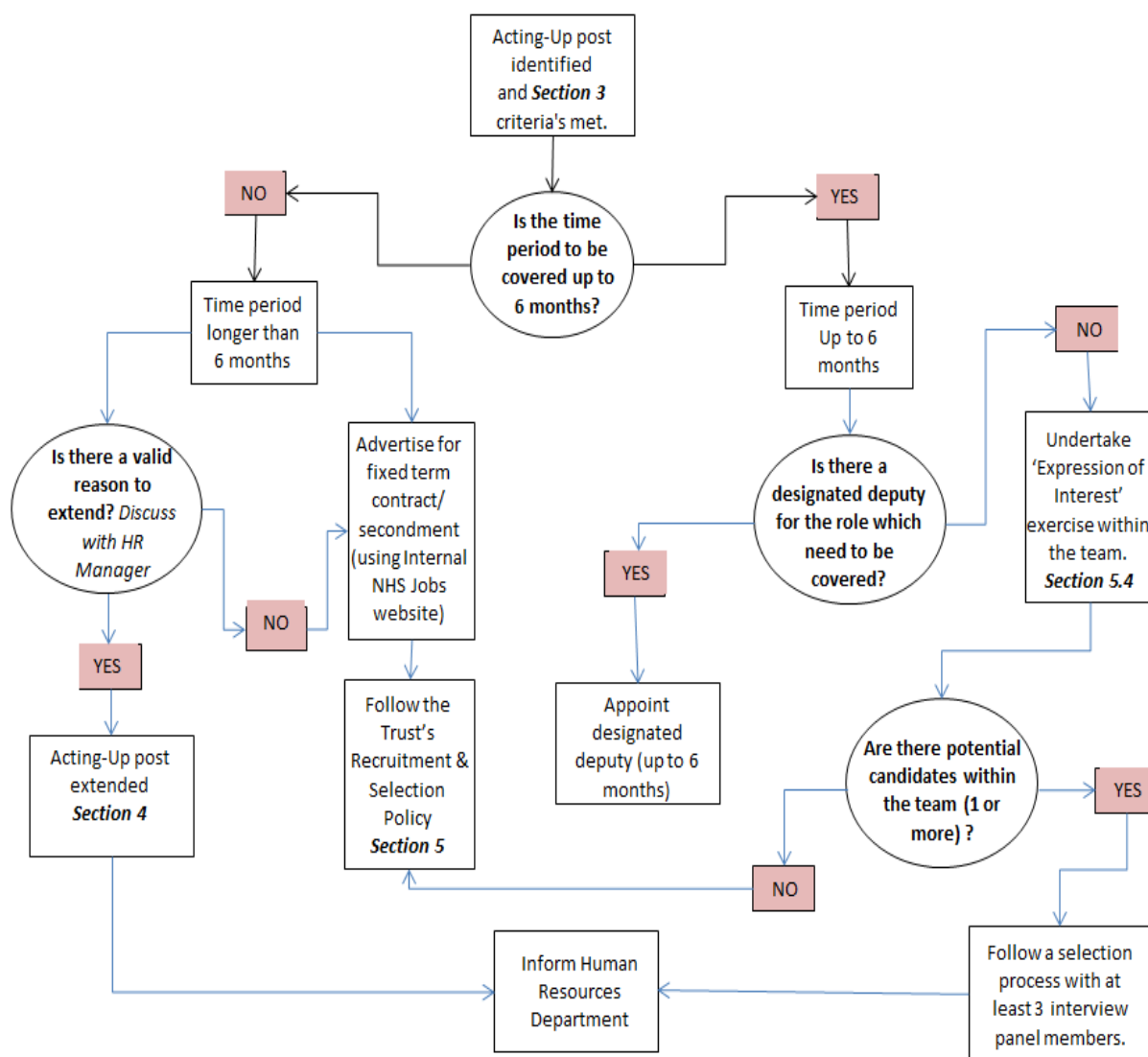
- 12.1 The Director of Human Resources will monitor and review the policy and present any necessary changes, after negotiation with the JSC to the SDB.

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**Appendix A**

**ACTING-UP PROCESS**



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**Appendix B**

**ACTING-UP APPOINTMENT/ VARIATION TO APPOINTMENT TEMPLATE**

**Private & Confidential**

Name

Address

<Dept Name>

<Address line 1>

<Address line 2>

<Address line 3>

<Postcode>

**Telephone: 020 XXXX XXXX**

**Fax: 020 XXXX XXXX**

**Email: 1stname.2ndname@eastlondon.nhs.uk**

**Website: <http://www.eastlondon.nhs.uk>**

[Date]

Dear

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

Further your recent interview, I am pleased to be able 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]**.

A job description for this role is attached.

The terms and conditions of this post are as follows:

<b>Hours:</b>	<b>XXX</b>
<b>Work Base:</b>	<b>XXX</b>
<b>Band:</b>	<b>XXX</b>
<b>Basic Salary:</b>	<b>XXX</b>
<b>High Cost Area Supplement:</b>	<b>XXX</b>
<b>Inclusive Salary:</b>	<b>XXX</b>
<b>Reporting to:</b>	<b>XXX</b>

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These changes will take effect from **[Date]** and will continue until **[Date]**. At the end of the acting up period you will return to your substantive post of **[job title]**, band **X**.

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

Please could you sign both copies of this letter to indicate your acceptance of the acting up opportunity, returning one copy to Human Resources Department and retaining the other for your records by **[Date]**.

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

Yours sincerely

**Name**  
**Job Title**

cc: **XXX**, HR Advisor

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I confirm that I have read and accepted the temporary changes to my terms and conditions of employment as set out above.

Name ..... Date .....

Signature .....