



FALKIRK COUNCIL

**ACTING UP AND
SECONDMENTS
POLICY**



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PART 1

1.1 POLICY STATEMENT

Falkirk Council aims to recruit and retain high calibre employees and ensure a commitment to equal opportunities. The Council recognises there may be occasions where employees wish to pursue secondment opportunities either internally within the Council or externally to other bodies. Alternatively, there may be occasions, where employees can support internal change by acting up into different posts for a short period.

PART 2

2.1 INTRODUCTION

The aim of the policy is to provide a clear definition and guidance for the management of secondments and acting up arrangements.

Acting up arrangements and secondment opportunities offer managers the flexibility to make short term changes to their team/section, to assist with short term projects, pending a service review or to cover the absence of a postholder e.g. sickness, maternity etc. They offer employees the opportunity to experience new areas of work and to develop their skills and experience and expand their knowledge.

Both arrangements are regarded as an opportunity for personal development, allowing employees to develop new skills and/or enhance existing skills, as well as responding to business needs.

2.2 SCOPE

This policy applies to all employees of Falkirk Council and should be read in conjunction with Falkirk Council's Temporary Employment Policy.

2.3 DEFINITION

The distinction between acting up and secondment arrangements can be defined as follows:

Acting Up arrangements (otherwise known as higher duties arrangements) - where an employee temporarily covers part or all of a more senior post within their own section/team or service area for a limited period of time only.

Secondment - either a temporary move to a post, at any level, within Falkirk Council, or a temporary move to an external organisation.

PART 3

3.1 ACTING UP PAYMENTS

An acting up payment may be appropriate in circumstances where an employee is undertaking all or a percentage of a higher graded post within their own section/ team or service area for a specified period of time.

Where an employee is only undertaking a proportion of the duties of a higher graded post, they will normally continue to undertake all or a proportion of their substantive role depending on the extent of the higher duties undertaken. Alternatively if they are fully acting up into a higher graded role i.e. undertaking the full duties of this role, it is likely that arrangements will be made for someone to act up or otherwise backfill into their substantive post.

3.2 ACTING UP PROCEDURE

3.2.1 ADVERTISING AND SELECTION

All acting up arrangements will be advertised internally and will normally be ring-fenced within a particular team. Trade Unions should be notified of any specific arrangements.

Relevant pre-employment checks should be carried out prior to the start of any acting up arrangements where there is a significant change in duties which may need verification through Occupational Health or Disclosure Scotland/ PVG Scheme.

3.2.2 ACTING UP PAYMENTS

An employee temporarily and formally engaged on an acting up arrangement, will be paid an allowance for undertaking the additional duties from day one of such duties. The allowance will be determined with regard to:

- the salary for the higher post;
- the extent/percentage of the additional duties and responsibilities;
- the period for which the duties are undertaken.

Contractual documentation should be issued to the employee to confirm the terms of all formal acting arrangements in all circumstances. All acting up payments should normally be notified to payroll using the HR Forms Online system and the employee should receive written confirmation of the arrangements (see appendix 1).

3.2.3 DURATION OF ACTING UP ARRANGEMENTS

Acting Up arrangements should be for a limited duration, normally not exceeding one year, and only in exceptional circumstances. In all circumstances, such arrangements should be kept under regular review.

PART 4

4.1 SECONDMENT

A secondment involves either a temporary move to a post, at any level, within Falkirk Council, or a temporary move to an external organisation.

Secondments offer employees the opportunity to experience new areas of work and to develop their skills and experience and expand their knowledge, whilst meeting service demands and needs. Secondments will be for a pre-determined period and be by mutual agreement between the employee and their Service.

In any secondment there will normally be three parties involved: the secondee, the receiving or host service and the employing service.

During the period of secondment the member of staff will report to the host manager rather than their 'original' manager.

The '**original**' manager is the pre secondment manager i.e. the manager of the employee's substantive post. The '**host**' manager is the manager who will receive the secondee in the temporary seconded role.

