

POLICE NEGOTIATING BOARD

Independent Secretary:
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AGREEMENT REACHED IN THE POLICE NEGOTIATING BOARD

1. The Police Negotiating Board has agreed joint guidance for Police Authorities and Forces on **Acting up, Temporary Promotion and CRTP and Pension arrangements.**
2. This agreement requires amendment to police determinations, regulations or specific authorisation by home department circular and any approved changes will be promulgated in due course in Home Office, Scottish Government Justice Department and Northern Ireland Office circulars. This PNB circular is purely advisory and does not confer authority* to implement the agreement. Elements of this agreement take effect from 1st July 2008.
3. Any enquiries about this circular should be addressed to the Independent Secretariat at the Office of Manpower Economics ☎ 020 7215 8101, to the Official Side Secretary ☎ 020 7187 7340 or the Staff Side Secretary ☎ 01372 352000. Enquiries to the Independent Secretariat relating to the interpretation of this circular should be made in writing.

30 June 2008

* PNB Circulars form a single numerical series. Those which in themselves provide authority to implement an agreement carry the serial number alone, while those which are advisory are designated as such after the serial number.

MEMORANDUM

The following joint agreement agreed by the Police Negotiating Board is submitted for the approval of the Secretary of State for the Home Department, the Scottish Government and the Secretary of State for Northern Ireland.

Reference to regulations/determinations in this circular refer only to England and Wales. Where necessary the equivalent regulation/determinations for Scotland and Northern Ireland should be referred to and/or amended accordingly.

Acting up duties, Temporary Promotion, CRTP and pension arrangements

1. The PNB strongly supports the use of acting up and temporary promotion as a developmental tool as a way of supporting an officer's development in the police service by providing first hand experience of performing the duties normally performed by a member of the force of a higher rank than his/her own. The PNB encourages authorities and forces to ensure:
 - Line managers draw on a fair and transparent selection process when selecting an officer to perform a period of acting up and temporary promotion.
 - Line managers hold formal discussions with an officer who may be selected to perform the duties normally performed by a member of the force of a higher rank than his/her own at the earliest opportunity when a short fall in the higher rank has been identified.
 - Line managers should also monitor all officers who are performing the duties normally performed by a member of the force of a higher rank than his/her own and where possible offer support to encourage development.
 - Forces should automatically review periods of acting up to see if temporary promotion might be more applicable (if it is not clear at the outset).
 - At the end of a period of acting up and/or temporary promotion line managers should have formal discussions with the officer to assess the developmental benefit to the officer from undertaking the period of acting up and/or temporary promotion and provide feedback on the officer's performance.

Acting up (temporary salary)

2. The provisions for compensating police officers who have performed the duties normally performed by a member of the force of a higher rank than

his own are currently set out in the Police Regulations and determinations 2003, Regulation 27, Annex I.

3. The PNB considers that acting up arrangements are designed to meet short term needs. Periods of acting up should be used for covering a vacant higher rank and should not be viewed as a long term arrangement.
4. The PNB has agreed to amend the current qualifying periods for the federated and superintending ranks. Therefore with effect from the date of this circular all officers (federated ranks and superintending ranks) will have to perform the duties normally performed by a member of the force of a higher rank than his own for 10 complete days cumulative (in the case of a part-time officer 80 complete hours and an officer with variable shift arrangements qualifying shifts amounting in total to 80 hours) in a 12 month period before they can receive a temporary salary. A period of 12 months begins on 1 April - as currently detailed in Annex I.
5. As set out in Annex I: where a member of a police force on his last scheduled working day in any year is required to perform the duties normally performed by a member of the force of a higher rank than his own and is paid in respect of that day a temporary salary and on the first scheduled working day of the following year continues for the complete day to perform such duties he shall be paid, in respect of that day and any further complete days which together form a continuous period, as if that day or days had formed part of the previous year.
6. The PNB supports the use of acting up for short periods of time to cover for shortages within higher ranks. In accordance with this principle the PNB has agreed to introduce a 56 day maximum period (2 calendar months) for all federated and superintending rank officers performing the duties normally performed by a member of the force of a higher rank than his own. The 56 day maximum period is calculated in accordance with paragraph 7 of this agreement and should not be exceeded. The 56 day maximum should only be breached if the individual is not qualified for promotion and/or during a rare occasion a chief constable is required to respond to an overwhelming operational emergency that requires an immediate application. For an explanation of 'qualified' see paragraphs 12 and 13. Forces should not artificially curtail a period of acting duties in order to avoid temporarily promoting an officer.
7. The 10 day qualifying period (whether or not continuous) set out in paragraph 4 above is included in the calculation of the 56 day maximum; (so that the remainder of the 56 day period must be continuous from day 11 to 56).

