



**New South Wales
Police Force**

Acting Appointments to Executive Positions

Policy & Procedures

HR Policy / Human Resources Command

Acting Appointments to Executive Positions – Policy & Procedures

The policy and procedures for acting appointments to NSW Police Force Senior Executive Service (PFSES) positions.

Essential Summary

- This document refers to acting appointments to PFSES positions made under the provisions of section 37 of the *Police Act 1990*.
- This policy applies to all acting appointments to PFSES positions by both executive and non-executive officers.
- The Commissioner has the delegation in terms of the assessment and approval of all section 37 appointments.

Document Control Sheet

Document Properties

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1.0	16 November 2010	Teresa Heien Senior HR Officer	Original document.
2.0	18 May 2015	Teresa Heien Senior HR Policy Officer	Document reformatted. Link to obsolete <i>Merit Selection Guide for NSW Public Sector Panels</i> replaced with a link to the NSWPF's <i>Administrative Officer Recruitment & Selection Guidelines</i> . References to Internal Customer Services replaced with Payroll Services. Hyperlinks refreshed.

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1. Introduction

The NSW Police Force Senior Executive Service (PFSES) is a distinct employment category within the NSW Police Force that comprises the executive or PFSES officers holding the positions approved by the Minister of Police under section 33 (1) of the *Police Act 1990*.

When an executive position is vacant, the preference of the NSW Police Force is to fill the position permanently either in accordance with the NSW government sector recruitment process or via the power of executive appointment.

However, flexibility is sometimes required to meet organisational or operational needs and this can be facilitated by filling a vacancy within the NSW Police Force Senior Executive Service (PFSES) through an acting appointment as provided for under the provisions of section 37 of the *Act* and as outlined in this policy.

This policy applies to all acting appointments to PFSES positions by both executive and non-executive officers.

2. Definitions

<i>Executive officer</i>	appointed under the provisions of section 36 of the <i>Police Act 1990</i> to the NSW Police Force Senior Executive Service.
<i>Executive position</i>	a position that is determined to be within the NSW Police Force Senior Executive Service by the Minister pursuant to section 33(1) of the <i>Police Act 1990</i> .
<i>Acting appointment</i>	an employee of the NSW Police Force who is temporarily appointed under the provisions of section 37 of the <i>Police Act 1990</i> to an executive position that is vacant or the holder of which is suspended, sick or absent.
<i>Principles of merit</i>	are not prescriptive but require an ethical, fair, and effective decision making process. The employee must be able to perform the work they are employed to do and be appropriately qualified. All such decisions must be able to withstand scrutiny and be publicly defensible in line with the powers of appointment contained

within the legislation.

Merit selection

is the formal technique used to select the best applicant for a job. It involves a competitive process based on the stated job criteria for a position. The process needs to determine the most suitably qualified applicant via at least an expression of interest process.

3. Policy

Under the provisions of section 37 of the *Police Act 1990*, the Commissioner may appoint an employee of the NSW Police Force to act in an executive position which is vacant or the holder of which is suspended, sick or otherwise absent.

The Commissioner has the delegation in terms of the assessment and approval of all section 37 appointments and may terminate an acting appointment at any time for any reason including but not limited to performance, integrity and/or conduct issues.

The employee while acting in the executive position is not considered to be an executive officer for the purposes of Part 5 of the *Act*, but has all the functions of the holder of the position and is expected to exercise the full functions of the position.

As a general rule, the NSW Police Force does not utilise higher duties for relief in executive positions. The preference is for acting appointments administered in accordance with this policy.

3.1 Requirements for an acting appointment

The purpose of an acting appointment is to provide a development opportunity to a suitable NSW Police Force employee while covering a position that makes a critical contribution towards the effective management of the NSW Police Force.

Any acting appointment:

- requires the appointment of a suitably qualified person for the position;
- requires the execution of all the functions of the position;
- must be based on merit based principles or merit selection as provided for in this policy; and
- be in accordance with EEO principles of fairness and equity for all relevant and qualified employees.

