

## Performing Duties in a Higher Rank

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## Policy Statement

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### Summary

This policy outlines the procedure when districts or departments may require officers to perform duties in a higher rank to cover for:

- Abstractions;
- Sickness;
- Course attendance; or
- Temporary vacant posts.

It also covers instances when an officer is temporarily promoted for 12 months under the National Police Promotion Framework (NPPF) and is completing their work-based assessment.

The aim of this policy is to explain how and when the process can be used including the criteria for selection and authorisation process, as well as responsibilities for authorisation and information regarding temporary salary allowance.

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### Scope

This policy guidance applies to all police officers.

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## Principles

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### General

- Acting up and temporary promotions must only be allowed if:
  - Consideration has been given to re-allocating the duties to a substantive officer but this is deemed inappropriate; and
  - It is **essential for operational efficiency**; or
  - There are **exceptional activities or demands** to be met; and
  - It enables an officer to develop and demonstrate they have the skills and abilities to perform the substantive role.
- In normal circumstances officers must be considered for performing duties in a higher rank from within the district or department's own resources.
- All suitable officers must be considered, and their development needs taken into account, and reasonable adjustments made wherever possible.
- Officers who have successfully completed Step 2 of the NPPF or OSPRE part I and II and are considering an application for a Force promotion board must be given the opportunity to act up.
- Depending on the duration and the type of role, a temporary promotion may be advertised to the Force and an officer selected.
- Rank Insignia may be worn when acting up.
- Officers who are on Direct Entry or Fast Track Programmes may be given preference for vacancies for acting up or temporary promotion if the timing is appropriate to their development.

- Officers must obtain the approval of the ACC People, as advised by the People Director, before applying for secondment opportunities outside the organisation which involve temporary promotion to a higher rank.
  - Periods of performing duty in a higher rank will usually only end when there is no longer a requirement for the officer to perform the higher rank duties.
  - District Commander or Head of Department responsibilities detailed in this policy can be delegated to an officer in their district or department of superintending rank.
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## Eligibility

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### Principles

- Individuals cannot act up or be temporarily promoted during the period of a live written warning or final written warning, unless there are exceptional circumstances based on organisational need. This must be authorised by the ACC People. Those subject to a reduction in rank sanction will not be eligible to apply for promotion for at least an 18-month period (or a two-year period if others involved in the same investigation received a final written warning), unless authorised by ACC People. Those officers subject of an extended final written warning can, after two years, make a request through the ACC People for authority to apply for promotion.
- An officer's latest full PDR report will be used to determine their eligibility for acting up or temporary promotion. A more recent interim PDR report will be used if it includes an overall performance rating.
- The following criteria applies:
  - If an individual has an overall performance rating of Exceptional Contributor/Highest Potential, Consistent Performer/Emerging Talent, High Performer, Solid Performer, Core Performer, Strong Performer, or Early Promise/High Potential (or equivalent), there are no restrictions.
  - If an individual has an overall performance rating of Inconsistent Performer (or equivalent), they are not eligible (unless in exceptional circumstances. There must be evidence of improvement since the last PDR).
  - If an individual has an overall performance rating of Improvement Required (or equivalent), they are not eligible.
- Where an improvement has been made in an officer's performance the rating could be reviewed as part of an interim PDR after a minimum period of six months.
- If an officer does not have a current full PDR (PDR completed in last 12 months) then they cannot be considered for acting up or temporary promotion, unless in exceptional circumstances. If they have not had a PDR report because they were not at work for an extended period, then they must ask their line manager to complete a PDR.
- A member of the district or department Senior Leadership Team will determine if exceptional circumstances apply and whether an officer with

an overall performance rating of Inconsistent Performer (or equivalent) or without a PDR can be acted up or temporarily promoted.