During the period of secondment, the host service/organisation into which the member of staff is seconded will normally be responsible for all costs associated with the secondee's salary and other employment costs during the period of secondment.

4.2 TYPES OF SECONDMENT

There are a number of types of secondment arrangements as follows:

4.2.1 INTERNAL SECONDMENTS - SECONDMENTS WITHIN FALKIRK COUNCIL

An internal secondment is where an employee temporarily transfers within the Council for a period of time, for a specific purpose, to the mutual benefit of all parties. Internal secondments will always be advertised, offering employees a fair opportunity to apply.

- **Role of Host Manager for Secondment**

Managers of secondment posts who are receiving a secondee into their team are responsible for ensuring that appropriate paperwork is completed at all stages of the secondment. They should ensure that Human Resources and Payroll are notified of the secondment and of any changes to the secondment arrangement via HR On-line forms and that an offer letter is issued to the secondee confirming the secondment arrangements (Appendix 2).

- **Role of Original Manager for Substantive Post**

Managers have responsibility for determining whether an employee can be released to go on secondment taking into account service delivery requirements. They also have responsibility for agreeing any extension, should this arise.

Managers of employees who are on secondment should ensure that they maintain communication with the employee to ensure that they are advised of any changes at their

substantive base (to job, team or service). Where any reviews or restructures are being undertaken that could affect a seconded employee, the original line manager must ensure that this employee is included within all consultation exercises, including the issue of letters etc. Further advice can be obtained from Human Resources on this matter where required.

4.2.2 EXTERNAL SECONDMENTS - SECONDMENTS OF FALKIRK COUNCIL EMPLOYEES TO OTHER ORGANISATIONS

Secondments to external bodies may be considered on an individual basis and can offer advantages both to the individual and Falkirk Council. Secondments can provide an opportunity for personal development but also the experience gained can be of value when the employee returns to the Council. However, it is important for managers to consider any secondment request in conjunction with the requirement to ensure continuation of a high standard of service delivery and any consequential recruitment costs. Within these parameters the Council, as an employer, will give such requests consideration and support them when practicable.

The terms of agreement and the aims and objectives of secondments to external organisations must be agreed between Falkirk Council and the receiving organisation. The secondment objectives agreed should take into account the personal development needs of the secondee and the needs of both Falkirk Council and the receiving organisation. It is essential that all parties are clear about their obligations, expectations, accountabilities and performance objectives. A sample agreement is attached as appendix 3. Any external secondment agreement should be discussed and agreed with representatives from Human Resources and Governance, particularly where organisations have their own secondment agreements.

Any individual seconded externally to other organisations will continue to remain an employee of Falkirk Council and will receive their salary, costs and expenses, subject to normal tax, pension and NI deductions, from Falkirk Council. Falkirk Council will then invoice the host organisation on a monthly or quarterly basis for reimbursement of all costs incurred. It is the responsibility of the relevant Head of Service to ensure that the appropriate administrative procedures are in place for re-charging. The time spent on secondment with an external organisation will count towards the calculation of continuous service and, where applicable, reckonable service with Falkirk Council. Secondees may be required to sign a confidentiality agreement with the receiving organisation, which protects the misuse of information considered to be of a sensitive or confidential nature.

- **Role of Original Manager for Substantive Post for Secondment to External Organisation**

Before agreeing any secondment, contact should be made with Human Resources, for advice and support on dealing with the request. Where the manager agrees, in principle, that the employee can be released, the manager should contact the manager within the receiving organisation to agree the terms of the secondment as soon as possible, but in all cases before confirmation of the secondment is agreed with the employee. Agreement should be reached regarding the mechanisms by which any concerns or issues arising during the course of the secondment can be reported, e.g. attendance concerns, and the procedures that will apply. Managers should ensure that they maintain appropriate

communication with the employee who is being seconded to ensure that the employee is advised of any changes at their substantive base (to job, team or service). Where any reviews or restructures are being undertaken within the Council that could affect a seconded employee, the original line manager must ensure that this employee is included within all consultation exercises, including the issue of letters etc. Further advice can be obtained from Human Resources on this matter where required.

