



# Time Off In Lieu Policy

This policy applies to support staff within the Trust

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## **Policy**

### **1.0 Introduction**

- 1.1 It is Ivy Education Trust's (IET) policy to ensure a consistent and fair approach with regards to Time Off in Lieu (TOIL) arrangements.
- 1.2 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, subject to the School's Leadership approval.

### **2.0 Scope and Eligibility**

- 2.1 This policy applies to all IET support staff where this Policy has been adopted but excluding teachers, regardless of the number of hours worked.
- 2.2 Employees on Spinal Column Point (SCP) 24/bottom of Scale 6 and above or whose full time salary is equivalent to SCP24 and above may be given TOIL if extra time is worked at the request of their line manager as they are not entitled to receive overtime or an additional hours payment.
- 2.3 Employees on SCP22/top of Scale 5 and below may request to accrue TOIL instead of receiving an overtime or additional hours payment and the manager should refer any reasonable request to the School's Leadership and obtain approval before agreeing a TOIL request with the employee. Employees must discuss this with their manager prior to working the extra time.

### **3.0 Principles**

- 3.1 Employees are appropriately compensated for extra time worked and this policy and procedure is consistently applied by line managers, in agreement with the School's Leadership.
- 3.2 TOIL is compensation for extra time worked by an employee in excess of their contractual hours at the request of their line manager.
- 3.3 Requests made by the line 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. Requests must be made to the School's Leadership and agreed in advance.

- 3.4 Overtime or additional hours is not payable to employees on SCP24/bottom of Scale 6 and above or whose full-time salary is equivalent to SCP24 and above, however, TOIL may be given for extra time worked in addition to contractual hours at the request of a line manager.
- 3.5 Line managers may wish to offer TOIL to employees for any extra time worked instead of receiving an overtime or additional hours' payment, if eligible. Line managers must inform employees if this is the case prior to extra time being worked.
- 3.6 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.
- 3.7 The School's Leadership 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 School's Leadership beforehand. Enhanced TOIL is at the discretion of the School's Leadership and should normally be given as time and a half.
- 3.8 There must be a clear case made that the employee cannot reasonably complete the additional work, or a proportion thereof, in their contracted hours.
- 3.9 IET 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.

## **Procedure**

### **4.0 Line Managers' Responsibilities**

Line Managers have the following responsibilities:

- 4.1 Where an identical need for TOIL arises on a regular basis, ie monthly or annually, the line manager is required to review the employee's contracted hours in conjunction with the employee and School's Leadership.
- 4.2 To identify where there is a school need for an employee(s) to work extra time in order to deal with busy periods, a specific event or an emergency etc.
- 4.3 To ensure that the School's Leadership has approved the request before confirming with the employee.
- 4.4 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.
- 4.5 To ensure that employees accurately record any TOIL accrued and taken on the TOIL recording and monitoring form, which may be obtained from the Trust People Team.
- 4.6 To authorise and monitor employees' TOIL records.
- 4.7 To ensure that employees are given reasonable opportunity to take any accrued TOIL within 3 calendar months.

## **5.0 Employee Responsibilities**

- 5.1 It is the responsibility of the employee to accurately record extra time accrued and TOIL taken on the TOIL recording and monitoring form, which may be obtained from the Trust People Team.

## **6.0 Working Time Regulations**

- 6.1 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.

## **7.0 Accruing TOIL**

- 7.1 Accrual of TOIL 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.
- 7.2 Employees in receipt of overtime or additional hours payment cannot accrue TOIL for the same time period(s).
- 7.3 Full time employees should not normally accrue more than 30 hours TOIL during a calendar month, pro-rata for part time employees.
- 7.4 TOIL cannot be claimed for individual periods of time less than 30 minutes per day.
- 7.5 Employees must record all extra time worked and taken on the TOIL recording and monitoring form, which may be obtained from the Trust People Team.
- 7.6 TOIL is not intended to be used to accumulate extra leave or holiday entitlement.

## **8.0 Taking TOIL**

- 8.1 TOIL cannot be taken in advance of extra time being accrued and can never be a minus balance.
- 8.2 TOIL must be taken at times convenient to school requirements and line managers must authorise in advance of TOIL being taken. A minimum of 2 weeks' notice must be given before TOIL can be taken.
- 8.3 TOIL may be taken as either full or part days i.e. in hours.
- 8.4 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. This must be approved, in advance of hours being accrued, by the School's Leadership.

## **9.0 Abuse of TOIL**

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

## **10.0 Termination of Employment**

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

## Appendix A - TOIL Process Flowchart

Manager recognises that there is a requirement for employee(s) to work extra time, in addition to their contractual hours.



Manager makes proposal to the School's Leadership



An opportunity to work extra time is offered to eligible employee(s) as TOIL as opposed to an overtime payment, due to budgets or for example a vacancy management strategy, or if the employee is not entitled to an overtime or an additional hours payment due to their SCP, grade, or salary. Manager authorises the work to be undertaken, subject to the School's Leadership agreement.



Employee(s) agree to work extra time and records this on the TOIL recording and monitoring form once worked. TOIL is accrued on the basis of an hour for an hour.



Manager authorises the TOIL recording and monitoring form to confirm that the extra time has been worked.



Employee(s) takes TOIL at a mutually convenient time within a 3 month period, and records this on the TOIL recording and monitoring form and passes to the Manager to authorise TOIL taken.

## POLICY AMENDMENT RECORD/HISTORY

Date	Summary of change	Contact	Version/ Implementation Date	Review Date (as required and latest)
	<p>A draft TOIL policy was communicated with the recognised Trade Unions on 7 December 2010.</p> <p>This policy was agreed with the recognised Trade Unions on 21 March 2011.</p>			
01-04-2011	New policy implemented as a result of the Employment Strategy and changes to payment for working overtime and promotion of TOIL.	P&S	1 April 2011	April 2012
01-04-2011	Note: Top of page 3 refers to the Vacancy Management Strategy whereby from 1 August 2010 all non-contractual overtime has ceased, subject to the discretion of the Chief Executive (or delegated officer) if there are exceptional circumstances. This paragraph and section 1.2 need to be reviewed if circumstances change.	P&S		
01-04-2011	Removed reference to vacancy management on page 3 and amended helpline contact details.	HR Direct	16 September 2015	
13-07-2017	Update to make clear authorisation of TOIL through HR officer/School's Leadership. Add clarity to when TOIL may be offered, and taken.		13 July 2017	
Jan 2020	Osprey V1 – Adopted by Trustees on 6 October 2020 wef September 2020.	JN	Sept 2020	Sept 2023
Sept 2023	Updated to reflect new name of Trust following merger. Updated to reflect current IET pay scale and amend terminology for school's leadership structure.	GH	Oct 2023	Sept 2026