- Prior to an interview, the officer's PDR will be made available to the panel and they can use it to:
    - Ask about the information it contains; or
    - Assist them to determine the interview score.
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## Acting Up

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### Principles

- The short-term absence of an officer must not automatically require a lower ranked officer to carry out the duties of a higher rank. Each case must be considered on its merits.
- There is a requirement to complete a 10-day 'qualifying' period, which is unpaid. The 10 days are accumulative throughout the financial year (1<sup>st</sup> April - 31<sup>st</sup> March).
- Only officers who are substantively in the rank of chief superintendent and below can receive acting up allowance, if appropriate.
- If the period is a continuous period and bridges two financial years, then the payment will continue until the acting up ceases. The requirement to re-complete the 10-day 'qualifying' period will commence at the end of the period performing duties in a higher rank.
- 'Acting up' can only be considered for continuous periods of 46 calendar days or less. Periods of rest days or leave of up to two weeks do not break the continuous period.
- Training courses for less than two weeks do not break the continuous period, if the need for acting up is still required.
- For officers who are a substantive in a Chief Officer role, acting up allowance ceases after a maximum of 46 calendar days of entitlement to the allowance. If the requirement to perform duties in a higher rank continues after this period temporary salary or temporary promotion payments will be made.
- Acting up payments are not made for rest days or public holidays. Hours worked on rest days or public holidays at their substantive rank for overtime do not break the acting up period.
- When an officer acts up to an inspector on a rest day or public holiday, they are entitled to receive the appropriate public holiday or rest day rate at their substantive rank.
- Where an officer is absent from duty for one or more periods, each of no more than two weeks, they shall be entitled to acting up allowance in respect of those periods that they would otherwise have been due the allowance during their periods of absence.
- Periods of performing duties in a higher rank must not be ended to avoid an officer becoming entitled to temporary salary or temporary promotion payments.
- Acting up is a local arrangement and must be authorised as follows:

- Rank of acting sergeant or acting inspector must be authorised by district commander or departmental head.
- Rank of acting chief inspector and above, for up to four weeks of acting up, must be authorised by district commander or departmental head.
- Rank of acting chief inspector and above, for four weeks and above of acting up, must be authorised by an Assistant Chief Constable (ACC). A report must be forwarded to People Services in the first instance.
- Officers must be considered in the following order:
  - Firstly, officers who have passed the NPPF Step 2 or OSPRE qualifying examination (Part I & II);
  - Secondly, in exceptional circumstances, unqualified officers may be considered for acting up.
- **Note:** In the case of 'secondly' above, a form Per 34 must be completed and authorised by the district commander or equivalent departmental head. A copy must be forwarded to People Services for recording and monitoring purposes.
- District commanders and equivalent departmental heads must have strong evidence that the officer has the necessary knowledge, skills and experience required to carry out the higher role.
- Officers of the rank of chief superintendent, or below, who are required to 'act up' into a higher rank than their substantive rank are eligible to claim an Acting Up Allowance for each additional day of such duties once they have completed 10 days in any year.
- Constables or sergeants are not entitled to claim overtime when in receipt of acting up allowance for duty performed as an inspector or above.
- In order for an officer to act up, an Authorisation to Perform Duties in a Higher Rank Form (Per 27) must be completed. The Per 27 must be signed by a District Commander or equivalent Head of Department. When completed a copy of the authority form is given to the acting up officer, with the original held locally. A copy must be emailed to the relevant People Services Team mailbox for checking to ensure it has been fully completed, to record details on the HR IT system and for them to notify Duties, as appropriate.
- To claim acting up allowance for a particular shift, an individual must submit a FIN40 to Pay Section. The form must be authorised by an officer of superintendent rank or above.
- Acting up allowance is typically paid two months in arrears.

#### Acting up suitability documents

- Suitability documents have been created for officers in constable and sergeant ranks who are interested in promotion to evidence their competency to undertake the next rank.
- Completion of the document provides an officer with a development plan to take them forward in their career progression. The completed portfolio of evidence is signed off by their relevant supervisor and must be endorsed by their SLT.

