

## TIME OFF IN LIEU POLICY

### **Mission Statement**

WeST holds a deep seated belief in education and lifelong learning. Effective collaboration, mutual support and professional challenge will underpin our quest to ensure that all of the children and adults we serve are given every opportunity to fulfil their potential and succeed in life.

Westcountry Schools' Trust adopted this policy in September 2017

Westcountry Schools' Trust will review this policy annually

## **1.0 Introduction**

It is Westcountry Schools Trust (WeST) policy to ensure a consistent and fair approach with regards to Time Off In Lieu (TOIL) arrangements.

A manager may recognise that there is a requirement for employees to work extra time in addition to their contractual hours and offer TOIL as compensation.

## **2.0 Scope and Eligibility**

This policy applies to all WeST employees including school support staff where this Policy has been adopted but excluding teachers, regardless of the number of hours worked.

Employees on Spinal Column Point (SCP) 29/bottom of Grade F and above or whose full time salary is equivalent to SCP29 and above may be given TOIL if extra time is worked at the request of management as they are not entitled to receive overtime or an additional hours payment.

Employees on SCP28/top of Grade E and below may request to accrue TOIL instead of receiving an overtime or additional hours payment and the manager should consider any reasonable request. Employees must discuss this with their manager prior to working the extra time.

For employees on E28 and above overtime or additional hours will not be paid. The minimum expectation is that working hours will be 37 hours per week (for full time employees). However, they may need to work longer hours without extra payment to meet the requirements of the post. Extra time worked at the request of management can be managed through this Policy.

## **3.0 Principles**

Employees are appropriately compensated for extra time worked and this policy and procedure is consistently applied by managers.

TOIL is compensation for extra time worked by an employee in excess of their contractual hours at the request of their manager.

Requests made by the manager for employees to work extra time should be on a voluntary basis and managers should ensure that all eligible employees have the opportunity to volunteer to work extra time where there is a business need.

Overtime or additional hours is not payable to employees on SCP29/bottom of Grade F and above or whose full time salary is equivalent to SCP29 and above, however, TOIL may be given for extra time worked in addition to contractual hours at the request of a manager.

Managers may wish to offer TOIL to employees for any extra time worked instead of receiving an overtime or additional hours payment, if eligible. Managers must inform employees if this is the case prior to extra time being worked.

TOIL accrued is equal to time actually worked and no enhancement of time must be authorised regardless of when the work is undertaken e.g. on a weekday, weekend or bank holiday.

Only Senior Managers (Principal/Headteacher) can authorise enhanced TOIL for dealing with one off emergency situations which may occur late at night, early hours of the morning and/or during the weekend. However, enhanced TOIL should not be given to employees for working extra time that is planned in advance, unless there are exceptional circumstances and agreed by the Senior Manager beforehand. Enhanced TOIL is discretionary and should not exceed time and a half.

The Trust recognises its duty to protect the health and safety of its employees by ensuring that they take adequate rest breaks and do not work excessive hours in any particular week as per the Working Time Regulations.

## **PROCEDURE**

### **5.0 Managers' Responsibilities**

Managers have the following responsibilities:

- To identify where there is a business need for an employee(s) to work extra time in order to deal with busy periods, a specific event or an emergency etc.
- To ensure that all eligible employees have an opportunity to volunteer to work extra time by providing information, with as much notice as is practicable, on the work required, how much extra time is required and when.
- To ensure that employees accurately record any TOIL accrued and taken on the TOIL recording and monitoring form - as per local procedure.
- To authorise and monitor employees' TOIL records.
- To ensure that employees are given reasonable opportunity to take any accrued TOIL within 3 calendar months.
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### **6.0 Employee Responsibilities**

It is the responsibility of the employee to accurately record extra time accrued and TOIL taken on the TOIL recording and monitoring form.

### **7.0 Working Time Regulations**

In accordance with the Working Time Regulations, all reasonable steps should be taken to ensure that an employee's average working time, including the accrual of TOIL, does not exceed 48 hours for each seven day period and allows for a minimum daily rest period. Where the Trust becomes aware that a member of staff is exceeding Working Time Regulations because of TOIL with the Trust or because of additional employment outside of the Trust, a meeting will be held with the employee to address this.

### **8.0 Accruing TOIL**

Accrual of TOIL is equal to time actually worked and no enhancement of time must be

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authorised regardless of when the work is undertaken e.g. on a weekday, weekend or bank holiday.

Employees in receipt of overtime or additional hours payment cannot accrue TOIL for the same time period(s).

Full time employees should not normally accrue more than 30 hours TOIL during a calendar month, pro-rata for part time employees.

TOIL cannot be claimed for individual periods of time less than 30 minutes per day.

Employees must record all extra time worked and taken on the TOIL recording and monitoring form.

TOIL is not intended to be used to accumulate extra leave or holiday entitlement.

### **9.0 Taking TOIL**

TOIL cannot be taken in advance of extra time being accrued and can never be a minus balance.