4.2.3 INWARD SECONDMENTS - SECONDMENTS OF EXTERNAL STAFF INTO FALKIRK COUNCIL

Any external individual who is seconded into Falkirk Council will normally be employed on Falkirk Council's Terms and Conditions and is responsible for making any arrangements with their employer with regard to their return to their originating post. However, there are specific circumstances where it may be appropriate to employ individuals on the terms and conditions of their substantive post. This should only be considered in exceptional circumstances and must be agreed in advance with the Head of HR and Customer First and Governance.

- **Role of Receiving Manager for Secondment from Other Organisation**

Where an employee from another organisation is being seconded into a post within the Council, the manager should contact Human Resources to seek advice prior to the commencement of the secondment or any external advertisement of the secondment opportunity.

4.3 SECONDMENT PROCEDURE

Secondments of employees from one post to another are at the discretion of the original employing Service. Any employee may ask for their Service Manager's authority to apply for a secondment but such a request may be declined. Any request should be given full consideration taking into account:

- Impact on remaining team and service delivery;
- The ability and cost to recruit a replacement for the time period;
- Potential savings that could be achieved by alternative replacement arrangements;
- Potential to redesign service delivery and/or pilot different working arrangements for a time limited period.

4.3.1 ADVERTISING AND SELECTION

Where a vacancy is proceeding to advert, managers should consider whether applications will be considered from employees on a secondment basis and this should be clear within the recruitment advert. Any such opportunity identified within Services should be advertised and filled in accordance with the Council's Recruitment and Selection Process.

Where the post is not an established post, this will be subject to the normal grading and Standing Order approval requirements.

The Recruitment and Selection Policy must be followed throughout the full process, including all pre-employment checks. Where the post is subject to checks with

Disclosure Scotland/ PVG Scheme, these must be carried out prior to the start of the secondment.

4.3.2 APPLYING FOR A SECONDMENT

Prior to applying for a secondment, it is the responsibility of the employee to consult with their immediate line manager who, in turn, will discuss this request with their Head of Service or nominated senior manager. Employees should seek authority and agreement for the secondment arrangement prior to applying for any opportunity.

An external secondment shall only be granted with agreement between the relevant Head of Service and the host organisation. In such instances, the employee should ensure that they fully understand the terms of the secondment and their rights to return to a post, prior to taking up an external secondment.

If an application for a secondment is approved by the Head of Service, then the employee should apply for the secondment in the normal manner, confirming that their application has been approved and that their application is on a secondment basis.

If an employee wishes to change or withdraw from a secondment arrangement, they must give a minimum of 4 weeks notice of this in writing to their Head of Service. This request will be given every consideration however cannot be guaranteed.

4.3.3 REFUSAL OF SECONDMENT

Where, after considering a secondment request against business objectives as outlined in Section 4.3 above, a Head of Service does not support a request for a secondment, the reasons should be provided to the employee in writing.

If permission is not granted, but the employee decides to take the job, this is not a secondment. In this situation, the employee will require to resign from their substantive post and will then be treated as a temporary employee. The end of any internal temporary contract will be managed in line with Falkirk Council's Temporary Employment Policy.

A template letter is attached at appendix 4 to confirm refusal of a secondment request.

4.3.4 DURATION OF SECONDMENT

Secondments will normally be for a period of between 1 month and 2 years. Projects outwith these timescales should be dealt with by other working arrangements.

Secondments must be reviewed on an annual basis in line with the Council's Temporary Employment Policy.