- Completion of the suitability document is not a formal requirement for a constable or sergeant to act up, but it provides a very helpful record to show an officer's suitability for and their interest in promotion.
  - Where an officer has limitations on their deployment, for example due to a medical issue or work matter, which would impact on their ability to complete the suitability document, a discussion must be held with their line management. Any adjustments to completion of the suitability form must be approved by a member of the SLT.
  - See Constable to Sergeant suitability document.
  - See Sergeant to Inspector suitability document.
  - See Detective Sergeant suitability document.
  - See Detective Inspector suitability document.
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## Temporary Salary

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### Principles

#### **Substantive Assistant Chief Constables and above**

- After 28 consecutive days of being required to perform the duties normally performed by a member of the force of a higher rank than their own, individuals will be paid at a rate equal to the higher rank's basic pay or receive an honorarium (non-pensionable payment) of an amount determined by the Chief Constable, or by the Mayor if the officer is performing the duties of the Chief Constable rank.

#### **Constables and sergeants**

- If a constable or sergeant has had 46 continuous calendar days of entitlement to acting up allowance and the requirement for them to perform the duties of a higher rank continues after this period, they will then cease to receive any further acting up allowance and be paid at the temporary salary rate.
  - However, if the officer is qualified for promotion they will be temporarily promoted and paid accordingly, instead of receiving temporary salary.
  - An officer in receipt of temporary salary is still regarded as acting.
  - Any period in receipt of temporary salary does not count as service in the higher rank if the officer is later promoted.
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## Temporary Promotion

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### Principles

- The Chief Officer Team must approve all temporary promotions to chief inspector, superintendent and chief superintendent ranks. District Commanders and equivalent Heads of Department approve temporary promotion to sergeant or inspector ranks, except those where an officer is temporarily promoted whilst they are completing the NPPF Work Based Assessment.

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- For officers undertaking the NPPF Work Based Assessment, the People Directorate Resourcing team update the HR IT system and notify Pay Section and Duties, as appropriate.
- Temporary promotion to the rank of chief superintendent or below will take effect after one continuous period of \*46 calendar days of entitlement to an 'acting up allowance'.
  - \*This does not include the 10-day 'qualifying period', and therefore the temporary promotion would take place from day 57.
  - This is not applicable where immediate temporary promotion takes place.
- The attendance standard will be applied to all requests for temporary promotion.
- In the case of temporary promotion to the rank of sergeant and inspector, officers must be qualified. For temporary promotion to:
  - The rank of sergeant, constables must have:
    - Passed part 3 of the Sergeant NPPF and be undertaking their work-based assessment; or
    - Passed Sergeant OPSRE Part I and II and be assessed as competent in their current role by their line manager and have completed their probationary period.
  - The rank of inspector, sergeants must have:
    - Passed part 3 of the Inspector NPPF and be undertaking their work-based assessment; or
    - Passed Inspector OSPRE Part I and II and be assessed as competent in their current role by their line manager.
- Except for the period from 01/04/12 – 31/03/14 when no increments were given, all periods of temporary promotion will be counted towards service in the higher rank for the purposes of pay increments if an officer is substantively promoted. This service does not need to be continuous.
- If an officer is temporarily promoted all temporary promotion in the preceding five-year period will count for pay increments.
- However, during the periods of temporary promotion any service in the officer's current substantive rank will not be counted.
- If it is known at the commencement of the period performing duties in a higher rank that the requirement will last longer than 56 calendar days or longer than 46 days if the officer has already completed their initial 10 'qualifying' days in the year, then temporary promotion or temporary salary, as appropriate, will be paid from day 1.
- In order for an officer to be temporarily promoted a Temporary Promotion Application Form (Per 44) needs to be completed.
- The completed Per 44 form is sent to People Services via email who will check the officer is qualified for temporary promotion and will update the HR IT system and notify Pay Section and Duties, as appropriate.
- A Per 27 must also be completed if the officer had not previously been acting up.
- If an extension of a temporary promotion period is not received by the payroll deadline (end of the month) the pay of the officer will drop to the rate for their substantive rank in the next month, and they will not receive enhanced pay until the following payroll.

