

Acting Up Arrangements Policy and Procedure

This policy and procedure explains the circumstances under which acting up can be used to cover for the absence of a substantive post holder.

Key Words:	Acting up,	
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Adopted by:	Strategic Workforce Group (SWG)	
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Name of Author:	Kirsty Whatmore, Senior HR Business Partner	
Name of responsible Committee:	Workforce and Wellbeing Group	
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Which Relevant CQC Fundamental Standards?	14	

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Version Control and Summary of Changes

Version number	Date	Comments (description change and amendments)
Version 1	27.01.2012	Adopted LPT document into new document template
Version 2	10.02.2012	Final
Version 3	31.05.2016	Transferred to new policy template document and some changes made to the general language of the procedure for clarity. Clarified that acting up arrangement to cover maternity leave can be agreed for 12 months from the outset (section 4.5).
Version 4	16.04.19	Moved to most up-to-date policy document template. Reference to CRB changed to DBS Pay arrangements updated to reflect New Pay Deal/Pay Policy

For further information contact:

Operational HR Team

Equality Statement

Leicestershire Partnership NHS Trust (LPT) aims to design and implement policy documents that meet the diverse needs of our service, population and workforce, ensuring that none are placed at a disadvantage over others. It takes into account the provisions of the Equality Act 2010 and promotes equal opportunities for all. This document has been assessed to ensure that no one receives less favourable treatment on the protected characteristics of their age, disability, sex (gender), gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy and maternity.

Due Regard

LPT will ensure that Due regard for equality is taken and as such will undertake an analysis of equality (assessment of impact) on existing and new policies in line with the Equality Act 2010. This process will help to ensure that:

- **Strategies, policies and services are free from discrimination;**
- **LPT complies with current equality legislation;**
- **Due regard is given to equality in decision making and subsequent processes;**
- **Opportunities for promoting equality are identified.**

Please refer to due regard assessment (Appendix 3) of this policy.

Definitions that apply to this Policy

Acting Up	<p>Where a member of staff temporarily covers a more senior post of another member of staff who is absent or to temporarily cover where the post is vacant.</p> <p>Or</p> <p>The temporary promotion of a member of staff to a more senior position, usually to cover an absence by the permanent post holder.</p>
Employee	<p>An employee is an individual who has entered into or works under a contract of employment with the Trust</p>
Additional Responsibility	<p>Additional responsibility is where an employee takes on additional work which is deemed to be at a higher level or where an employee covers part of the responsibilities of a higher banded post, without undertaking the full responsibilities of the role. For the purposes of this policy, additional responsibility should not normally last less than one month or more than six months except in instances of maternity leave, or long-term sick leave, where a longer period may be known at the outset.</p>
Due Regard	<p>Having due regard for advancing equality involves:</p> <ul style="list-style-type: none"> • Removing or minimising disadvantages suffered by people due to their protected characteristics. • Taking steps to meet the needs of people from protected groups where these are different from the needs of other people. <p>Encouraging people from protected groups to participate in public life or in other activities where their participation is disproportionately low</p>

1.0 Purpose of the Policy

The purpose of this policy and procedure is to provide guidance on the circumstances in which acting up arrangements may be appropriate and the process to follow to ensure the acting up is applied fairly and equitably across LPT.

2.0. Summary and Key Points

- 2.1 Acting Up arrangements are temporary promotional appointments to cover for the absence of a substantive post-holder and are different in nature to Secondments or Fixed Term positions.
- 2.2 This procedure explains the circumstances under which acting up can be used to cover for the absence of a substantive post holder. It also sets out the circumstances under which staff may apply for and/or be offered 'Acting Up' arrangements, the payments and other arrangements that should be applied.
- 2.3 This procedure provides an easy to follow guide for managers, acting up staff and those affected by acting up arrangements.
- 2.4 This procedure attempts to balance the spirit of equal opportunity and reasonableness with practicality, for both individuals and the service.
- 2.5 This procedure applies to all staff across the organisation.

3.0. Introduction

LPT recognises that the need may arise for individuals to temporarily cover a more senior post within their own department on a temporary basis, where circumstances do not require a permanent appointment to the post. This procedure sets out the circumstances under which employees may apply of and/or be offered acting up arrangements and the payment and other arrangements that should be applied.

