

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

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NORFOLK
CONSTABULARY



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CONSTABULARY

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS)

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Official

Version Number: 1.2

Page 1 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

Index

1	Statement of Policy	3
2	General principles of acting and temporary promotion	3
3	Eligibility for acting and temporary promotion	4
4	Processes for acting and temporary promotion	6
5	The National Police Promotions Framework (NPPF) (Sergeant and Inspector ranks)	6
	Step 1 – Entry to the LKE	6
	Step 2 – The Legal Knowledge Examination (LKE)	7
	Step 3 – Local Selection Process	7
	Step 4 – Work Based Assessment (WBA) 12 months	8
6	Acting and Temporary Promotion application process outside the NPPF (all ranks)	8
7	Selection Process for Acting/Temporary Promotion Opportunities outside the NPPF (all ranks)	9
8	Payments for Acting and Temporary Promotion	10
	Acting allowance	10
	Temporary Salary	11
	Temporary Promotion	11
9	Monitoring Performance during Acting and Temporary Duties	12

Legal Basis

Legislation specific to the subject of this policy document:

- Determination for Regulation 34 Police Regulations 2003 (Acting Allowance) – Annex UU
- Determination for Regulation 27 Police Regulations 2003 (Temporary Salary) – Annex I
- Determination for Regulation 27 Police Regulations 2003 (Temporary Promotion) – Annex J
- Police (Promotion) Regulations 1996 (as amended) – Regulation 3 and 6

Other relevant legislation which you must check this document against (required by law) *(Delete as applicable for each policy)*

- [Human Rights Act 1998 \(in particular A.14 – Prohibition of discrimination\)](#)
- [Equality Act 2010](#)
- [Health and Safety at Work etc. Act 1974 and associated Regulations](#)
- [General Data Protection Regulation \(GDPR\) and Data Protection Act 2018](#)
- [Freedom Of Information Act 2000](#)
- [The Civil Contingencies Act 2004](#)

Other documentation which you must check this document against:

- [College of Policing – Code of Ethics](#)
- [Norfolk and Suffolk Constabularies' Standards of Professional Behaviour](#)
- [College of Policing – Authorised Professional Practice](#)

Official

Version Number: 1.2

Page 2 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

1 Statement of Policy

- 1.1 The purpose of this policy is to outline the circumstances and processes under which an officer may be asked to perform duties at a higher rank and to ensure a standardised approach to this across both Norfolk and Suffolk Constabularies ('the Constabularies').
- 1.2 The procedures in this policy apply to all police officers. The procedure in respect of police staff is detailed in the Police Staff Council Handbook.
- 1.3 The Constabularies are committed to ensuring this policy complies with relevant legislation and that consultation has been undertaken with all relevant staff groups. The policy may be updated at any time following consultation with the Police Federation.
- 1.4 All our policies are intended to promote equality, eliminate unlawful discrimination and actively promote good relations regardless of a person's age, disability, gender reassignment, marriage or civil partnership, pregnancy and maternity, race, religion or belief, sex, sexual orientation, economic or family status. Managers have a specific responsibility to ensure this policy is applied fairly, and all officers have a shared responsibility in ensuring its success.
- 1.5 This policy has been formally agreed via the approved policy development/review process. It will be maintained by the HR department in conjunction with the Central Policy Unit.
- 1.6 The Constabularies will review this policy periodically to ensure that it reflects appropriate standards, continues to meet the Constabularies' needs, and reflects any changes in legislation or Police Regulations.
- 1.7 The People Director has overall responsibility for the effective operation of this policy and for ensuring its compliance with the relevant statutory framework. Day-to-day responsibility for operating this policy and ensuring its maintenance and review has been delegated to the Head of HR People Services.

2 General principles of acting and temporary promotion

- 2.1 For the purposes of this policy, the following definitions will apply:

'Acting up' – Acting up arrangements are designed to meet short term needs. When acting up, an officer will receive an acting up allowance. The payment of the allowance will be made once 10 days acting up have been recorded in the year (1st April to 31st March). Payment is subject to a 46 day maximum of any continuous period of acting up.

'Temporary Salary' – after 46 days of receiving the acting up allowance, if the officer is not qualified for promotion under Police (Promotions) Regulations 1996 or if the Chief Constable is required to respond to an overwhelming operational emergency which requires immediate support, the Officer will receive a temporary salary and will continue to be classed as acting up.

Official

Version Number: 1.2

Page 3 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

'Temporary Promotion' – Temporary promotion to the rank of Sergeant or Inspector is only open to those officers who are qualified for promotion per Regulation 3 of the Police (Promotions) Regulations 1996 (as amended). Temporary promotion can be given immediately or where the officer has been continuously acting up for 46 days.

