



## Acting-up and Temporary Duties

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**Important notice:** During times of national emergency or pandemic, the head of HR will approve relevant and necessary changes to policy and process to allow the spirit of the policy to be maintained whilst caring for and supporting our people.

# Acting-up and Temporary Duties

## 1. Policy statement

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Cleveland Police recognises that to deliver the Chief Constable's vision the organisation needs to have identified leaders who will take responsibility for teams within the organisation. It is accepted that at times Police Officers may be required to perform a role above the level of their substantive rank to ensure service continuity.

This policy must be applied fairly, equally and consistently to all Police Officers irrespective of age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation or any other unjustifiable grounds.

## 2. Purpose

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The purpose of this policy is to clarify under what circumstances an Officer should be asked to perform duties at a higher rank and to ensure a standardised approach to this across the organisation.

Acting up and Temporary opportunities for supervisory and management posts will occur from time to time. The absence of a manager or supervisor for short periods of time does not automatically require another officer to 'act up' to provide cover. The intention of this policy is to ensure that wherever possible only qualified individuals undertake an acting or temporary role.

The procedures set out in the process will apply to all Police Officers. The entitlement in respect of Police Staff is detailed within the Police Staff Council Handbook.

## 3. Underpinning procedures

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All forms and supporting documentation relating to this policy are available on the force intranet. Should additional information or support be needed in completing these then the Shared Service Centre will be able to assist.

### 3.1 Police Officer acting up and temporary eligibility criteria

A Police Officer shall be chosen for acting duties in accordance with the following criteria. The following criteria are amongst those that can be considered; they are not in a particular order:

- Police Officers who are qualified for promotion to the next rank and have passed a promotion board and are awaiting promotion
- Police Officers who are qualified for promotion to the next rank by examination
- In exceptional **operational** circumstances officers who are not qualified by examination may be required to perform acting duties. These individuals must only be considered when all other options have been exhausted.

Approval outside of force policy must be obtained from the Workforce Transition Group, where all decisions will be noted.

Acting up duties should be dealt with at a Command level until such time as they reach a period of 2 months. At this stage they will be referred to the Workforce Transition Meeting to assess the acting period, a determination will then be made if the period is to continue or if another officer should be given the opportunity. If the current actor is to remain in post a decision will be made around temporary salary or temporary promotion status at this stage.

### **3.2 Acting up duties – PC to Chief Superintendent**

Heads of Command and/or Service Unit Managers should carefully consider their rationale for appointing an individual to undertake a period of acting and/or temporary duties. Managers should use the principles outlined in the National Decision Making Model (NDM) to help support their selection methodology. The reasons and rationale for decisions with regards to the selection and selection method of an individual for acting up and/or temporary duties should be recorded and retained for audit purposes.

A Police Officer should only perform the role of 'acting up' when the substantive post holder is not available for a period of absence which exceeds **one working week** for Sergeant and Inspector and **two working weeks** for Chief Inspector to Chief Superintendent. The only exceptions to this rule are the following roles:

- PACE Inspector
- Control Room Inspector and Sergeants
- Response Inspector

Acting rank duties should normally only be performed when there is a legal requirement i.e. PACE or there are exceptional operational reasons to do so.

Abstractions in posts where there is no legal requirement should always be managed, using existing resources in the first instance.

Officers undertaking the SIO on call duties should claim the on-call allowance.

In order to minimise the abstractions of constables from operational duties, consideration must always be given to options other than acting duties. For all absences prior to considering appointing an acting rank all efforts must be made to enable a substantive rank to provide cover for the absence. Acting Sergeants should not perform custody officer duties unless exceptional circumstances exist whereby there are no other substantive Sergeants on duty to fulfil that role (R V CC Dorset Police ex parte Vince, WLR 1993).

#### **3.2.1 Acting up Process**

Once an individual is identified to undertake an acting role, the supervisor should complete and submit the notification/approval form available from the intranet. This must be completed before an officer undertakes a period of acting. Authorisation for acting rank up to and including Superintendent will lie with the Head of Command and/or the Service Unit Manager. Authorisation for acting duties for ranks of Chief Superintendent will lie with a member of the Executive Team.

Whilst completing the acting period the officer must complete the payment grids (A06-13) for the relevant pay period following all instructions set out and deadlines. This can only be submitted once the relevant notification has been approved and submitted for the acting period.

### **3.3 Temporary Duties – Sergeant up to Chief Superintendent Rank**

Temporary status should be used when a shortfall has been identified in a particular rank. There are two routes of temporary status depending on the qualification that the officer holds.

Officers that are selected for temporary status should hold the relevant qualification. Only in exceptional circumstances will an Officer who is not qualified undertake temporary duties. If this is necessary then the officer is entitled to make an application for temporary salary as per regulation 27 annex I. This will be ratified by the Workforce Transition Group.

For any officer that exceeds a temporary opportunity of more than 6 months, there is a requirement for the officer to relinquish their substantive position to allow for appropriate Force planning. Any exceptions to this will be agreed by the Workforce Transition Group.