4.3.5 EXTENSION TO SECONDMENTS

In the main, secondments will be for the agreed period and the secondee will return to the substantive service at the end of that period. Extensions should therefore be the exception rather than the norm. It should be made clear at the outset of the secondment that there is no commitment or guarantee that an extension will be considered or

approved. Any request for an extension must be made a minimum of 3 months prior to the date of expiry of the secondment agreement or, in the case of a short duration secondment, as soon as this is practicable.

The relevant Head of Service will consider any potential impact both on other staff within the section and on service delivery. An extension must be agreed by the original Head of Service with advice from Human Resources and confirmed in writing. The conditions of the secondment must also be reviewed to ensure they continue to be relevant.

Where a manager has received a request for an extension to a secondment, and they are unable to accommodate this, advice should be obtained from Human Resources.

4.3.6 TERMS & CONDITIONS DURING SECONDMENT

Where an employee applies for and is successful in gaining a secondment opportunity they will normally retain the right to return to their substantive post. There may however be occasions where this will not be possible e.g. due to difficulties in backfilling their substantive post or where the secondment arrangement extends beyond 2 years duration. In such circumstances, the employee will be made aware that they will only have the right to return to a post at a similar level.

Any employee who is seconded to undertake other duties will be paid during the period of secondment on the grade and conditions of the seconded post, including any incremental progression in this post. Where an individual has applied for a secondment to a lower graded post, the appropriate rate of pay for the job applies.

Salary on return from secondment will be on the salary for the substantive post he/she left, incorporating the normal salary increments and pay awards the employee was eligible to receive during the period of the secondment.

Entitlement to annual leave will not change for internal secondments, unless there is a change in hours or working weeks, in which case leave will be pro-rated to reflect this.

All terms and conditions for external secondments will be considered and agreed as part of the approval process. An employee going on an external secondment must repay any loans or expenses (e.g. training or relocation expenses etc) in full prior to the start of the external secondment. No allowances will be payable by Falkirk Council to the employee during their external secondment, including mileage allowance, telephone allowance, and excess travel etc.

4.3.7 ENDING SECONDMENT BEFORE SCHEDULED END DATE

If there is a justifiable reason for a secondment to end before an agreed end date e.g. early completion of a project, the appropriate notice period will be required to be given by the host manager and both the secondee and original manager should be contacted in relation to this.

Where the secondee wishes to end their secondment early, the notice period stipulated within their contract will apply and the originating Service will try to accommodate this where possible, but there is no guarantee that a secondment can be ended early at an employee's request.

If the secondee wishes to terminate their employment with Falkirk Council at any time within the secondment period, the notice period stipulated within their contract will apply.

4.3.8 RIGHT TO RETURN TO A POST AT THE SAME LEVEL

At the end of a secondment, the secondee will as outlined in 4.3.6 either return to their substantive post or revert to a similar post on a similar grade.

In the event that there are any fundamental changes in the original Service during the secondment, e.g. a restructuring, the secondee will be included in the consultation process in the same way as other staff in the affected Service. This may result in the secondee returning to their substantive post, a suitable alternative post or the employee's employment with the Council may be terminated.

When a secondee cannot return to a similar post, the substantive manager will explain the reasons why this is not possible. In these circumstances, managers should first consult Human Resources to ensure that all alternatives have been considered. Redeployment opportunities should be looked for ideally 3 months before the end of the secondment.

4.3.9 PLANNING A RETURN FOLLOWING SECONDMENT

It is recognised that it can be difficult to re-integrate an individual to their own workplace on their return from a long period of secondment. It is important therefore that, in the last few weeks prior to the end of the secondment period, the original line manager meets with the employee to make arrangements for their re-introduction to their own substantive or alternate post. The time for the structured re-induction of the employee will vary according to the length of the secondment and the amount of change in the post.

It is good practice to keep in touch with an employee on secondment and there must be discussion between the secondee and their original line manager and the host line manager of the receiving Service to agree the exact date of return. Wherever possible this will be subject to the agreement of all three parties. This must be confirmed in writing.

If the secondment has been longer than two years or significant change has occurred during it, re-training and/or significant re-induction may be required.