- 2.2 Acting and temporary promotion is where an officer is required to perform duties of a higher rank than their own, to help the Constabularies to meet their demands. Whilst the principles and processes as outlined in this policy shall apply to ensure fairness and transparency, there may be exceptional circumstances where the needs of the Constabularies will over-ride these. Such exceptions are stated in this policy.
- 2.3 Acting and temporary promotion opportunities may arise under a range of circumstances. The absence of a supervisor or manager for short periods of time will not, however, automatically require another officer to act up to provide cover.
- 2.4 Generally, only qualified officers will undertake an acting or temporary promotion role.
- 2.5 All officers who register to take the Legal Knowledge Examination (National Police Promotion Framework (NPPF) Step 1) will be given access to enrol on the Norfolk and Suffolk Pre-promotion Course (PPC) at this point. The PPC will be taken into account where it is necessary to consider an unqualified officer for acting/temporary duties.
- 2.6 Any time previously spent by an officer on acting or temporary duties will form part of the considerations when appointment decisions are being made. The Constabularies will seek to ensure that all officers supported for acting and temporary promotion have sufficient opportunity to undertake these duties to benefit their development.
- 2.7 Acting and temporary duties will normally last no longer than 12 months. A review of each officer on acting duties (who are not on Step 4 NPPF – see section 5) will take place prior to a 56 day acting period, and for each officer on temporary duties at six months in post. Subsequent monitoring whilst the officer remains acting/temporary will be undertaken at six monthly intervals. The purpose of the monitoring and review is to consider if the officer should remain in the acting/temporary role or if the opportunity should be re-advertised, to allow fairness of opportunity to other officers. The monitoring and review will form part of the Command Workforce Planning Meetings. If a decision is made to not allow an officer to continue, they will be notified by their Chief Superintendent/Area Commander. Confirmation will be provided by Workforce Planning who will co-ordinate their return to the substantive post.

3 Eligibility for acting and temporary promotion

- 3.1 **Acting** duties will apply when:

Official

Version Number: 1.2

Page 4 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

- An officer, suitably qualified (see 3.4 below), undertakes the full range of duties at a higher rank for between 11 and 56 calendar days.

3.2 Temporary promotion will apply when:

- There is a requirement to undertake the full range of duties at a higher rank; *and*
- There is a short term need which is longer than 56 days, with a foreseeable end date of normally no longer than 12 months; *and*
- The officer is suitably qualified (see 3.5 below) and there is an on-going need to fulfil the full range of duties of the higher ranked role.

If it is known at the outset that the officer will remain in the post for more than 56 days, they will be appointed on a temporary promotion basis from day one of the period they are to undertake duties of a higher rank.

3.3 If an 'acting' officer is not suitably qualified for temporary promotion and they are required to continue undertaking duties of the higher rank for more than 56 days, they will not be temporarily promoted, but will remain 'acting' and be paid 'temporary salary'.

3.4 'Suitably qualified' for acting (at sergeant and inspector ranks) means:

- Legal Knowledge Examination (LKE) of the National Police Promotion Framework (NPPF) passed; or
- Objective Structured Performance Related Examination (OSPRES) Part I qualification (which preceded NPPF);

valid at the time of acting.

In **exceptional** circumstances, a Chief Superintendent may approve a non-qualified officer for acting. This may **only** be approved for short term and operational critical requirements where there are no suitably qualified officers awaiting acting opportunities available. Before approving this, the Chief Superintendent must undertake a risk-assessment taking account of the legality in appointing a non-qualified officer and fully document their justification where they make the decision to approve. The Chief Superintendent must provide their written justification to Workforce Planning by completing and submitting a Non-qualified Acting Up Authorisation Form. This process must be followed however short the acting/temporary period is approved for.

3.5 'Suitably qualified' for temporary promotion (at sergeant and inspector ranks) means:

- LKE and been successful at step 3 of NPPF and have commenced the work-based assessment which forms part of Step 4 of NPPF; **OR**
- OSPRES Part I and Part II.

Official

Version Number: 1.2

Page 5 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

- 3.6 For acting/temporary promotion duties at chief inspector rank and above there are no further qualifications required. Officers must be substantive in their rank to be considered for acting/temporary promotion in the rank above.
- 3.7 In addition, **all** officers being considered for acting/temporary promotion opportunities must satisfy the following criteria:
- have a current PDR evidencing their suitability for the higher rank; and
 - not be subject to any current formal attendance, or performance action plan, or formal conduct procedures (no formal warning in place).

