

Secondment and Acting Up Policy

HWHR08

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1. Introduction

- 1.1 This guidance facilitates the secondment of Herefordshire CCG and Worcestershire CCG (hereon in known as the CCG) employees both internally within the individual CCGs and externally within the wider NHS and exceptionally with other non-NHS Bodies. It is designed to encourage employees from external organisations to take up a secondment where available within the CCG, for the mutual benefit of both organisations.
- 1.2 The CCG recognises that the need may arise for individuals to temporarily cover a more senior post within their own department on a short-term basis, where circumstances do not require a permanent appointment to the post.
- 1.3 This guidance provides 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 the CCG.
- 1.4 A Secondment or Acting Up opportunity may be arranged to assist with individual development needs as a result of an appraisal or be specifically requested for project work where specific skills or specialist knowledge are required.

2. Equality Statement

- 2.1 The Herefordshire and Worcestershire CCG aims to design and implement policy documents that meet the diverse needs of our services, population, and workforce, ensuring that none are placed at a disadvantage over others. It takes into account current UK legislative requirements, including the Equality Act 2010 and the Human Rights Act 1998, and promotes equal opportunities for all. This document has been designed to ensure that no-one receives less favourable treatment due to their personal circumstances, i.e. the protected characteristics of their age, disability, sex, gender reassignment, sexual orientation, marriage and civil partnership, race, religion or belief, pregnancy, and maternity. Appropriate consideration has also been given to gender identity, socio-economic status, immigration status and the principles of the Human Rights Act.
- 2.2 In carrying out its functions, Herefordshire and Worcestershire CCG must have due regard to the Public Sector Equality Duty (PSED). This applies to all the activities for which Herefordshire and Worcestershire CCG is responsible, including policy development, review, and implementation.

3. Scope

- 3.1 This guidance applies to all employees of the CCG. It does not apply to agency workers, consultants or self-employed contractors.

4. Secondment Principles

- 4.1 The duration of a secondment will vary depending on the circumstances. However, the minimum is 3 months with a maximum of 12 months with exceptions to be agreed by the Line Manager, HR and the Head of Corporate Governance.

- 4.2 Secondment requests will be considered in line with business needs including planned future changes and may be refused on that basis. An explanation should be given to the employee if a request is turned down.
- 4.3 There is no explicit obligation on the manager to release an individual, but proper consideration should be given to such a request. Any refusal to allow an individual to uptake a secondment opportunity should be carefully considered and the potential long-term benefits to the CCG should not be overlooked. An explanation should be given to the employee if a request is turned down.
- 4.4 Employees who enter into a secondment will sign a Secondment Agreement and / or Change Form outlining the terms of the secondment.
- 4.5 Any individual who agrees to undertake a secondment will be expected to keep any information confidential, which may be made available to them as a direct result of the secondment, (e.g. patient data, personal information, business sensitive information).
- 4.6 Employees on secondment with an external organisation will retain all their continuity of service rights with the CCG.
- 4.7 Employees who undertake a secondment will be entitled to return to their substantive post on completion of the secondment, maintaining previous reasonable adjustments if appropriate, as far as is reasonably practical. If it is not possible to return to the secondee's substantive post, alternative employment of an equivalent grade, type and status will be sought at the end of the secondment, firstly within the same directorate before looking organisation wide.
- 4.8 If the Secondment is to or from a non-NHS organisation employees should liaise with HR.

5. Secondment (Out) Process

- 5.1 The Process for approvals and practicalities of CCG employees to be seconded to roles outside of the CCG are detailed in Appendix 1.

6. Secondment (In) Process

- 6.1 The process for approvals and practicalities of both CCG employees (internal) or employees of other NHS organisations (external) to be seconded to roles within the CCG are detailed in Appendix 2.
- 6.2 If the candidate is not employed by an NHS employer, the appropriateness and practicalities of whether a Secondment is suitable would be discussed between the employer and CCG.