4.0. Guidelines under the policy

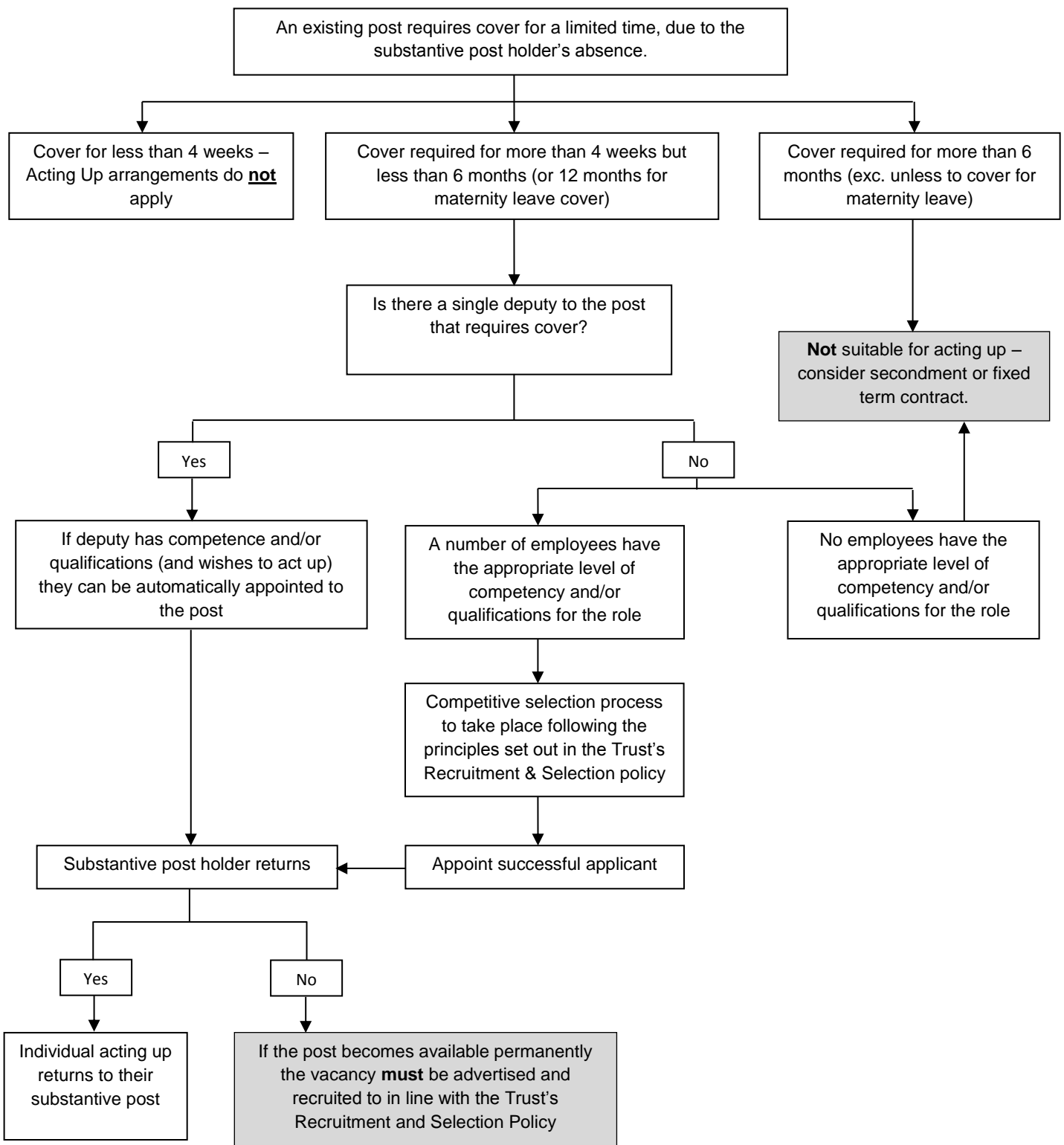
- 4.1. Acting up may be appropriate in the following circumstances:
 - To fill a vacancy on a temporary/short term basis whilst waiting for permanent recruitment to take place
 - To cover for the substantive post-holder during extended periods of absence, for example during long-term sick leave, maternity leave or extended training.
- 4.2. Acting up opportunities should be available to all members of the department who have the appropriate level of competence required for the role when an opportunity arises.
- 4.3. Acting up arrangements must have a clearly defined time limit which takes into account the reason for the acting up requirement. Employee Services **will not** accept a Change of Circumstance form without an end date.
- 4.4. If there is a requirement to extend the acting up period beyond the original end date the manager should consider if acting up is still appropriate and discuss this with a Human Resources Advisor/Business Partner.