4 Processes for acting and temporary promotion

- 4.1 All processes will comply fully with the Code of Ethics and equality legislation.
- 4.2 Officers can be assigned to acting or temporary opportunities through two processes:
- i) **the National Police Promotion Framework** for Sergeant and Inspector ranks (see Section 5); OR
 - ii) **by applying for a specific acting or temporary opportunity** – this applies to all ranks up to Chief Superintendent (see Section 6).
- 4.3 In exceptional circumstances, where there is an urgent and/or immediate operational need, an officer can be assigned to an acting or temporary opportunity whilst a recruitment process is run. See also 7.3 regarding short-term requirements of less than 56 days.

5 The National Police Promotions Framework (NPPF) (Sergeant and Inspector ranks)

- 5.1 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 NPPF as a replacement for OSPRE qualifications.
- 5.2 The NPPF is a four-step programme that ultimately leads to substantive promotion.
- 5.3 The four steps of the NPPF are:

Step 1 – Entry to the LKE

- 5.4 Approval to enter the national examination by means of line manager assessment of competency in the officer's current rank. This must be documented in the officer's PDR. Entry to the LKE does not require the line manager to assess their officer's potential for temporary promotion to another rank, however they should have a conversation with the officer to ensure they have a realistic understanding of what is involved in order that they can reflect on the timing of their application and likely prospect of success. Line managers must

Official

Version Number: 1.2

Page 6 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

support their officers who have entered to ensure they are fully prepared to sit the exam.

Step 2 – The Legal Knowledge Examination (LKE)

- 5.5 Formal examination (equivalent to OSPRE 1) to demonstrate competence in knowledge of law and procedure with a validity period of five years* (OSPRE Part 1 has no expiry date if the officer has also passed OSPRE Part 2). Officers who pass the exam may then progress to Step 3. Learning and Development maintain records of previous attempts by officers and will communicate this information to Superintendents and Chief Inspectors for their awareness ahead of each annual entry process going live.
- 5.6 If an officer has failed one or more previous attempts, the line manager must ensure the officer is still competent at their current rank before they re-enter the exam and should have a further conversation with the officer regarding the timing of their re-entry and likelihood of success.
- 5.7 Furthermore, the line manager should consider what additional support they can give the officer to help them succeed, taking into account the officer's current individual circumstances including any specific well-being needs, as well as learning needs for the exam. Line managers may wish to consider engaging an independent manager to assist the officer in identifying learning needs.

**Leave and time-off taken for the purposes of maternity/adoption/parental/carers support leave/disability or a career break for the purpose of care, support or health reasons will not count towards the validity period.*

Step 3 – Local Selection Process

- 5.8 Officers who are LKE qualified, or OSPRE Part 1 and Part 2 qualified, may then apply to participate in the local internal selection process for promotion. This will be determined by the force and the application process and full details will be advertised on the intranet. Officers should seek endorsement of their application by their line manager to enter this step of the process. All applications however, i.e. those supported by the line manager and those unsupported by the line manager, will be assessed at the forces' moderation panel for a final decision on whether or not they will be accepted to participate in the local selection process.
- 5.9 Officers who are successful in the local selection process and are recommended as ready for immediate promotion will progress to Step 4 and promoted subject to availability of vacancies.
- 5.10 In the event that more officers are successful at Step 3 than there are substantive vacancies, a select list will be held for a period of one year. The highest scoring candidates will be promoted immediately (subject to any qualifying officers eligible under 5.11 taking precedence), with the remainder of successful applicants moving to Step 4 as vacancies arise subject to selection criteria and section 7.2.

Official

Version Number: 1.2

Page 7 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

- 5.11 Any officers who qualified through OSPRE must be substantively promoted once they have passed Step 3, therefore if a substantive posting is not immediately available to them they must be given preference for acting and temporary postings above officers who qualified through the LKE.
- 5.12 Officers unsuccessful at Step 3 should seek guidance from their line manager as to their current or future suitability for promotion. These officers may be given acting development opportunities in any remaining vacant positions, after all successful candidates have been posted, following the guidance in Section 3. For those not given an acting opportunity, line managers may suggest lateral moves to assist in development. This should be recorded in the officer's PDR. When a line manager feels an officer is then ready for an acting, the officer may apply for any advertised role for which they deem they are suitable. Note that officers who are OSPRE Part 1 and Part 2 can also be considered for temporary as well as acting.

