



Western Health
and Social Care Trust

ACTING-UP POLICY
(Process for filling vacancies
of less than 6 months)

2 APRIL 2015



Title:	Acting-Up Policy		
Author(s)	Policy Design Group, Human Resources		
Ownership:	Human Resources Directorate		
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1. SCOPE

- 1.1 This policy has been written to ensure a consistent and effective approach across the Western Health & Social Care Trust in situations where there is an urgent need to fill a vacancy **for less than 6 months**.
- 1.2 **Temporary vacancies of 6 months or more do not fall under the scope of this policy.** These vacancies must be recruited to in the normal way through the Selection & Appointments Policy.
- 1.3 The policy has been written within the requirements of current terms and conditions of service circulars at date of approval. It is recognised that any changes to national terms and conditions of service will automatically update any provisions in this policy.
- 1.4 This policy applies to all permanent and temporary employees (excluding Doctors and Dentists unless explicitly agreed with the Trust's Local Negotiating Committee) with effect from **1 April 2015**. Senior Executive posts and agency workers are excluded from this arrangement.
- 1.5 The policy applies equally to all staff regardless of the number of hours worked.
- 1.6 In applying the policy managers should seek guidance from the Human Resources Department.

2. PURPOSE

- 2.1 The purpose of this policy is to help meet service requirements in a timely way and promote equality of opportunity when acting-up situations arise. The policy should be read in conjunction with the Trust's Equal Opportunities Policy.

3. DEFINITION

- 3.1 Temporary movement to a higher pay band is often referred to in the Trust as Acting-Up. (Section 6 of the Agenda for Change Handbook refers). In an acting-up position the employee undertakes the **full** range of duties and responsibilities of the higher banded post.
- 3.2 Acting-up should not last **less than one month** unless to fulfil a statutory or regulatory requirement.
- 3.3 Acting-up cannot be used to cover annual leave unless as indicated at paragraph 3.2 above.
- 3.4 Where funding is only available on a temporary basis, a manager may consider an acting-up arrangement among existing staff to meet a particular need or project.



- 3.5 Managers may decide not to fill a permanent vacancy immediately, due to business reasons such as staff restructuring or reorganisation, and may prefer a temporary acting-up arrangement until the business processes have been concluded.

4. PROCEDURE

- 4.1 In deciding how to fill a post which has been temporarily vacated, managers should first consider if the work can be redistributed or reorganised in ways which would avoid the necessity of having an acting-up arrangement. **Acting-up should not be viewed as an automatic response to filling a post/short-term vacancy.**
- 4.2 Managers are expected to use their best judgement, taking all known facts into account, to determine if acting-up is appropriate, and if so, its duration. The procedure for filling temporary vacancies is dependent on the expected duration of the vacancy. This can usually be determined at the outset e.g. if the substantive post-holder has secured an eight-month secondment to another post or is taking a one year employment break; this will indicate that it is not appropriate to fill the vacancy through the Acting-Up Policy, as indicated in 1.2 above.
- 4.3 In all situations where the temporary position is likely to be for **6 months or more** the post must be recruited to in accordance with the Trust's Selection and Appointments Policy. All maternity leave will default to 6 months or more and therefore will also fall into this category, i.e. they must all be recruited to using full recruitment process.
- 4.4 For any situation where a manager is considering an acting-up arrangement, they must seek advice from Human Resources. It is recognised where the need to fill a post is for less than 6 months managers should assess and balance service requirements against the duty to offer equality of opportunity to staff.
- 4.4 The following factors should be taken into account by the manager in deciding how the vacancy should be filled:
- **The roles and skills required of the post.** If these differ significantly from the duties of any other staff within the department e.g. special projects, the post must be trawled within the Trust.
 - **The likelihood of the post becoming permanent.** Where this is likely the post **must** be trawled throughout Health and Social Care using the Business Services Organisation trawl, except where staff restructuring or reorganisation is being considered.

There will occasions when a permanent post is being recruited to in the normal way, but it has been identified that until the new post holder takes up post, there will be a gap which will have a significant impact on service delivery. In these circumstances an acting-up arrangement can be facilitated as an interim measure until the vacancy is filled permanently. This can only happen after the permanent recruitment process has commenced.



- 4.5 Where neither of the factors described in paragraph 4.4 apply, managers must consider the following steps in turn:
- a. The Manager must make sure that all eligible staff, **at the next most senior band**, (regardless of their geographical location) are considered for the acting-up. Eligible staff is determined by one of the following factors:-
 - Staff within the direct line management reporting arrangements, for example, there are a number of sub-divided teams within one cost centre, and a vacancy arises in one of these teams at band 4. All those at the next most senior band who report within the cost centre are eligible to be considered for the acting-up.
 - or**
 - Where there are a range of cost centres reporting directly to a vacancy; i.e. vacancy at Head of Service level, then all direct reports at the next most senior band are eligible to express an interest, even if they sit in a different cost centre.
 - b. The base of the post will be the most appropriate location to the new role and excess travel expenses are not applicable and will not be paid.
 - c. Where there is **only one person** at the **next most senior band** within the Department's line management reporting arrangements, the post may be offered to that person provided that he/she meets the selection criteria for the post.
 - d. **Please Note:** *The criteria for all acting-up arrangements cannot be changed from the normal recruitment and selection criteria. For acting-up positions, as for all other selection and appointments, the Trust will consider reasonable adjustments for people with disabilities.*
 - e. Where there is **more than one person** at the **next most senior band or reporting level** than the vacant post, these staff should be asked to **express an interest** in the acting position.
 - f. If it emerges that only one person expresses an interest then the acting-up may be offered to that individual. As at (d) above the person must meet the criteria for the vacant post.
 - g. In the event that more than one eligible person expresses an interest, the manager may consider sharing or rotating the acting-up between them. This will depend on the number of eligible staff, e.g. it is unlikely to be feasible to share or rotate a post between more than 4 people in a 5 month period. Where sharing is appropriate, for example between 2 parties, and one individual finds it unacceptable to share, then the full term of acting-up should be offered to the individual who has expressed an interest and was willing to accept the shared vacancy. The consequences of refusing to share the acting-up position should be explained to the staff member before he/she is asked to decide on the option of sharing.