4.5. Managers should not put pressure on employees to apply for or accept an acting up position and employees who do not wish to act up should not suffer any detriment. Nor should a refusal at any point prohibit the individual from being asked to act up in the future.

4.6. Holding an acting up position does not give the individual an automatic right to be appointed to the post if it becomes a permanent vacancy.

5.0. Flowchart

Applying Acting up Arrangements



6.0 Application of Acting Up Arrangements

6.1 Acting up arrangements must be agreed by a manager with the appropriate level of authority and are only appropriate to cover the absence of the substantive post holder of an established position within the existing structure.

6.2 An acting up period should be greater than four weeks and no longer than six months. Acting up arrangements should not be used to cover absence due to annual leave or short-term sickness when a deputy or more junior member of staff will cover the responsibilities of a senior role, sometimes at short notice.

6.3 The exception to 6.2 is when acting up arrangements are to cover maternity leave. In these circumstances the acting up period can be for up to 12 months, however, managers should consider that an individual on maternity leave can give notice of their intention to return to work early which may necessitate ending the acting up early (see section 9).

6.4 Exceptions/extensions to the six month time limit of Acting Up arrangements should only occur when:

- The substantive post-holder is on maternity leave (see 6.3)
- The planned return of the substantive post holder has been unavoidably delayed.
- Recruitment to the post is unsuccessful and / or additional time is needed to finalise the recruitment process.
- Organisational change determines that it would not be appropriate to recruit permanently to the position until a Management of Change of process is complete.

Where a post requires cover for longer than six months, alternative methods of cover should be applied, such as a Secondment or Fixed Term position. Please refer to LPT's Recruitment and Selection Policy and Procedure or Fixed Term Contract guidelines for further details on the principles of these arrangements.

7.0 Selection Process

7.1 Identifying employees able to act up

- If there is one deputy within a department who has the appropriate level of competence and/or qualifications and they are willing to act up they will automatically be appointed into the acting up position.
- If there are a number of employees with the appropriate level of competency and/or qualifications within the structure or if the acting up opportunity is to be offered more widely (i.e. to deputies/staff from other teams/wards) then a competitive section process must take place.
- The recruiting manager should communicate details of the acting up opportunity to identified eligible employees and co-ordinate the subsequent applications and selection

process, ensuring that decisions are documented and justified. The selection process should follow the principles set out in LPT's Recruitment and Selection Policy.

7.2 In all cases, where Acting Up arrangements are agreed, it is the manager's responsibility to complete the relevant paperwork (H2: Change of Circumstances) and submit to Employee Services (hrinputting@leicspart.nhs.uk) to ensure that the employee's employment records are updated. Managers should note that, for some positions, it may be necessary for individuals to undertake a new Disclosure Baring Service (DBS) Check prior to commencing in the Acting Up arrangement. For further information refer to the Disclosure Baring Service Check (Formally Criminal Records Bureau) Policy.

7.3 In all situations there should be a formal review of acting arrangements every three months and any decision to extend or end the arrangement should be discussed with the employee who has taken on the acting up arrangement, and confirmed in writing.

7.4 During the acting up period, if it is determined that cover for the position is required for longer than six months and there are no exceptional circumstances (see section 6.4), then alternative methods of covering the absence should be considered (i.e. Secondment or Fixed Term contract). Usual recruitment procedures must then be followed.

8.0 Payment

8.1 Staff who are temporarily moved to a post in a higher pay band will be paid at the minimum of the new pay band. During transition, (1 April 2018 – 31 March 2021) if this would result in no pay increase then they will be paid at the first pay point in the band which would deliver an increase in pay. Staff who are temporarily moved to a post in a higher band will have a pay step date of the anniversary of their appointment into the higher band. Refer to Pay Policy.

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

8.3 When an individual returns to their substantive post following acting up, they will return to the previous band, subject to having met all of the pay progression standards, at the pay step point they would have been on if they had not acted up (i.e. pay steps are deemed to have occurred). Their pay step date will revert to their previous pay step date.

8.4 If the individual is subsequently promoted to the higher banded role they were acting up into and their pay step point date was changed under paragraph 8.1 above, this will be retained for their substantive promotion.

9.0 Performance and conduct during acting up arrangements

9.1 Any acting up arrangements are subject to the satisfactory performance of the employee.

9.2 The line manager of the employee acting up is responsible for ensuring necessary training, support and supervision is provided and should review their performance regularly (minimum of bi-monthly performance reviews) throughout the acting up period.

