TIME OFF IN LIEU (TOIL) & OVERTIME

GUIDANCE AND PROCEDURES

POLICY

Effective Date: February 2016

Last Reviewed: July 2020

Reviewed by: Karen Hayward

Next Review Date: July 2021

1. Introduction

This document applies to all staff employed under NJC terms and conditions. It does not form part of a contract of employment and may be changed from time to time in line with current best practice and statutory requirements and to ensure that business needs are met. Staff will be consulted and advised of any changes as far in advance as possible of the change being made, unless the change is required by statute.

2. Purpose

The success of the school is founded on the skills, energies and commitment of its employees. On occasions, staff may be required to work outside their contracted hours in order to meet the needs of the school. Without this flexibility it would be difficult to provide a responsive service or cope with work demands.

However, the school also recognises its duty as an employer to protect the health and safety of its staff by ensuring that they do not work too many hours and that they are recompensed by taking time off in lieu (TOIL) or overtime for any extra time that they do have to work.

This document provides a clear framework which outlines the schools expectations in relation to working hours and to explain the method for recording and monitoring hours worked.

3. What is TOIL?

Lieu time is time off which can be taken in *lieu* of (i.e. instead of) overtime pay, for hours worked beyond core hours of work **where the additional hours have been pre-agreed and are at the schools request.**

Examples of when TOIL can be accrued include:

- Meetings occur during lunch time, or outside your core hours, where your attendance is essential
- There is a need to work after or before your normal working hours to complete an urgent report or important, time critical work, this time is logged and taken back within an agreed timeframe.
- Attendance at school events such as new intake or parents evening, where your attendance is essential
- Training courses held outside of school hours
- Essential work during school holidays which cannot be carried out during term time (such as work linked to exam results days)

In addition, if a staff member has *an unexpected* commitment in their personal life, time off can be agreed and made up at a later date.

4. General Principles - TOIL

- It is expected that most duties will be carried out as part of normal contractual working hours.
- TOIL is an exceptional rather than a routine occurrence.
- Staff must agree with line managers any time to be worked outside of normal working hours in advance. If this is not practical for any reason, staff must contact their manager as soon as possible afterwards.
- TOIL is not a tool to be used to accrue time to enable extra days leave to be taken.
- TOIL should not result in changes to normal working arrangements, for example every Friday afternoon becoming a 'TOIL' afternoon, or working through lunch times and leaving work early each day.
- The scheme must be utilised in the best interests of the school. This requires co-operation between staff and managers to ensure adequate cover is provided as necessary. This will be explained to staff upon appointment.

- Some staff may be excluded by the nature of their workload, or variations agreed for operational reasons.
- Any long term variations to agreed working patterns will be subject to negotiation.
- The success of the scheme is based on trust. Any member of staff who is found to have abused the TOIL scheme may have it withdrawn and be subject to disciplinary action up to and including dismissal.

5. Rules on Accruing and Taking TOIL

- Staff must obtain their managers approval before taking any TOIL using the recording card at Appendix A.
- Employees will be responsible for completing their own TOIL recording card. This will be kept by the employee, signed and passed to the line manager/supervisor for agreement at each credit/debit. The recording card should be readily available for managers to see at any time.
- Staff will not accrue more than one day in TOIL in each month, except in exceptional circumstances and with prior consent of their line manager.
- Existing procedures will remain for all other authorised absences, such as annual leave, sickness, compassionate leave.
- On termination of employment, all TOIL must be at a zero balance. Employees will not be paid in lieu of accrued TOIL which has not been taken by the final date of employment. Any such accrued TOIL will be lost.
- Time off must be equal to time actually worked: i.e. there is no provision for time-and-a-half, double time, etc. – if you work two hours, you can claim two hours TOIL, regardless of whether the occasion is evening or weekend.

6. Procedure to be followed by line managers TOIL

Managers must ensure that:

- Record sheets are accurately completed by staff and that staff are not claiming addition hours or overtime in respect of hours claim as TOIL.
- TOIL is not accrued unnecessarily or taken in such a way that there is an unduly adverse effect on services.
- Additional hours are not recorded in respect of normal workload or tasks which should reasonably have been undertaken during normal working hours.
- Managers should sign each entry where additional hours have been pre-agreed and worked, which may be taken as TOIL.

7. Overtime Rules

- The School's policy is that overtime is only payable in operational circumstances and staff are not normally expected to work overtime. However, the School recognises that there will be some occasions and circumstances when some staff will be asked to work beyond their normal hours **where the additional hours have been pre-agreed and are at the schools request.**

Examples of when may be required include:

- meetings occur during lunch time, or outside your core hours, where your attendance is essential
- there is a need to work after or before your normal working hours to complete an urgent report or important, time critical work
- Attendance at school events such as new intake or parents evening, where your attendance is essential
- Training courses held outside of school hours
- Essential work during school holidays which cannot be carried out during term time (such as work linked to exam results days)
- Covering staff absence or a vacancy for a temporary period of time

- Overtime arrangements for job roles, such as cleaners, where overtime is a regular requirement, will continue.

- On occasions when there is a need to work extra hours, individuals should be consulted as to whether they are willing to work the extra time.

- Overtime will only be payable in operational circumstances and will be at the discretion of the Executive Principal in all cases.

8. Overtime Procedure

- If an occasion arises when it is necessary to work extra hours, these may only be undertaken once the Executive Principal's agreement has been secured either directly or via Line Manager or SLT link.

- The Executive Principal will then agree for arrangements for overtime to be payable. This option will only be available when there are exceptional operational circumstances.

- *For full-time staff, overtime will be paid at time and half for weekdays and Saturdays, and double time for Sundays & Public Holidays.

- For part-time staff overtime will be paid at the normal hourly rate unless the total hours worked exceeds 37 hours per week, 52 weeks per year. If the total hours worked does exceed 37 and 52 weeks per year, then overtime arrangements will apply as detailed as above*.

- Timesheets should be completed by staff members, signed by their line manager and submitted to the finance office for final approval by the Executive Principal in line with payroll deadlines.

Please remember all staff must have at least a 30 minute unpaid break if they work for six hours or more each day.

Appendix A

Name	
Line Manager	

Date	**Purpose of: Hours worked or TOIL taken**	**Hours worked (+)**	**TOIL taken (-)**	**Net Hours**	**Line Managers comments/signature**