



## **TIME OFF IN LIEU POLICY**

**This policy applies to support staff in schools**

**This Policy was adopted by the Board of Directors of Osprey Learning Trust on  
6<sup>th</sup> October 2020**

Version date: Feb 2020

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## POLICY

### 1.0 Introduction

- 1.1 It is Osprey Learning Trust's (OTL) 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,

Time Off In Lieu (TOIL) Policy Version  
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subject to the School's Leadership (Head Teacher / Principal / Executive Head Teacher's) approval.

## **2.0 Scope and Eligibility**

- 2.1 This policy applies to all OLT 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 Grade F 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 Grade E 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 HR Officer/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 HR Officer/School's Leadership and agreed in advance.
- 3.4 Overtime or additional hours is not payable to employees on SCP24/bottom of Grade F 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 OLT 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 Senior Admin Officer/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 HR Officer/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](#).
- 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](#).

## **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](#).

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 with 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.

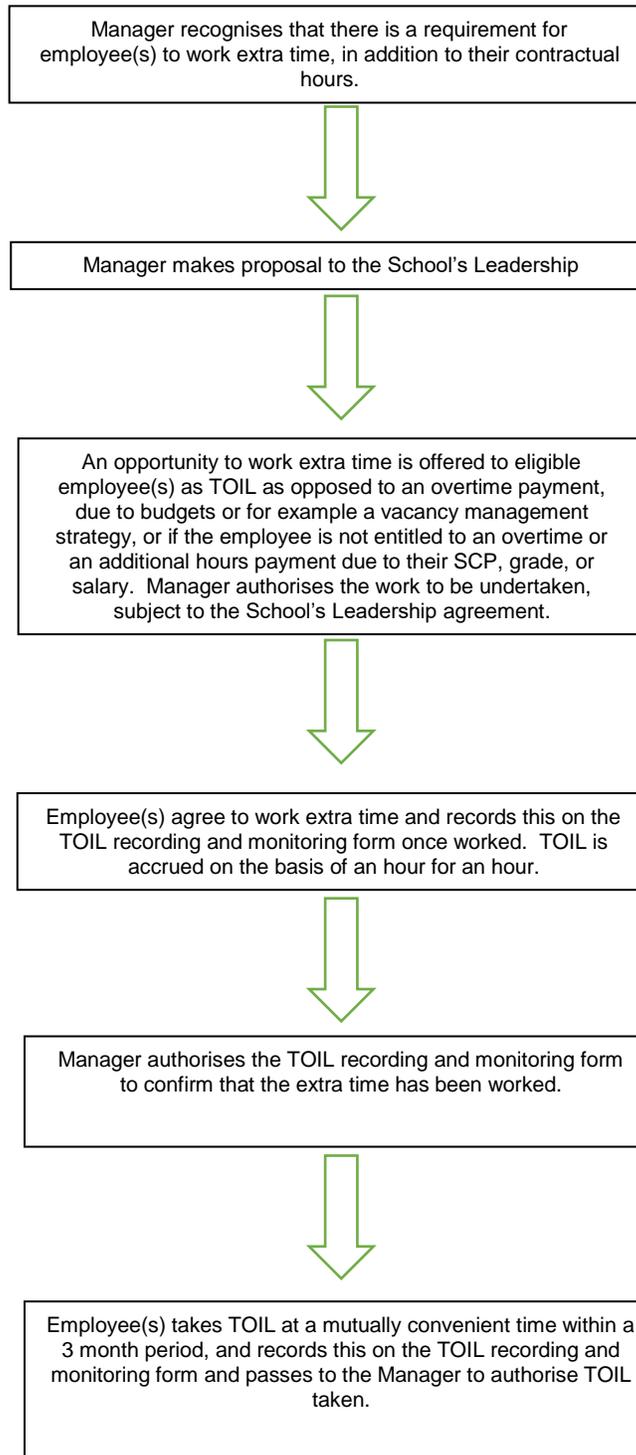
## **9.0 Abuse of TOIL**

- 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 OLT employment need to ensure that any accrued TOIL has been taken as any untaken TOIL will not be paid.

## Appendix A - TOIL Process Flowchart



## POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
	<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	<b>Note:</b> 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 needs 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	JN	Sept 2020	Sept 2023