7. Secondment Funding Arrangements

- 7.1 The CCG Line Manager must liaise with the CCG's and Hosts Finance Departments to agree how the payment arrangements are to be facilitated. Where the secondment is external an invoice will need to be raised by the CCG to the agreed timescale e.g. monthly/quarterly. The invoice will include any on-costs and expenses that are incurred.

- 7.2 Where the grade of the secondment post is higher than the grade of the employee's substantive post, the full salary cost will be paid by the CCG and recovered from the host organisation. On return to the CCG the employee will revert to their substantive band and salary.

8. Secondment Working Arrangements

- 8.1 For the duration of the secondment the individual will be required to comply with the working / cover arrangements of the department or host employer. Any agreement to increase / reduce their contractual working hours will be subject to agreement at the initiation of the secondment and will only be varied for the period of the secondment.

9. Communication whilst on Secondment

- 9.1 When a secondment is confirmed it must be agreed by all parties, that three-way communication between the secondee, host organisation and the employer is maintained.
- 9.2 Any secondee from the CCG should be kept informed of and consulted about any organisational change that takes place during their period of secondment.

10. Secondment Managers' Responsibilities

- 10.1 For managers who are accountable for managing the secondee, it will be their responsibility to outline at the start what the secondee's objectives will be for the duration of the secondment. Managers must also conduct performance reviews / appraisals in line with the CCG policies.

11. Termination or Extension of Secondment

- 11.1 A request for an extension of an existing secondment should be considered in accordance with the needs of the service and be mutually agreed by all parties and confirmed in writing. If an extension is refused, an explanation should be given to the employee. The employee should ensure a Change Form or Termination Form is completed, depending on the outcome.
- 11.2 The secondment may be terminated by either party in writing within the appropriate (but no less than 1 week) or previously agreed notice period.

12. Secondment Resulting in Permanent Appointment

- 12.1 Where a full and equitable recruitment process (in line with the CCGs Recruitment Policy) was carried out for the secondment in the CCG, the individual may be offered the post should it become permanent subject to the normal recruitment checks.
- 12.2 If a full and equitable recruitment process was not followed, then a recruitment and selection process will need to be carried out.

13. Acting Up Principles

- 13.1** Acting Up opportunities are normally for a minimum of 4 weeks and maximum of 6 months. Where cover is required for longer than 6 months, a fixed term advert should be considered, or the Director should agree a finite duration for the Acting Up period. There should be a Job Description and Person Specification in place for the Acting Up role.
- 13.2** 'Acting Up' describes when 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 and are different in nature to Secondments or Fixed Term positions.
- 13.3** 'Acting Up' is only appropriate to cover the absence of the substantive post holder of an established position within the existing structure. 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.
- 13.4** 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.
- 13.5** 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.
- 13.6** Acting Up arrangements must have a clearly defined time limit which takes into account the reason for the Acting Up requirement.
- 13.7** 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 HR.
- 13.8** 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.
- 13.9** 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.
- 13.10** The exception to Section 13.1 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, and the employee Acting Up should be made aware of this at their earliest convenience.

13.11 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 Section 13.10).
- 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 the Management of Change of process is complete.
- As otherwise agreed by the Director.

13.12 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 Sections 4-12 above regarding secondments and the CCG's Recruitment Policy for further details on the principles of these arrangements

14. Acting Up – Selection & review Process

14.1 The selection and review process for Acting Up is detailed in Appendix 3.

15. Payment During Acting Up

15.1 Pay during the Acting Up period, will be in line with Agenda for Change. At the time of writing, Agenda for Change states the below.

15.2 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 pay

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

15.4 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 date the movement began.

16. Performance and Conduct During Acting Up Arrangements

16.1 Any Acting Up arrangements are subject to the satisfactory performance of the employee.

16.2 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 throughout the Acting Up period.

