

# EASTHAMPSTEAD PARK COMMUNITY SCHOOL



## Time off in Lieu Policy and Procedure (TOIL)

**This document does not form part of your contract of employment and may be changed from time to time in line with current best practice and statutory requirements, and to ensure that school needs are met.**

### Introduction

The success of the school is founded on the skills, energies and commitment of its employees. Some, on occasion, are required to work outside what are considered 'core' hours of work or beyond their contracted ours in order to meet the needs of the school. Without this goodwill and adaptability it would be impossible to provide a responsive service or cope with work demands.

On occasion, the hours worked by employees may exceed their contracted hours. This may be due to: evening meetings, weekend work, emergency call outs whilst on call, or there may be an occasional unplanned yet urgent need to extend the working day. TOIL allows staff to respond flexibly to unexpected service or personal needs as well as respond to the occasional need to vary the timings of the service provision, such as irregular meetings or seminars. In addition, if a member of staff has an unexpected commitment in their personal life not covered by the absence management policy, TOIL can be agreed and made up at a later date; examples being a request to attend a school meeting for a dependent which cannot be scheduled outside working hours or an emergency dentist's appointment.

### Aim of the policy

To promote fairness and equality; these guidelines provide guidance to employees and managers when actual hours of work are in excess of contracted hours of work.

### Who does this policy apply to?

Support staff

This policy does not apply to teachers and senior managers due to the nature of their work and contracts.

Support staff not accessing the flexi scheme.

### Objectives

- To clarify the different terms used.
- To outline the different processes available to employees to compensate their time and flexibility.
- To promote safety in the workplace by being able to track employees easily, especially those employees working outside traditional work hours.

### Outcome of the policy

That employees are appropriately compensated for any additional hours worked.

### Definition of Terms

Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours. There is no provision for overtime to be paid under TOIL.

Overtime Pay is defined as the additional pay claimed as a result of additional hours worked to contracted hours. It can be planned or occasionally unplanned. Unless an employee has a contractual entitlement to overtime or it has previously been authorised by the appropriate line manager any claim for overtime will not be considered.

For the purposes of operating this policy a month should be taken to mean 28 days

## Principles of the guidance

### Authorisation

The school recognises, by the nature of its work, that on occasion staff will be needed to work outside recognised working hours. However, the school also acknowledges its duty to protect the health and safety of its staff by ensuring they do not work excessive hours and that any additional hours are agreed in advance and monitored appropriately. It is a line manager's responsibility to oversee their team's workloads so that the work is done within a normal week.

Whenever possible, employees should not work additional hours and only then if it **has been agreed in advance by their Line Manager**. It is recognised that there are occasional exceptional circumstances, e.g. when an employee is delayed and is unable to contact the line manager, in which case authorisation in advance may not be possible.

TOIL is not a tool to be used to accrue time to enable additional days' leave to be taken. Most duties should be carried out as part of normal contractual working hours. TOIL is an exception rather than a routine occurrence. It is to ensure that when staff attend meetings, conferences or visits that extend beyond working hours, this time can be taken back. It also allows for staff to respond to crisis in their personal lives which fall outside the scope of the time off for dependent's policy and absence management policy.

TOIL should not \*result in changes to normal working arrangements for example every Friday afternoon becoming a TOIL afternoon or working through lunchtimes and leaving early each day.

*\* An exception may be made for a staff member with a specific medical need or condition.*

### Working Hours

Employees may not work more than 48 hours a week unless agreed by their line manager in accordance with the Working Time Regulations and by signing a 48-hour opt-out form. If any employee regularly works additional hours, then working hours may need to be formally amended to reflect this. Typically, no more than 1 day or the equivalent number of additional hours should be worked as TOIL in a month. This will apply on a pro rata basis for part-time staff. It is anticipated that where an employee works under the principles of the school's flexi time system that this will be the mechanism by which additional hours will be managed. The arrangement for flexi time is detailed in the relevant policy and procedure

### Record Keeping

Additional hours should be recorded on a Time off in Lieu Form (see appendix 1). The reason for any additional hours should be clearly stated. If the extra time worked is fifteen minutes or less, this does not need to be documented on a Time in Lieu Form (in order to avoid excessive form-filling) and should be dealt with informally by agreement with the line manager.