Step 4 – Work Based Assessment (WBA) 12 months

- 5.13 All officers successful at Step 3 with the LKE qualification will participate in a work-based assessment (WBA) for a period of 12 months at the next rank on a 'temporary promotion' basis. The WBA leads to an externally awarded managerial qualification. Part-time officers will be allocated additional protected time in order to successfully complete the WBA. This will be allocated on a pro-rata basis relative to their working hours. Additional protected time can also be allocated to an officer as a reasonable adjustment to allow them to undertake the WBA assessment to ensure they are not disadvantaged and to allow all officers to participate on a fair basis.
- 5.14 Upon successful completion of the WBA the officer will be substantively promoted to the next rank. Officers will be immediately promoted if vacancies are available; where there are fewer available vacancies, officers will be placed on a select list, to be promoted when new vacancies arise.
- 5.15 Failure to successfully complete the WBA would see the officer revert to their substantive rank.
- 5.16 Officers who are OSPRE Part 2 qualified are also required to participate in the WBA. Officers qualified to OSPRE Part 2 will be substantively promoted, from the start of their WBA.
- 5.17 Any officer who has been substantively promoted but is unsuccessful in their WBA may be subject to UPP procedures.

6 Acting and Temporary Promotion application process outside the NPPF (all ranks)

- 6.1 Officers who were unsuccessful at the NPPF Step 3 process, those who did not apply for NPPF Step 3, or those at ranks where the NPPF does not apply, may apply for specific acting, and temporary opportunities as applicable, as they are advertised internally. Line managers must ensure they set a bespoke development plan for these officers to assist with a future application. Note that

Official

Version Number: 1.2

Page 8 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

officers who are qualified under LKE are only eligible for acting opportunities, not temporary promotion.

- 6.2 For Sergeant and Inspector opportunities, officers who applied for the most recent NPPF Step 3 process and were unsuccessful will be given priority and will be considered before the opportunities are advertised, to progress development for the next promotion process.
- 6.3 Officers seeking acting or temporary opportunities at Chief Inspector, Superintendent or Chief Superintendent ranks will also be required to complete an Application Form for any advertised opportunities. All those applying for temporary and acting opportunities should have their application supported by their first line manager and Chief Superintendent/Head of Command or Chief Officer as applicable, in order to go forward. Line managers must ensure they have considered the applicable eligibility at Section 3 before approving.

7 Selection Process for Acting/Temporary Promotion Opportunities outside the NPPF (all ranks)

- 7.1 When an acting or temporary opportunity arises, the senior officer responsible for filling the post must arrange for the vacancy to be advertised in Force Orders. Senior Officers will need to consider role requirements, such as shifts or specialist skills requirements etc. They should also take into consideration the following factors:
 - the skills required for the role.
 - the operational and technical requirements of the role.
 - timescales to release the officer to the acting/temporary post, including the ability/requirement to backfill their substantive post whilst performing acting/temporary duties, where this may have an adverse operational impact.
 - overall resilience of the operating unit.
 - the location of the role.
 - the number and length of any acting/temporary opportunities already undertaken by the officers on the list.
- 7.2 The Senior Officer will determine the selection process which will normally be shortlisting of applicants and an interview for those shortlisted. To appoint an officer, the Senior Officer responsible for the appointment decision should notify Recruitment and Workforce Planning of the results of the selection process and provide interview documentation directly to the recruitment team.
- 7.3 Chief Superintendents do have the discretion, under certain conditions, to make a dynamic decision to assign a qualified officer within the department/locality outside the above process. This will be only in circumstances where there is either an immediate urgency and/or a requirement for short-term for the cover up to a maximum of 56 days (e.g. sickness absence or operational abstraction such

Official

Version Number: 1.2

Page 9 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

as mutual aid). In these circumstances the Chief Superintendent's decision must be fully auditable and ratified by them, in conjunction with the relevant HR Manager and Workforce Planning, and engagement with the Police Federation. Where there is an immediate urgency with a requirement for longer cover a recruitment/selection process should be commenced straight away.

- 7.4 In addition, in the event of a specialist role requiring an immediate acting posting, e.g. Covert Investigation Unit, Source Management Unit, and there are no other appropriately trained officers who meet the eligibility criteria, a Chief Superintendent can make a decision to post an officer who is not qualified to an acting role for a period of up to 56 days. A recruitment/succession plan to fill the role with a suitably qualified officer must then be put in place immediately.
- 7.5 Where an unqualified officer is selected to fill a temporary or acting opportunity, the 'acting and temporary opportunities authorisation form' must be completed by the relevant Chief Superintendent/Head of Command, recording the recruiting manager's rationale for posting an unqualified candidate. This should be shared with the relevant HR Manager, Workforce Planning and the Police Federation.
- 7.6 Where a substantive vacancy becomes available, consideration will be given to any candidates that are on the NPPF Step 3 select list to fill these roles, allowing officers to move to NPPF Step 4 in line with section 5.4.