16.3 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 HR where necessary. Any decisions to end the Acting Up arrangements, based on unsatisfactory performance, should be discussed with the employee and put in writing.

17. Arrangements if an Acting Up post becomes a permanent vacancy

17.1 If the Acting Up post becomes a permanent vacancy it must be advertised and recruited to in line with the CCG's Recruitment Policy.

18. Ending the Acting Up Arrangement

18.1 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.

18.2 If the substantive post of the employee Acting Up is subject to change, the individual should be consulted in line with the CCGs Management of Change Policy. Otherwise, the substantive post must remain available for the employee to return to at the end of the Acting Up period.

18.3 If the CCG wishes to end the Acting Up period early then the employee Acting Up will be entitled to 1 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). In all circumstances the notice period and the rationale for the decision will be confirmed in writing.

18.4 If the individual wishes to end the Acting Up arrangement early, they are required to give four weeks' notice.

19. Due Regard

19.1 This policy has been reviewed in relation to having due regard to the Public Sector Equality Duty (PSED) of the Equality Act 2010 to eliminate discrimination, harassment, victimisation; to advance equality of opportunity; and foster good relations between the protected groups.

19.2 This can be evidenced in Sections 1.1, 2, 4.7 and 13.5.

20. Implementation and Dissemination of the Document

20.1 This document has been fully ratified by the Finance, Performance and Resources Committee (Herefordshire CCG) and the Clinical Executive Team (Worcestershire CCGs) and will be published and made available to all employees via the CCG intranet.

21. Monitoring and Review

21.1 The policy will be reviewed in line with the review date or before in the case of where there are legislative changes. Monitoring of the policy will be carried out by Corporate Governance.

Secondment (Out) Process

The Process for approvals and practicalities of the CCG employees to be seconded to roles outside of the CCG is as follows:

Where an employee wishes to pursue a secondment opportunity with an external organisation, they should **seek agreement** for the Secondment from their manager before they apply

Managers must seek the **support of their Director** to propose that a secondment request is approved.

If approved by a Director, the employee will **remain an employee of the CCG** and will continue to be paid by them

The Terms of the Secondment, as detailed in the Secondment Agreement, must be agreed by all parties before commencement of the Secondment

If the secondment involves an amendment to grade or hours worked, the Line Manager is responsible for informing the Corporate Team who will complete the **Change Form** (seeking a Position Number if change in Band)

The Line Manager must liaise with **CCG Finance** to discuss how the payment arrangements will be facilitated. The Line Manager should seek assurance from the host that they will cover the cost of salary, expenses and on costs including pension and NI.

During the period of the secondment the individual's **Terms and Conditions will remain the same** and continue to be subject to the CCG policies and procedures. Exceptions to this will be agreed in advance between the CCG and the secondee / host. Where agreement cannot be reached the secondment will not be approved.