PART 5

5.1 IMPLEMENTATION & REVIEW

The Head of Human Resources & Customer First will review this policy as per the agreed Human Resources Policy Review timetable in conjunction with Service Directors and Trade Unions taking into consideration legislative amendments and best practice advice.

This Policy has been Equality Impact Assessed and no adverse impact has been identified.

Enquiries to:
Direct Dial:
Date:

CONFIDENTIAL

Dear

Temporary acting up arrangements

As discussed, I am writing to confirm that for an initial {time} month period you will act up into the post of {job title} .

[You will not perform the full range of duties of the post. However you will undertake {details of expected areas role will cover}].

This acting up arrangement is effective from {date} and will terminate on {date} , [or until the post holder returns from if this is sooner]. At the end of this period you will revert back to your substantive post of {job title} .

For the duration of this acting up arrangement, you will receive an allowance for undertaking higher duties equivalent to% of the difference between your current SCP, and the minimum SCP of the grade for the post to which you are acting up i.e. Where relevant, incremental progression will apply.

Payroll Services have been advised of this amendment and any necessary adjustment to your pay will be made shortly.

All other terms and conditions of service will remain as previously intimated.

You should note that this letter constitutes a formal amendment to your contract of employment and should be attached to your Statement of Particulars and any other relevant documents issued to you.

Please confirm acceptance of this amendment by signing the enclosed copy letter and returning it to me within 14 days.

Yours sincerely,

I have received the original of this letter and hereby confirm my acceptance of the amendment to my contract of employment.

Signature.....

Date.....

Enquiries to: Service Director
Direct Dial: 01324 50Extn. No.
Date:

CONFIDENTIAL

Name
Address
Town
Postcode

Dear Name,

SECONDMENT

I am pleased to offer you a secondment to the post of temporary {Job Title} within {Service} Services, commencing on {Day & Date} and terminating on {Day & Date}. The purpose of the secondment is to (state reasons either developmental or organisational e.g. cover maternity leave, personal development, etc.)

The salary grade for this seconded post is {Grade}, currently £{lowest point} to £{highest point}. Your salary will be SCP {Spinal Point}, £{Salary} per annum.

Your normal working hours will be {number} hours per week, to be worked {days}.

Your place of work for the period of the secondment will be (location). However, you are employed in the Service of Falkirk Council and may be required to work at any of the Council's workplace locations.

All other terms and conditions remain as previously in your Statement of Particulars and the Terms and Conditions of Employment.

At the end of your secondment, you will return to your substantive post of (or a post at a similar level/grade as your substantive post that may or may not be in the same Service and/or location). When you return to this post, your salary will be based on the grade for the post and include any pay awards and/or increments applicable during your secondment.

Early termination of this secondment is subject to agreement by all parties and a minimum of (number) weeks notice (*or shorter notice if agreeable to all parties*).

Your secondment can only be extended by mutual agreement with all parties (including your substantive department). It may not be possible to agree such requests due to service delivery or other reasons.

In the event that there are any fundamental changes in your original Service during this secondment, e.g. a restructuring, you will be included in the consultation process in the same way as other staff in the affected Service.

Please confirm your acceptance of this offer of secondment by signing one copy of the attached and returning it to {Service HR Contact}, at the address below.

I look forward to receiving your acceptance and would like to take this opportunity of wishing you every success in your post.

Yours sincerely,

Enc.

I accept the terms and conditions as stated.

Signature.....

Date.....