9.3 Where there are concerns about the individual's performance in the acting up position, the line manager should discuss these concerns with the employee and seek advice from the HR Advisor/Business Partner for the area where necessary. Any decisions to end the acting up arrangements, based on unsatisfactory performance, should be discussed with the employee and put in writing.

10.0 Arrangements if acting up post becomes a permanent vacancy

10.1 If the acting up post becomes a permanent vacancy it must be advertised and recruited to in line with the Trust's Recruitment and Selection Policy and Procedure.

11.0 Ending the acting up arrangement

11.1 At the end of a period of Acting Up, the employee acting up will return to their original or agreed post on the original salary and terms and conditions. Pay protection will not apply under any circumstances.

11.2 If the substantive post of the employee acting up is subject to change, the individual should be consulted in line with the Trust's policy and procedure on managing organisational change. Otherwise, the substantive post must remain available for the employee to return to at the end of the acting up period.

11.3 If LPT wishes to end the Acting up period early then the employee acting up will be entitled to 4 weeks' notice unless there are exceptional circumstances that require a shorter notice period (e.g. urgent service needs, unexpected early return of post-holder, serious performance issues). Any decision to end an Acting up period without four weeks' notice must be discussed with the individual and in all circumstances the notice period and the rationale for the decision will be confirmed in writing.

11.4 If the individual wishes to end the acting up arrangement early, they are required to give four weeks' notice.

12.0. Duties within the Organisation

12.1 The Trust Board has a legal responsibility for Trust policies and for ensuring that they are carried out effectively.

12.2 Trust Board Sub-committees have the responsibility for ratifying policies and protocols.

12.3 Divisional Directors and Heads of Service are responsible for adhering to this policy and undertaking all relevant managerial responsibilities.

12.4 Managers and Team leaders are responsible for adhering to this policy and undertaking all relevant managerial responsibilities.

12.5 It is the responsibility of the Human Resources Department to provide advice and support to Line Managers and employees in implementing this policy and procedure.

12.6 Responsibility of Staff to adhere to this policy.

13.0. Training needs

There is no training requirement identified within this policy.

14.0. Monitoring Compliance and Effectiveness - complete the template below

This procedure will be updated and reviewed in light of any changes in Agenda for Change terms and conditions handbook.

15.0. Standards/Performance Indicators

TARGET/STANDARDS	KEY PERFORMANCE INDICATOR
Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 CQC essential standards)	Care Quality Commission registration standards (outcome 14) <i>Supporting Workers</i> (21) of the Health & Social Care Act (2008) (Regulated Activities Regulations 2010 CQC essential standards)

16.0. References and Bibliography

The policy was drafted with reference to the following:

- NHS Terms and Conditions of Service (2018)
- Pay Policy (2019)
- Recruitment and Selection Policy (2017)

The NHS Constitution

The NHS will provide a universal service for all based on clinical need, not ability to pay. The NHS will provide a comprehensive range of services

Shape its services around the needs and preferences of individual patients, their families and their carers	<input type="checkbox"/>
Respond to different needs of different sectors of the population	<input type="checkbox"/>
Work continuously to improve quality services and to minimise errors	<input checked="" type="checkbox"/>
Support and value its staff	<input checked="" type="checkbox"/>
Work together with others to ensure a seamless service for patients	<input checked="" type="checkbox"/>
Help keep people healthy and work to reduce health inequalities	<input type="checkbox"/>
Respect the confidentiality of individual patients and provide open access to information about services, treatment and performance	<input type="checkbox"/>

Stakeholders and Consultation

Workforce and Organisational Development Policies are subject to joint monitoring and review between management and staff side through the JSCNC. Guidance in relation to Due Regard for this policy has also been received by the Policy group and the Integrated Equality and Human Rights Service. Management consultation has also been undertaken in relation to this policy.