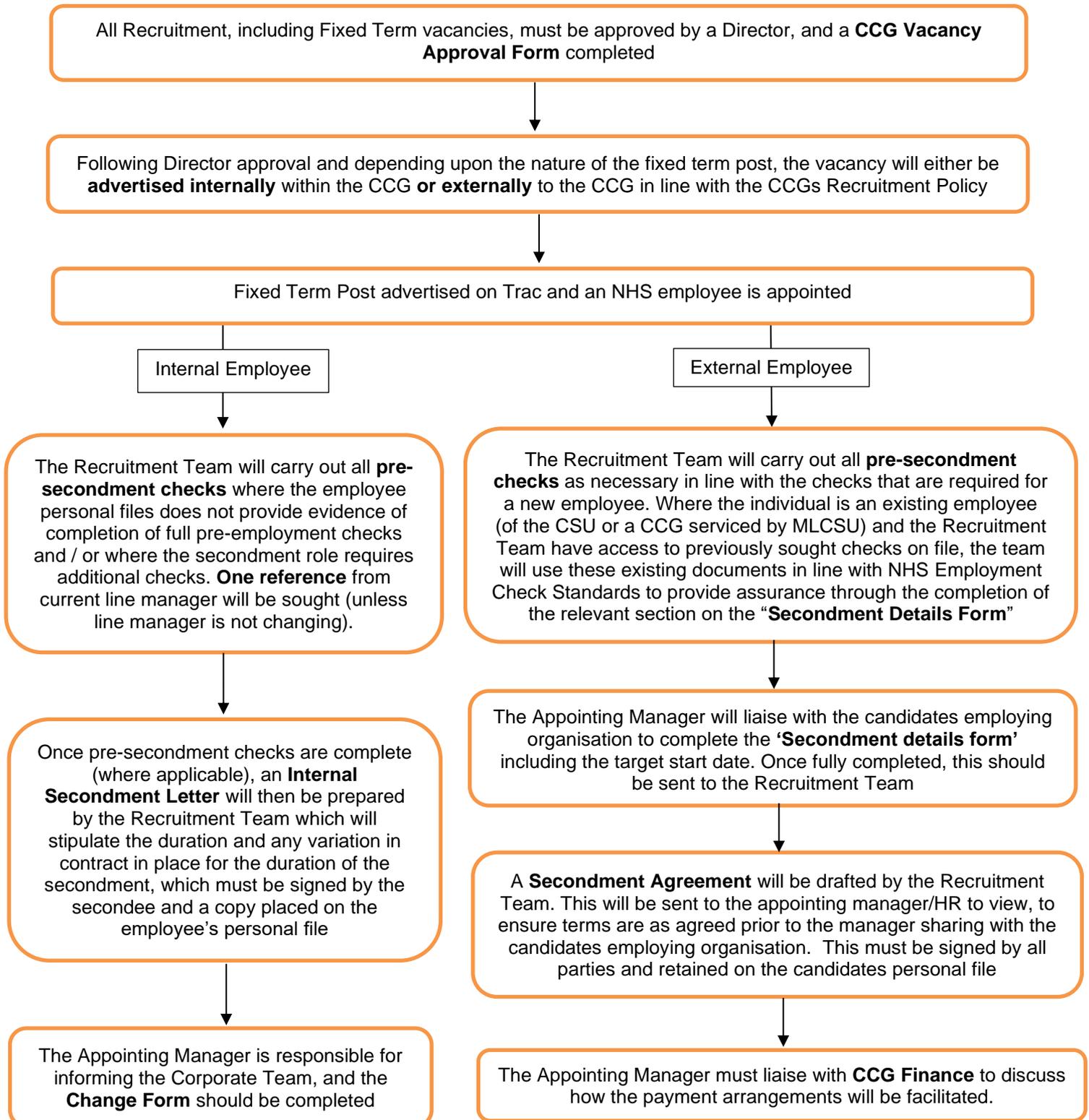
Secondees are responsible for **reporting any reasons for absence** directly to both the host and the CCG in accordance with their own absence management policies.

Whilst on any secondment, employees will continue to **accrue annual leave entitlements** and be permitted to take annual leave to their entitlement limit with the agreement of the host organisation. Where an employee takes a period of **Maternity or Adoption Leave** during the course of the secondment, accrual of their annual leave entitlements will continue to apply. Agreement to annual or unpaid leave can only be agreed by the host alone, where it falls within the seconded period.

Secondment (In) Process

Secondments (In) are either internal (with the same employer) or external (from a different employer):

- **Internal Secondment** – a secondment of an employee where there is no change of employer, e.g. Internal within the CCG.
- **External Secondment** – a secondment of an employee to the CCG from a different NHS employer, e.g. CCG to CCG, from the CSU / NHS Trust to the CCG.



The secondee's employer will be responsible for completing their own **Change Form**

APPENDIX 3

Acting Up Process

An Acting Up period should normally be greater than four weeks and no longer than six months.

