



Time Off in Lieu (TOIL) Policy

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1. Aims and Objectives

- 1.1. The Trust acknowledges that the demands of the service can require colleagues to work extended hours of duty / additional hours above their weekly contracted hours to manage fluctuations in work requirements.
- 1.2. This policy provides a framework by which those hours, if not accommodated through flexible/agile working arrangements, will either be repaid as Time off in Lieu (TOIL) or paid as overtime.

2. Scope

- 2.1. This policy applies to all colleagues employed under Agenda for Change Terms and Conditions of Service.
- 2.3. Where line managers are referred to in this document, this also includes the Scheduling team who have equivalent authority for managing time for operational staff.

3 Principles

- 3.1. Time off in Lieu may apply in the following situations:
 - As an alternative to overtime payments for voluntary planned and approved overtime.
 - As an alternative to overtime payments due to compulsory overtime in the form of over-runs.
 - As an alternative to on-call call out payments.
 - On Call availability roster on a public holiday.
 - TOIL accrued hours on Rostered Bank Holidays
 - Excess travel time
- 3.2. Colleagues and managers must ensure that working extra hours will not breach the Working Time Directive regarding breaks, rest periods and average working hours per week. [Working Time Directive Policy](#)
- 3.3. Senior staff in pay bands 8 or 9 are not entitled to additional hours/ overtime payments, other than for work as a result of being called out whilst on-call or when their on-call or rostered shift falls on a bank holiday.

- 3.4. If a colleague transfers to a new role outside of their Service Area, accrued TOIL should be requested and taken prior to the transfer. If it is agreed by the new department to permit the accrued time of in lieu to be carried over to the new role, then the associated costs will be absorbed by the new department.
- 3.5. The Trust has a duty of care to ensure TOIL can be taken and that colleagues are given the opportunity to take their accrued TOIL, if they wish.

4. Responsibilities

4.1. Colleagues

It is the colleague's responsibility to:

- Ensure they accurately reflect the amount of time owing on their monthly timesheet.
- Apply for toil via the Trust procedure and using the relevant software system.
- Bring issues with TOIL to the attention of the line manager.

4.2. Managers / Scheduling

All managers are required to:

- Ensure that TOIL is managed in accordance with this policy.
- Not unreasonably refusing requests for TOIL. Where a refusal of TOIL is necessary, the manager will explain to the colleague the reasons for refusal.
- Respond to colleagues' request for TOIL in an appropriate and timely manner. Generally, this should be no later than 7 calendar days after receipt of the request, unless it is a short notice request for time back which should be responded to as soon as possible.
- Will ensure that the Working Time Regulations are not contravened.
- Must check individual's E-Timesheet to ensure the hours claimed as TOIL are correct prior to authorising.
- Managers will ensure time in lieu accruals are automatically paid upon the six-month expiry date.

5. Planned Overtime

- 5.1. Colleagues may request to take time off in lieu as an alternative to overtime payments. TOIL will be accrued at plain time rates e.g., one hour accrued for one additional hour worked.

- 5.2. All Colleagues rostered through GRS will have pre-planned overtime defaulted to an overtime payment. Colleagues who wish to receive TOIL as an alternative to the applicable overtime payment will be required to update their electronic timesheet to reflect this.

6. Compulsory Overtime

- 6.1. This will apply to an unavoidable/unplanned (enforced) event where colleagues are dispatched to a late incident or an incident that takes them over their scheduled shift end time, take an emergency or urgent call which they cannot walk away from at the planned end time for their shift; or whom have worked through their shift without an unpaid break within their planned hours for that shift.
- 6.2. It is recognised operational colleagues are more likely to have enforced (non-planned) overtime and, in these circumstances, cannot seek authorisation in advance.
- 6.3. TOIL will be at plain time rates e.g., one hour accrued for one additional hour worked.
- 6.4. Compulsory overtime should be entered onto the electronic timesheet and may be claimed as an overtime payment or TOIL.

7. On-Call

- 7.1. On-Call covering a public holiday will attract a day in lieu (7.5 hours, pro rata for part-time colleagues), irrespective of work done.
- 7.2. On-call call out (work done) should be entered onto the electronic timesheet and may be claimed as overtime payment, at the applicable rate, or TOIL. TOIL will be at plain time rates e.g., one hour accrued for one additional hour worked.

8. Excess Travel Time

- 8.1. There may be occasions where colleagues are required to attend a work-related activity at a location other than their contracted / nominal base. This may for example be for a training course or a temporary change due to organisational requirements. In such circumstances colleagues should agree with their line manager any difference in travel time that is not factored into the working day or part of a flexible working/ agile working agreement.

9. Requesting Time Back

- 9.1. The TOIL balance will be available to view through the GRS system, once the end of the month timesheet has been submitted and authorised.
- 9.2. Every effort will be made to accommodate requests for taking back time, including short-notice part days/ shifts, but as with annual leave, TOIL may only be taken at a time which is agreed by the line manager and where it does not have an adverse impact on service delivery.
- 9.3. Colleagues should aim to use their TOIL within six months of the month in which it is accrued. Where colleagues have been unable to take time off in lieu within the six months, they will be automatically paid at the applicable overtime rate, as set out in Agenda for Change Terms and Conditions (Section 3) [NHS Terms and Conditions of Service Handbook](#) and relevant to the pay band in which it was worked. Colleagues may convert TOIL to the applicable payment prior to the 6 months.

10. Fraud

- 10.1 Falsification of information (including the exaggeration or falsification of TOIL) will be investigated under the [Disciplinary Policy](#) and / or the [Anti Fraud and Bribery Policy](#). If the breach is so serious as to amount to a dishonest act and cause a financial loss to the Trust the matter may be referred to the Local Counter Fraud Specialist for investigation, which may lead to a criminal sanction.

11 Monitoring Compliance

- 11.1 The HR SLT is responsible for monitoring compliance with this policy. Human Resources (HR) will monitor the application of the policy and procedure through feedback from staff and managers. Feedback, legislature and changes to terms and conditions will be used to inform and improve policies, as well as provide recommendations for improving working practices. HR will provide relevant reports, based on this data, as required.

12. Audit and Review (evaluating effectiveness)

- 12.1 All policies have their effectiveness audited by the HR SLT at regular intervals, and initially six months after a new policy is approved and disseminated.
- 12.2 Effectiveness will be reviewed using the tools set out in the Trust's Policy and Procedure for the Development and Management of Trust Policies and Procedures (also known as the Policy on Policies).

- 12.3 This document will be reviewed in its entirety every three years or sooner if new legislation, codes of practice or national standards are introduced, or if feedback from employees indicates that the policy is not working effectively.
- 12.4 All changes made to this policy will go through the governance route for development and approval as set out in the Policy on Policies.

14. References

- [NHS Terms and Conditions of Service Handbook](#)
- [Working Time Regulations](#)

15. Financial Checkpoint

- 15.1. To ensure that any financial implications of changes in policy or procedure are considered in advance of document approval, document authors are required to seek approval from the Finance Team before submitting their document for final approval.
- 15.2. This document has been confirmed by Finance to have no unbudgeted financial implications.