8 Payments for Acting and Temporary Promotion

- 8.1 This section covers the definitions, criteria and differences of acting up allowance, temporary salary, and temporary promotion, and how these relate to acting and temporary opportunities.

Acting allowance

- 8.2 Acting up allowance is paid when an officer is required to act up in a higher rank.
- 8.3 The allowance is subject to a ten cumulative working days qualifying period in any year (a year being a 12-month period beginning on 1 April).
- 8.4 The allowance is only payable for a maximum of 46 days in respect of any one continuous period of acting up.
- 8.5 The allowance is not payable on non-working days, including rest days. When required to be on acting duty on a rostered rest day or public holiday, the allowance will not be paid on these days, but an officer acting up to the rank of sergeant will be entitled to the appropriate rest day or public holiday rates for their substantive rank.
- 8.6 If the officer has one or more periods of absence of no more than two weeks at a time (e.g. annual leave or sickness) they are still entitled to acting allowance during that time, for when they would have otherwise been on acting duty. If a period of absence extends beyond two weeks, the allowance will then cease until the officer returns to work on acting up duties.

Official

Version Number: 1.2

Page 10 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

- 8.7 Overtime for acting up to the rank of sergeant is payable at the officer's substantive rank in addition to acting allowance. Officers acting up in the rank of inspector or above are not entitled to overtime payments.
- 8.8 Unsocial hours allowance, when it applies, will be calculated at the officer's substantive salary.
- 8.9 The acting allowance is not pensionable.
- 8.10 Officers will need to complete Form 246 to confirm their actual working days and hours whilst acting. This will allow for the correct payment of acting allowance to be made.
- 8.11 Officers acting up for a period of less than 28 days will remain in their substantive posting on force systems.

Temporary Salary

- 8.12 After 46 days of receiving the acting allowance, officers will be moved onto a temporary salary. The officer will still be acting in rank whilst receiving temporary salary.
- 8.13 Temporary salary is not the same as 'temporary promotion' (see below).
- 8.14 Overtime at sergeant rank will be calculated on the temporary salary, in addition to the temporary salary. No overtime is payable for Inspector rank or higher.
- 8.15 Unsocial hours allowance, when it applies, will be calculated on the temporary salary.
- 8.16 A constable or sergeant who is receiving a temporary salary in the rank of inspector or above and is required to be on duty on a rostered rest day or a public holiday, will not receive temporary salary on these days but will be entitled to the appropriate public holiday or rest day rates for their substantive rank.
- 8.17 Service whilst receiving temporary salary is not reckonable for pay increments in the higher rank but is reckonable for pay increments in the officer's substantive rank.
- 8.18 Additional pay on temporary salary is pensionable.
- 8.19 Payroll will automatically move the officer onto temporary salary, there is no further requirement for the officer to complete Form 246.

Temporary Promotion

- 8.20 Alternatively, after 46 days of receiving the acting up allowance, if the officer is qualified for promotion, they will be temporarily promoted.
- 8.21 Temporary promotion may be used from the outset, where the officer is qualified for promotion, if the requirement has already been identified as being for a period beyond 46 days e.g. maternity leave cover or a new project.

Official

Version Number: 1.2

Page 11 of 12

ACTING AND TEMPORARY PROMOTION (POLICE OFFICERS) POLICY

Official

- 8.22 A temporarily promoted officer will automatically be paid at the higher rank on the same point they would be entitled to if permanently promoted. The officer does not need to take any action themselves regarding pay.
- 8.23 Service whilst on temporary promotion is reckonable for pay increments in both the substantive and the higher rank. Service in the higher rank counts if the officer is temporarily promoted again at a later date.
- 8.24 Additional pay on temporary promotion is pensionable.

9 Monitoring Performance during Acting and Temporary Duties

- 9.1 Line managers must monitor the performance of their officers in acting and temporary promotion posts, offering support and encouraging their development. The PDR process should be utilised to record development and achievements throughout the acting or temporary promotion period.
- 9.2 At the end of the acting or temporary promotion period, the line manager must have a formal discussion with their officer to assess the benefit gained and provide feedback on their performance and development, recording this in the officer's PDR.
- 9.3 Officers must take responsibility for maintaining their own PDR, particularly in relation to any continuing professional development (CPD) completed.

Official

Version Number: 1.2

Page 12 of 12