- h. In the event that it has not been possible to fill the acting-up vacancy using (a) to (g) above, managers must move to a formal recruitment process in order to fill the vacancy. See point (k) below.
 - i. When moving into a formal recruitment process, the post will be advertised as a restricted trawl to all eligible staff in accordance with point (a) above. This may result in an application being submitted by a candidate who did not initially express an interest. It may also result in an application being submitted by an agency worker who is engaged at the next most senior band. In both cases, this is considered acceptable under this policy, however it should be noted that an agency worker can only be considered for the acting where a formal recruitment process is being undertaken.
 - j. In the event that (h - i) above apply; the manager is required to complete an FE/ITR, and all applicants must complete a full application form detailing how they meet the essential criteria. A formal shortlisting must also take place, and this will be facilitated by the Recruitment & Selection Department.
 - k. Once the formal recruitment process has commenced, it should be completed in full. This means that in the event that one or more applicant withdraws their application prior to interview, leaving only one remaining applicant, the interview process should be concluded to determine the outcome, i.e. the remaining applicant should not be automatically offered the acting up.
 - l. Where a post is filled using a formal recruitment process the arrangement should no longer be referred to as acting-up. This will be referred to as a temporary move to a higher band.
 - m. Managers should record reasons for the option taken to fill the vacancy under (a) to (g) (paragraph 6.2 below refers).
- 4.6 In the event that the temporary vacancy that has been filled by an acting-up, i.e. no interview process; and the post subsequently becomes permanent, the person acting-up cannot be slotted into the vacancy automatically. This is considered as a new vacancy and must be recruited to in the normal way.

5. ADDITIONAL DUTIES WHERE NO VACANCY EXISTS

- 5.1 Where there is no additional vacancy and the manager has decided to add to the duties of an existing post on a temporary basis, this may lead to an acting-up situation. In these circumstances the additional duties **must be** formally evaluated by the Human Resources department, in partnership with Trade Union Side, before confirming the correct band for the post. The additional duties must be clearly defined and the acting-up arrangement should be for a fixed period determined in advance.



- 5.2 The additional duties can only be allocated through the Acting-Up Policy, if the additional funding has been made available for less than 6 months. If the funding has been allocated for more than 6 months, it will be necessary to carry out a restricted trawl in accordance with the Selection & Appointments Policy.
- 5.3 In determining who the additional duties will be allocated to, it will be necessary to apply to the process laid out in 4.5 above.

6. PAY & CONDITIONS FOR ACTING-UP

- 6.1 All acting-up arrangements should result in a contract addendum and job description being issued by the manager and appropriate payment being made.

Salary is paid in accordance with the terms and conditions applicable to the post, as per Section 6 of Agenda for Change Terms & Conditions Handbook, which states pay should be set at either 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 which would deliver an increase in pay.

- 6.2 Where a manager has access to Manager Self-Service (MSS) they must initiate the Contractual Change process for the employee to notify Terms & Conditions Department of the acting-up arrangement who will then issue a contract addendum.

Managers who do not have access to MSS must complete the Notification of Change form in respect of acting-up arrangements.

All managers should record the reasons for choosing the particular method for filling the position.

- 6.3 Any continuation of acting-up over the original period must be notified to Human Resources (Terms & Conditions), using one of the following methods:-

- ENOC system for managers who do not have access to MSS
- or
- Where managers have access to MSS, they must initiate the contractual change process.

NB: In addition to the above, an employee with no substantive permanent position must also have a contract extension completed. The manager must therefore complete the Fixed Term Contract extension booklet for the period of the acting. This may impact upon the employee's original Fixed Term Contract date.



6.3 The incremental date in respect of acting-up positions will be in accordance with Agenda for Change provisions stipulated in Section 6 of the Handbook. Where temporary movement into a higher pay band results in only one extra pay point the incremental date remains the same.

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

6.4 The Trust's internal process for awarding incremental credit under Agenda for Change will apply to those appointed who request to have previous experience taken into account.

6.5 Where a temporary employee applies for an acting-up opportunity, they will be issued with a new fixed term contract and they will not have an automatic right to return to the temporary post they vacated. The original temporary contract is superseded once the acting-up commences.

6.6 If an acting up arrangement ceases/comes to an end before the original date of the acting-up period, the manager must notify Human Resources via the MSS on the Contractual Change section, or by the ENOC system, if they do not have access to MSS. If the employee is temporary and has no substantive position, the normal non-renewal of Fixed Term Contract process should be followed and a termination advice completed. In all other circumstances if an acting-up arrangement is not renewed the employee will automatically revert to their substantive post.

As an equal opportunity employer, the Trust will seek to promote equality in these arrangements irrespective of the person's gender, marital status, perceived religious affiliation, political opinion, race, ethnic origin, disability, age or sexual orientation whilst at the same time being conscious of the need to provide an effective and efficient service. In pursuance of this objective managers should ensure they apply fairness and consistency to all decisions within their department.

7. REVIEW

This policy will be reviewed by the Trust within three years from the date of implementation.