#### **3.3.1 Temporary Promotion**

Temporary promotion will only be awarded to officers that are Ospre 1 & 2 or have been successful with NPPF step 3 (promotion processes) and commencing NPPF step 4 (portfolio).

This can be claimed when the acting period has reached 10 qualifying days followed by 46 days of continuous paid acting duties. Please be aware that payment for acting duties must be claimed and paid through payroll before temporary status can be applied for.

The exception to this is, if from the outset of the period that is required to be covered it is known that this will exceed 56 days temporary promotion should be claimed from day 1 and no acting forms or payment grids should be submitted.

This will be reviewed and ratified by the Workforce Transition Group at appropriate points.

Officers who are temporary promoted to the rank of inspector should note that claims for overtime cannot be made as the salary afforded to the rank includes a compensatory element for these matters.

#### **3.3.2 Temporary Salary**

If an officer is NPPF step 2, Ospre part 1 only or holds no qualifications, temporary salary will be awarded when the acting period has reached 10 qualifying days followed by 46 days of continuous paid acting duties. Please be aware that payment for acting duties must be claimed and paid through payroll before temporary status can be applied for.

The exception to this is, if from the outset of the period that is required to be covered it is known that this will exceed 56 days temporary salary should be claimed from day 1 and no acting forms or payment grids should be submitted.

This will be reviewed and ratified by the Workforce Transition Group at appropriate points.

Please note officers on temporary salary are not entitled to increments as they remain on the first point of the higher grade.

Temporary salary is only relevant up to the rank of temporary inspector.

### **3.4 Temporary Duties – Superintendent up to ACC rank**

This can be claimed when the acting period has reached 10 qualifying days followed by 46 days of continuous paid acting duties. Please be aware that payment for acting duties must be claimed and paid through payroll before temporary status can be applied for. At this point an officer can elect to either:

- be paid either at a rate equivalent to the lowest pay point of the higher rank's basic pay **OR**
- receive a non-pensionable honorarium, the amount of which will be determined by the Chief Officer. Please note the honorarium is 100% and also only available where the member continues to accrue pension under the Police Pension Scheme 1987.

This decision must be made by the officer required to perform the duties of the higher rank. The quantum of the non-pensionable honorarium may be of an amount less than the higher rank's basic pay. An officer will not be permitted to revoke the decision at a later date unless the circumstances of the temporary promotion were to change. If it is agreed that the decision should be revoked for this reason, the revocation will not apply retrospectively.

Officers granted temporary Superintendent status should note that they cannot claim 'on-call' for participation in the force command rota. This was agreed by the force and Superintendents Association in 2015.

### **3.5 Temporary Duties – DCC and Chief Constable**

In line with Home Office circular 36/2004 after 28 consecutive days of acting to a higher rank, a chief officer will be paid at a rate equivalent to 90% of the higher rank's basic pay or receive an honorarium (non-pensionable) of an amount determined by the Chief Constable. If an officer is acting up to Chief Constable the determination will be made by the OPCC for Cleveland.

### **3.6 Police Staff**

Acting for members of police staff must be pre-approved by the workforce transition group

In line with the national Police staff council handbook (2017 and 2020) the following will apply - the only exception will be in the control room for the team leader post.

3.6.1 An employee required to undertake the full duties and responsibilities of a higher graded post shall be paid at that higher grade with retrospective effect from the first day of undertaking such duties. This is subject to a minimum period of acting up of at least ten working days in each financial year. An employee whose acting up period ceases before the threshold and who then starts another period of acting up within the same financial year should have these periods aggregated. The higher salary shall not be payable during periods of leave or sickness of the employee who is acting up except in respect of the 20 days annual leave entitlement under Regulation 13 of the UK Working Time Regulations, when it will be payable

3.6.2 An employee required to undertake some of the duties and responsibilities of a higher graded post over an extended period shall be eligible to receive an honorarium, paid either as a temporary addition to salary or as a lump sum.

### **3.7 Temporary promotion**

An employee required to undertake the full duties and responsibilities of a higher graded post over an extended period of three months should be temporarily promoted to that higher grade. The terms of the temporary promotion should be set out as an amendment to the permanent contract of employment.

Please refer to the PSC hand book and local agreements which are located on the policy intranet site for further information.

## **4. Appendices**

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<b>Appendix</b>	<b>Description</b>
1.	NPPF Explanatory Note

## **5. Compliance and monitoring**

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The Acting-up and Temporary duties procedure will require on-going review and evaluation every two years. It is important to ensure that the policy applies equal career opportunities to all Police Officers and Police Staff and does not detriment anyone.

## **6. Version control**

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This policy will be reviewed and updated at least every three years by the owner, and more frequently if necessary.

The Corporate Services Department will ensure this document is available on the Force intranet, including any interim updates.

The following identifies all version changes.