For the purposes of calculating the 56 day period continuity is preserved in the circumstances where a member of a police force who is required to perform the duties normally performed by a member of the force of a higher rank than his own is not at work as a result of a routine short term absence i.e. no more than 10 working days, e.g. rest days, sickness absence, annual leave.

8. A chief superintendent can be temporarily promoted to ACC/commander regardless of whether or not they have attended the Strategic Command Course, as is currently the case. Therefore, after 56 days they should be moved from acting duties to temporary promotion.
9. The PNB is aware that some officers have been acting up for long periods of time. Authorities/forces need to ensure that a shortage of available officers to undertake temporary promotion does not result in the need to rely on long-term acting arrangements to provide cover for the higher ranks. Forces should not routinely breach this guidance and should look to find ways of resolving any shortages in available officers able to undertake temporary promotion wherever possible.
10. A period of acting up service at the higher rank counts towards the substantive rank but not the higher rank if promoted at a later date.

Temporary promotion

11. Temporary promotion should be used when a shortfall has been identified in a particular rank which is likely to be for a lengthy period of time. e.g. maternity leave cover, ill health absence, new projects/workstreams etc. Temporary promotion does not have a defined cut off point and therefore can provide key experience of performing the duties of the higher rank over a longer time period than acting up.
12. The Police Promotion Regulations 1996 (as amended) cover arrangements for temporary promotion. Regulation 6 (as amended) states that a member of a police force who is required to perform the duties of a higher rank may, even if there is no vacancy for that rank, be promoted temporarily to it, but in the case of promotion to the rank of sergeant or inspector only if he or she has obtained both a pass in Part 1 of the qualifying assessment and either a pass in Part IIA of the qualifying assessment or have commenced the period of work based assessment under Part IIB. Temporary promotion arrangements for chief inspectors are covered at Regulation 27, Annex J of the Police Regulations and determinations 2003.
13. Police Regulations and determinations 2003, Regulation 27 Annex J (and Scottish and Northern Ireland equivalents) will be amended to ensure that all federated and superintending rank officers who perform duties of a higher rank for 56 days will, subject to passing the qualifying assessments as stated in the Police Promotion Regulations 1996 (as amended), be temporarily promoted to the higher rank and paid on the point the individual would be entitled to if permanently promoted. Notwithstanding, that if it is anticipated at the outset that the time spent in the higher rank will exceed 56 days the officer will be temporarily promoted at that time.

Acting up, temporary promotion and CRTP

14. Officers who are on acting up should receive their CRTP.
15. Officers in receipt of CRTP who are then temporarily promoted do not receive the CRTP from the date the temporary promotion takes effect but the payment is reinstated when the officer returns to his/her substantive rank. This is covered in Police Regulations 2003, paragraph 9, part 9, Annex F

Acting up and temporary promotion and pensions

16. The PNB recognises the need for pensionable pay to be defined in more detail in the Police Pensions Regulations than it is at present. A clearer distinction will be drawn in both the Police Regulations 2003 and the Police Pensions Regulations between acting up and temporary promotion. This and the following paragraphs apply to all officers, including those of ACPO rank.

17. *Temporary promotion*

Additional pay on temporary promotion will be pensionable in all cases however short the periods concerned. Where an officer is given temporary promotion after a period of acting up only the period of temporary promotion is pensionable.

18. *Acting up*

Additional salary received for periods of acting up (temporary salary) will not be pensionable except where an officer has been acting up for a continuous period of more than 56 days, in which case the officer's temporary salary on acting up will become pensionable starting at day 57.

19. The PNB has agreed that these changes, detailed in paragraphs 16 to 18 above, will come into effect as soon as the necessary amendments to the Police Pensions Regulations 1987 and 2006 have been made.