Key individuals involved in developing the document

Name	Designation
Kirsty Whatmore	Senior HR Business Partner

Circulated to the following individuals for comment


Name	Designation
Directors / Heads of Service and Direct Reports	
Operational HR Team	
Equalities Team	
Staffside	

Due Regard Screening Template

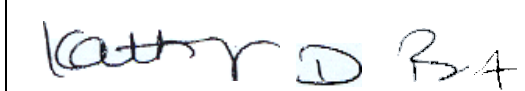
Section 1			
Name of activity/proposal		Acting Up Policy and Procedure	
Date Screening commenced		16 th April 2019	
Directorate / Service carrying out the assessment		Human Resources	
Name and role of person undertaking this Due Regard (Equality Analysis)		Kirsty Whatmore, Senior HR Business Partner	
Give an overview of the aims, objectives and purpose of the proposal:			
AIMS: This policy and procedure explains the circumstances under which acting up can be used to cover for the absence of a substantive post holder.			
OBJECTIVES: To encourage equitable application of acting up across the organisation			
Section 2			
Protected Characteristic		If the proposal/s have a positive or negative impact please give brief details	
Age		This policy encourages an equitable approach to acting up across the organisation. Pay arrangements are in accordance with National NHS Terms and Conditions of Service	
Disability			
Gender reassignment			
Marriage & Civil Partnership			
Pregnancy & Maternity			
Race			
Religion and Belief			
Sex			
Sexual Orientation			
Other equality groups?			
Section 3			
Does this activity propose major changes in terms of scale or significance for LPT? For example, is there a clear indication that, although the proposal is minor it is likely to have a major affect for people from an equality group/s? Please <u>tick</u> appropriate box below.			
Yes		No	
High risk: Complete a full EIA starting click here to proceed to Part B		Low risk: Go to Section 4.	
		✓	
Section 4			
If this proposal is low risk please give evidence or justification for how you reached this decision:			
Due to the nature of Acting up appointments it is not always a requirement for a selective recruitment process to take place (i.e. where there is only one 'natural deputy' in a department). However this policy and procedure sets out when a selective recruitment process is required and refers managers to the Recruitment and Selection Policy in these circumstances.			
The Trust is also happy to associate itself with the new Workforce Race Equality Standard which comes into effect from the 1 st April 2015. Embedded within the standard are a number of workforce metrics which will help to identify and reduce any evidence of adverse impact towards black employees compared to other groups and actions will be agreed to address			

these accordingly.

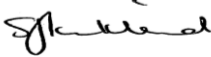
Equality monitoring has been incorporated in the overall policy compliance process which aims to provide assurance that any potential adverse impact on any protected group during the implementation of the policy and associated procedures are identified and removed at the earliest opportunity.

Signed by reviewer/assessor		Date	16 th April 2019
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Sign off that this proposal is low risk and does not require a full Equality Analysis

Head of Service Signed		Date	8 May 2019
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DATA PRIVACY IMPACT ASSESSMENT SCREENING

<p>Data Privacy impact assessment (DPIAs) are a tool which can help organisations identify the most effective way to comply with their data protection obligations and meet Individual's expectations of privacy.</p> <p>The following screening questions will help the Trust determine if there are any privacy issues associated with the implementation of the Policy. Answering 'yes' to any of these questions is an indication that a DPIA may be a useful exercise. An explanation for the answers will assist with the determination as to whether a full DPIA is required which will require senior management support, at this stage the Head of Data Privacy must be involved.</p>		
Name of Document:	Acting Up Policy	
Completed by:	Kirsty Whatmore	
Job title	Senior HRBP	Date 1st May 2019
Screening Questions	Yes / No	Explanatory Note
1. Will the process described in the document involve the collection of new information about individuals? This is information in excess of what is required to carry out the process described within the document.	No	
2. Will the process described in the document compel individuals to provide information about them? This is information in excess of what is required to carry out the process described within the document.	No	
3. Will information about individuals be disclosed to organisations or people who have not previously had routine access to the information as part of the process described in this document?	No	
4. Are you using information about individuals for a purpose it is not currently used for, or in a way it is not currently used?	No	
5. Does the process outlined in this document involve the use of new technology which might be perceived as being privacy intrusive? For example, the use of biometrics.	No	
6. Will the process outlined in this document result in decisions being made or action taken against individuals in ways which can have a significant impact on them?	No	
7. As part of the process outlined in this document, is the information about individuals of a kind particularly likely to raise privacy concerns or expectations? For examples, health records, criminal records or other information that people would consider to be particularly private.	No	
8. Will the process require you to contact individuals in ways which they may find intrusive?	No	
<p>If the answer to any of these questions is 'Yes' please contact the Data Privacy Team via Lpt-dataprivacy@leicspart.secure.nhs.uk</p> <p>In this case, ratification of a procedural document will not take place until review by the Head of Data Privacy.</p>		
Data Privacy approval name:	Sam Kirkland 	
Date of approval	01/05/2019	

Acknowledgement: This is based on the work of Princess Alexandra Hospital NHS Trust