<b>Version</b>	<b>Date</b>	<b>Reason for update</b>	<b>Author</b>
0.1	10.03.10	Drafted new policy for Acting-up duties.	██████████
1.0	20.09.10	To take account of LDP	██████████████████
1.1	11.07.11	Reflect Workforce Modernisation Amendments	██████████
2.0	16.07.12	Updated in line with CC recommendations	██████████
2.1	14.11.14	Policy amended to include detail on temp promotion for superintending ranks	██████████
2.2	01.04.15	Policy amendment to include reference to Home Office circular 36/2004 for Chief Officers	██████████
2.3	12.12.16	Policy amendment to include temporary salary for unqualified persons undertaking higher ranked duties as police officer for more than 56 days	██████████
2.4	29.06.17	Amendment to account for move to electronic forms and to add information to the sections re temporary inspector and temporary superintendent rank.	██████████
2.5	09.05.19	Various changes to process and timeframes	██████████
2.6	Apr 2020	Addition of COVID 19 message to v2.4 as the new version wasn't completed	██████████████████
2.7	Apr 2020	Changes made following consultation (continuation of v2.5). Submitted for approval.	██████████████████
2.8	Jul 2020	Appendix added and approved policy published	██████████████████
2.9	Oct 2020	Section 3.6 and 3.7 amended to comply with National Police Staff Council (PSC)	██████████

**Acting and Temporary Ranks:**  
**NPPF Explanatory Note**

**Introduction**

The Police (Promotion) Regulations (1996) were amended in 2013 in order to incorporate the changes brought about by the alteration to Police Promotion examinations. The amendments brought into effect the National Police Promotion Framework as a replacement for OSPRE qualifications.

This note is designed to provide explanation as to the application of these Regulations for officers within Cleveland Police. (This note does not apply to officers who have qualified for promotion through OSPRE I&II.)

**NPPF Design**

NPPF is a 4 stage framework that ultimately leads to substantive promotion in either the rank of sergeant or inspector.

- Step 1 – approval to access the national examination by means of a declaration of suitability through PDR or other means
- Step 2 – formal examination (equivalent to OSPRE I) with a validity period of 5 years
- Step 3 – local force selection process
- Step 4 – work place assessment for a period of up to 12 months as a 'Temporary' rank holder.

Upon completion of the relevant portfolio during the work place assessment phase, the officer will be substantively promoted to the next rank. Failure to complete the portfolio would see the officer revert to their substantive rank.

**Status, Pay and Eligibility for NPPF Officers**

The key differences between OSPRE and NPPF qualified officers are their eligibility for further progression and status in respect of pay (including increments) at the various stages of their journey through the framework. The College of Policing has published guidance to forces on this.

In practical terms, the following will apply:

- The Chief Constable has it in his/her gift to allow any officer to 'act up' in the next rank if they deem it to be in the best interests of the force. This decision will often be delegated to other senior officers and would normally only last until a more suitable qualified or substantive alternative can be identified in accordance with policy.
- Officers who are not qualified for promotion at any level will ordinarily only be eligible for acting payments for the duties they undertake in the next ranks, even if those duties extend beyond the 'normal' qualifying period whereby temporary status is

conferred. Unqualified can apply for temporary salary (pensionable acting), but will not benefit from increments in their acting rank.

- Officers who are part qualified (OSPRES I or NPPF Step 2 or 3) will be eligible for temporary promotion roles, but will only be eligible to receive 'pensionable acting' payments and will not progress along the pay scales at the higher rank. In practice this means that an individual would remain on pay point 1 of their respective acting/temporary rank even if they are in post beyond 12 months.
- Officers who are fully qualified under OSPRES (i.e. Part I & II examinations passed) will be eligible for temporary promotion status. In such a role, they will be eligible for increments should they be in a qualifying role for more than 12 months.
- Officers who are progressing through NPPF will only become eligible for incremental progression once they have completed the Step 2 examination, been successful in local selection (Step 3) and been selected into a work place assessment role at which point they will be expected to complete their respective portfolio for substantive confirmation.

(There is an obvious difference between how OSPRES and NPPF officers are remunerated based on their progress through the respective systems. However, this is unavoidable as it is enshrined in Regulations and is expected to be a reducing issue as time passes and individuals move through the ranks.)

In some cases, officers who have been promoted may be eligible/considered for further promotion in a short timescale. Any such decision will again be at the discretion of senior managers based on the attendant circumstances and the skills of a particular individual. The following will apply for those officers:

- An officer who has been recently promoted to sergeant or inspector under the OSPRES regime will be technically eligible to apply for further promotion immediately or upon achieving NPPF Step 2 for the higher rank as there is no further assessment required (e.g. Inspector to Chief Inspector). These instances are likely to be rare unless an individual has a particular specialism or has undertaken lengthy temporary assignments prior to achieving substantive promotion in the lesser rank.
- An officer who is promoted to sergeant or inspector under NPPF must first complete their portfolio of evidence and have it signed off by both their assessor and the Force Internal Verifier (IV) prior to any application for either a temporary or substantive promotion. (For administrative reasons, the force engages the external assessor on an infrequent basis, but this should not act as a barrier as it is beyond the individual's control.)
- Where an officer completes their portfolio prior to the 12 month maximum period, the increment date in their current rank will be set at the anniversary of entry onto Step 4. If they step up as a temporary or substantive rank holder then increments will commence in accordance with them commencing in the new rank.

The above will only apply up to the rank of Chief Inspector following which there are no national examinations and officers will be selected for roles on merit having completed the relevant selection processes that are in place from time to time.