4. Procedures

4.1 Selection process

While the Commissioner has the discretion to determine and approve an acting appointment without advertising the opportunity, as a general principle, the following should apply for all acting appointments.

Acting appointments of less than 3 months

The relevant Commissioner's Executive Team (CET) member should select the employee best qualified to undertake the responsibilities of the position in accordance with the principles of merit.

Wherever possible, acting arrangements of less than three months should be shared amongst suitably experienced and qualified employees to provide ongoing development and succession planning.

Acting appointments of 3 to 12 months

The relevant Commissioner's Executive Team (CET) member should fill through an internal expression of interest in accordance with the principles of merit.

Acting appointments of 12 months or more

Should be filled through an internal expression of interest and in accordance with merit based selection processes. Click here to access the [SES Guidelines](#).

Recommended employee not within 2 grades of acting appointment

In circumstances where the substantive position of the recommended employee is not within two grades (or levels) of the acting appointment, justification for such an appointment is required in the submission to the Commissioner, irrespective of the selection process used.

4.2 Assessment of applicants

The assessment of the applications is based on:

- the duties of the position;
- the individual's ability to execute the full role and function of the position;
- ongoing satisfactory performance; and
- suitable conduct and past performance.

4.3 Performance management and conduct of acting appointments

Any senior executive officer temporarily appointed to another senior executive position in accordance with this policy must have in place an agreed performance agreement to meet the requirements of the position to which they are temporarily appointed.

4.4 Insignia, rank and MCPE requirements

In terms of an “acting appointment”, the employee is to wear all badges of rank and use the title of the position.

Officers who are normally in plain clothes and are temporarily appointed to a position with uniformed requirements comply with the above but should be issued with the appropriate uniform for their substantive rank.

For the purposes of MCPE, while an officer is acting in an executive position they must satisfy the MCPE requirements for the acting position. On return to their substantive position they have 6 months to demonstrate MCPE for their substantive rank.

4.5 Extension of acting appointments

Acting appointments can be extended in accordance with this policy and with appropriate approvals.

Any extension which takes the appointment period beyond 12 months should consider a competitive selection process before further extension.

Extensions are to be requested via a [submission](#) prepared for the approval of the Commissioner.

All extensions are subject to a performance review.

4.6 Submission process

All applications recommending an acting appointment must be referred via the chain of command to the Commissioner for approval.

Section 37 appointments will not be processed unless prepared in the appropriate report format, and approved by the Commissioner. [Sample s37 submission](#)

CET members should document and maintain supporting paperwork to justify and support the recommended acting appointment.

5. Responsibilities

5.1 CET members

Must ensure that:

- submissions are prepared for the approval of the Commissioner of Police for any s. 37 appointment, extension or cessation;
- recruitment and decision making processes comply with this policy;
- the attendance, performance and conduct of acting employees is managed in the same manner as any other senior executive officer;
- that any changes to the acting appointment arrangements are in line with legislation and this policy; and
- any appropriate NSW Police Force corporate obligations and/or mandatory training is explained and/or provided as relevant to the rank of the position and would be appropriate for any substantive occupant.

5.2 Acting executives

NSW Police Force employees acting in an executive position are expected to exercise the full functions of the position of the acting appointment, including any additional corporate obligations tasked by the relevant CET member.

5.3 Payroll Services

Payroll Services are responsible for processing:

- HDA placements for appropriate systems access; and
- all payroll adjustments and cessation and reconciliation of acting appointments.

Payroll Services will not process any payments until receipt of the submission approved by the Commissioner.

5.4 HR Policy

HR Policy is responsible for:

- preparing documentation as requested for acting appointments;
- providing advice to the Executive regarding the approval for the acting appointment and the policy parameters; and
- maintaining data on acting appointments to PFSES positions.

6. References

[Section 37 Police Act 1990 \(as amended\)](#)

[Administrative Officer Recruitment & Selection Guidelines](#)
[NSWPF Senior Executive Service \(PFSES\) - Intranet](#)
[Public Service Commission SES Guidelines](#)

7. Further Information

HR Policy: Eaglenet: 29537 or Ph: (02) 8835 9537

or

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