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### Advertising constable, sergeant and inspector temporary posts

- Managers must always endeavour to be fair when offering temporary duty opportunities. If it is known at the commencement of a temporary duty period that it is likely to last for three months or longer, consideration must be given to advertising the opportunity.
- If the duration of the temporary post is uncertain or there is a strong business case, for example to avoid a negative impact on service delivery, then the SLT lead can determine to appoint an officer to the role without it being advertised. In this circumstance, an acting or temporary officer in the role can be extended by a month at a time. After three months there must be a detailed review. Any further month-by-month extensions must only take place if:
  - The post will shortly be permanently filled;
  - The vacancy will shortly be withdrawn; or
  - There is a substantial business case for retaining the existing postholder.
- Otherwise, a Rationale for Not Advertising a Temporary Vacancy form must be completed and approved by the SLT lead if it is decided either initially and at three months to not advertise a temporary post. The form must be stored locally and a copy sent to the People Officer mailbox for central monitoring purposes.
- When a temporary post has been advertised any applicants who have passed the NPPF Step 2 or OSPRE qualifying examination (Part I & II) will be given priority consideration, but if there are no suitable candidates with these qualifications other officers who have applied will be considered.
- A shortlisting exercise will be conducted, if necessary, depending on the number of applicants.
- Officers who are successful in the shortlisting exercise will be interviewed via a competency-based assessment by the first line manager of that department to determine who will be appointed to the temporary role. Another suitable officer or staff member may also conduct the interview. At least one of these must be Recruitment and Selection trained.
- The successful candidate is then appointed to the role and is given temporary salary or temporary promotion as appropriate.

## Pension Issues

### Principles

- Acting up allowance payments are non-pensionable, whereas temporary salary and temporary promotion payments are pensionable. Periods on temporary promotion count towards incremental progression.
- Officers who receive either temporary salary or temporary promotion payments are advised to seek financial advice as these payments can have significant pension related tax implications.

## Responsibilities



**District Commanders and Directors**

District Commanders and Directors are responsible for:

- Ensuring this policy procedure is implemented within their district or department;
- Ensuring no officer is required to perform acting duties for an unreasonable period of time, and steps are taken to fill posts with a substantive posting when appropriate;
- Where appropriate, completing and signing a PACE authorisation form Per 28 for every officer who acts up to a higher rank. The authority must comply with Section 107 of the Police and Criminal Evidence Act 1984. (This authorisation is particularly relevant where an acting inspector or acting superintendent is expected to use a power which can only be exercised by an officer who holds that particular rank. For example, in respect of the investigation of offences or the treatment of persons in custody.);
- Issuing all officers required to act up with an Authorisation to Perform Duties of a Higher Rank form (Per 27);
- Arranging for People Services to be informed, who will record details of temporary higher rank duties on the HR IT system and on the disposition sheet, as appropriate, for monitoring purposes;
- Completing a Per 44 Temporary Promotion Application form and confirming the officer meets the attendance standard, giving a review or end date and submitting the form to People Services for recording and consideration by an ACC when appropriate;
- Monitoring the review or end date and informing People Services if the temporary promotion ends before the specified date, or an extension is required;
- Arranging extensions in good time and ensuring that requests for extensions meet the police pay deadline, and that the requests are submitted via email to People Services for recording and consideration by the Chief Officer Team, if appropriate; and
- Ensuring that all acting ranks are monitored regularly, and temporary promotions are reviewed after a maximum of three months in post.

**Individual**

Individuals are responsible for:

- Completing and submitting a FIN40 to claim for acting up allowance to Pay Section.

**People Services**

- People Services are responsible for recording acting up and temporary promotion on the HR IT system and forwarding cases to Duties to update CARM.
- They will also monitor application of this policy to ensure that a fair and consistent approach is adopted Forcewide, and raise any issues with the appropriate Employee Relations team.

## Additional Information

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**Compliance**

This policy complies with the following legislation:

- Data Protection Act 2018
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**Further  
information**

Further guidance in relation to this policy can be sought from:

- Learning and Organisational Development
  - Employee Relations
  - People Services
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