Model External Secondment Approval & Agreement

This is a standard template but this must be agreed with Human Resources and Legal Services before being issued to the employee

PRIVATE AND CONFIDENTIAL

(Name)
 (Address Line 1)
 (Address Line 2)
 (Address Line 3)
 (Postcode)

Dear (Name),

I am writing to outline the details of your secondment to (host organisation). The terms and conditions of this secondment are as follows:

1. START DATE
 Your secondment will commence on **Date**. You will continue to be employed by Falkirk Council during the (duration) month period of your secondment.
2. LOCATION
 You will be based within the (location).
3. SALARY
 Your salary will continue to be paid to you in the normal way by Falkirk Council however your salary will be (amount) as specified in the (host organisation) contract. You will receive no increments during your secondment from Falkirk Council but you will receive any cost of living rise which is applied.
4. HOURS OF WORK
 Your hours of work will remain unchanged. Your work pattern will be agreed between yourself and your new line manager.
5. ANNUAL LEAVE & PUBLIC HOLIDAYS
 Your annual leave and public holiday entitlement will remain unchanged. Falkirk Council operates with 8 public holidays. The dates on which you take leave will be agreed by you with (host organisation). Your new line manager will notify Falkirk Council Management.
6. PROFESSIONAL DEVELOPMENT
 (Host Organisation) will provide Falkirk Council with feedback on your performance throughout your secondment however Falkirk Council will be responsible for reviewing your performance with you.

7. SICKNESS ABSENCE

During periods of sickness absence you must notify the (host manager) as soon as possible on the first day of absence, who will notify Falkirk Council Management. Falkirk Council terms and conditions of service relating to Occupational Sick Pay apply.

The Managing Sickness Absence Policy of Falkirk Council continues to apply and you will be able to continue to access Falkirk Council's Occupational Health Service.

8. TRAVEL AND SUBSISTENCE EXPENSES

Your entitlement to receive travel and subsistence expenses is detailed in your secondment contract with (host organisation).

9. DISCIPLINE AND GRIEVANCE

Discipline

The policies and procedures within Falkirk Council will be followed for disciplinary matters for seconded staff. Falkirk Council remains legally accountable for such employees under all applicable employment legislation. It is possible however that (host organisation) will investigate any disciplinary matter and may present managements case at any disciplinary hearing, although it will be chaired by Falkirk Council. In matters of Gross Misconduct Falkirk Council's Human Resources Department will liaise with (host organisation) to conduct any investigation.

Grievance

At the informal stage, any grievance should be raised initially with the employees immediate line manager using the agreed procedures for (host organisation). Every effort will be made by the (host organisation) to resolve the grievance at this stage. If however the employee remains aggrieved then this will proceed in accordance with Falkirk Council's second/final and appeal stage of their grievance procedure.

Such matters are best resolved locally and you are encouraged to work with the (host organisation), to reach resolution without recourse to formal procedures wherever possible.

10. PENSION ARRANGEMENTS

You must contact the Pensions Section directly in this regard.

11. FUTURE ARRANGEMENTS

As a seconded employee, you continue to be employed by Falkirk Council retaining your continuity of service and employment rights. The secondment is for a (duration) month period.

12. RETURN TO FALKIRK COUNCIL

On your return to Falkirk Council you will return to work in your substantive post of/ or to a post at the same or similar level if possible as was held prior to the break, although not necessarily to the same post or location.

In the event that there are any fundamental changes in the original Service during the secondment, e.g. a restructuring, you will be included in the consultation process in the same way as other staff in the affected Service.

If there are any matters relating to your secondment that you would like to discuss, please do not hesitate to contact

Please sign and date the acceptance form attached, which should be returned by (date)

Yours sincerely
(Title)



Acceptance

I confirm that I have read and understood the terms of the letter and accept the conditions as detailed above.

Signed..... Date.....

Refusal of Secondment

PRIVATE AND CONFIDENTIAL

(Name)

(Address Line 1)

(Address Line 2)

(Address Line 3)

(Postcode)

Dear (Name),

Application for Secondment

Following your request dated *(date of Secondment Application)* for a Secondment Arrangement to be considered, I am now writing to advise that, it is not possible to support your request for the following reasons:

-
-

I appreciate that you may be disappointed by this decision, however I hope you understand the reasons behind the decision.

Yours sincerely

Head of Service