### Time off in Lieu - TOIL

Taking back any time in lieu must be agreed by a line manager according to service needs and should be recorded on a Time off in Lieu Form (see appendix 1). The line manager will submit the form monthly to the School Business Manager who will keep an overview of time taken.

Any time in lieu accumulated should be taken within 28 days\*. If this is not possible, the employee should inform their line manager and agree a suitable date for taking time back at the discretion of the manager. If not, the time will be lost.

Normally, no more than one day at a time should be taken back at once, at the discretion of the line manager. TOIL should not be used to extend a request for leave of absence in exceptional circumstances as the school has a separate procedure for requesting leave of absence. Taking back time owed in lieu should not be used as an alternative to taking annual leave. If an employee wishes to take TOIL in conjunction with annual leave (i.e. added at the beginning or end of such

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leave) the effect this will have on operational needs and staffing will need to be taken into consideration before agreement is given.

Part-time employees who may be attending meetings or training, as identified in their Appraisal, on days not usually worked, may use the Time off in Lieu Form to record additional hours worked. The same procedure should be followed for taking time back; any additional time worked or taken back should also be recorded on the TOIL Record Form.

*\*An exception to this may be staff who are part of the Inclusion team or the Cover team. As the Line Manager, the DHT or AHT Inclusion will need to ensure that the school can conduct its core business of teaching and learning, so may need to plan TOIL time with staff paying due regard to the quality of the support provided to the school each day and the need to fulfil statutory requirements linked to the provision of SEND.*

#### **Notes for managers accounting for TOIL**

- Staff must agree with you any time to be worked outside of normal working hours in advance. If this is not practical for any reason, staff must contact their line manager as soon as possible afterwards.
- Staff must obtain their manager's approval before taking any TOIL, in the same way that annual leave is approved.
- Managers will be responsible for completing TOIL record forms for each member of your team and submitting them to the School Business Manager so that an overview of each employee's credit and debit can be maintained.
- Staff should not accrue more than one day a month in TOIL, except in exceptional circumstances and with the prior consent of the Line Manager.
- TOIL must be taken within the same month as accrued. Lieu time accrued and not claimed within the agreed timeframe will be lost. (See additional circumstance for the AHT Inclusion).
- The accounting period will be each calendar month.
- Existing procedures will remain for all other authorised absences such as annual leave or sickness.
- On termination of employment all TOIL will be at zero balance. Employees will not be paid in lieu of accrued TOIL which has not been taken by the final day of employment. Any such accrued TOIL will be lost.

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Reviewed and Revised:

**June 2016**

Responsibility for Implementation and Review:

**Headteacher & Personnel Committee**

Date of Next Review:

**Autumn 2019**

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# Easthampstead Park Community School

## Time off in Lieu (TOIL) Record



Name: ..... Job Title: ..... Month reporting: .....

Date	Additional hours worked	Reason	Approved by Line Manager (Signature required)	TOIL Taken	
				Date	Hours

Employee's Signature: ..... Date: .....

Line Manager's Signature: ..... Date: .....

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## **Appendix 2**

### **FAQ relating to TOIL**

*What happens when you cannot get permission to do the overtime in advance?*

The policy recognises authorisation in advance may not always be possible. Permission should be sought retrospectively, and the form completed and submitted to your line manager.

*Is there an appeals policy if the manager does not authorise the TOIL request?*

The school does not have a formal appeal process. There is an expectation that TOIL will be agreed with your line manager.

*Who can authorise a requirement to work outside of core hours?*

Your line manager.

*Who can authorise TOIL?*

Your line manager.

*What happens if the TOIL is not authorised within 28 days by my line manager?*

The policy states that another suitable date will be agreed with the individual if it cannot be taken within the 28 days.

*Will there be a system to warn staff that TOIL needs to be taken?*

No, this is your responsibility to monitor your TOIL and request the time.

*What is going to happen to TOIL already accrued?*

This will need to be managed in conjunction with your line manager.

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