TOIL must be taken at times convenient to operational/business requirements and managers must authorise in advance of TOIL being taken.

TOIL may be taken as either full or part days i.e. in hours.

TOIL may be taken during core times, subject to operational/business needs of the department.

TOIL should be taken as soon as practicably possible after it has been accrued. If this is not possible it must be taken within 3 calendar months of being accrued. It is recognised that in exceptional circumstances a longer period may be required and this should be managed on an individual basis.

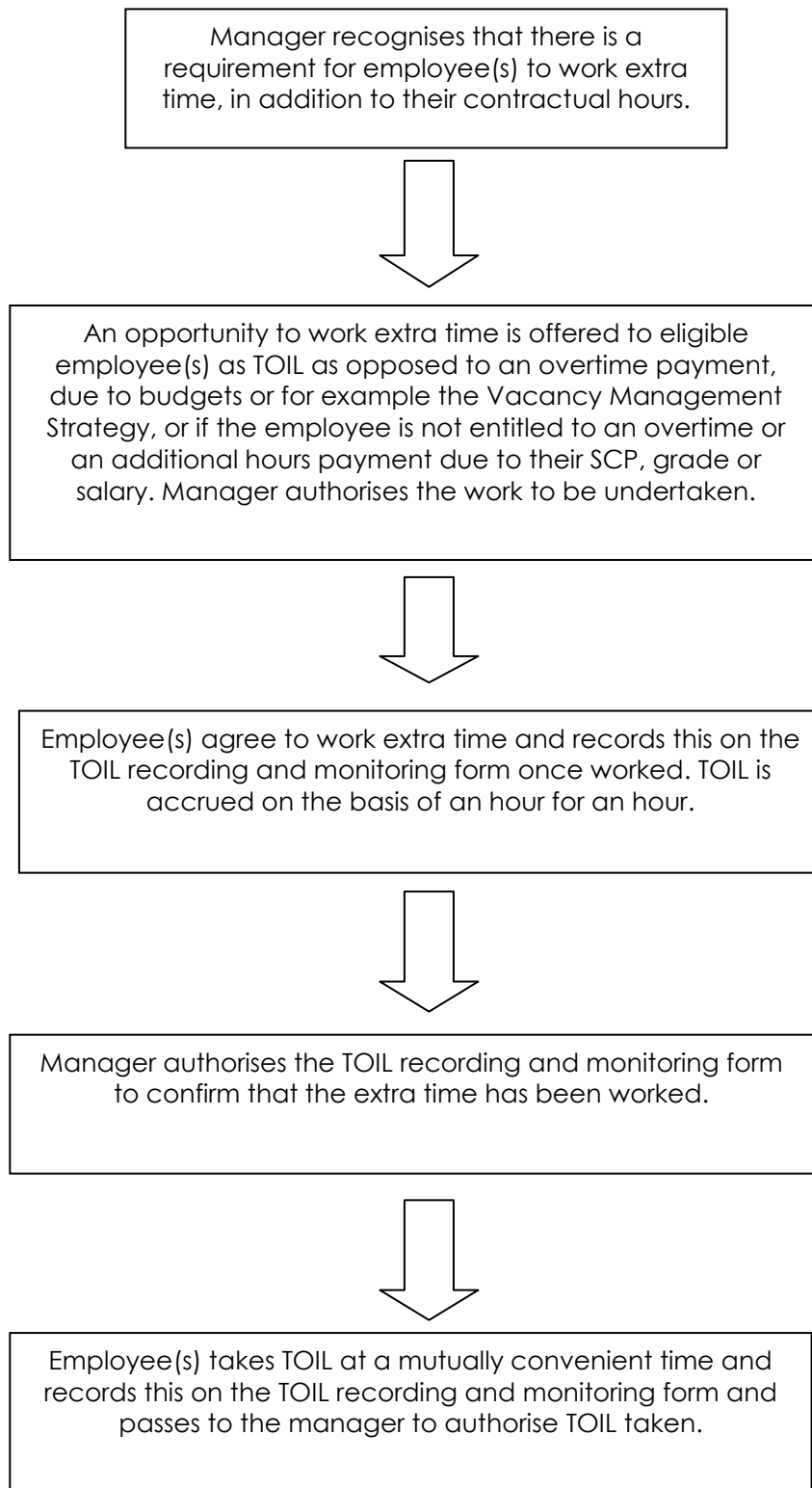
### **10.0 Abuse of TOIL**

Employees abusing this policy or falsifying records will be subject to disciplinary action under the Trust's Disciplinary Policy and Procedure.

### **11.0 Termination of Employment**

Employees leaving WeST employment need to ensure that any accrued TOIL has been taken as any untaken TOIL will not be paid.

## TOIL Process Flowchart



### POLICY HISTORY

<b>Policy Date</b>	<b>Summary of change</b>	<b>Contact</b>	<b>Version/ Implementation Date</b>	<b>Review Date</b>
September 2017	Publication	WeST	September 2017	Annually