



Shapinsay Development Trust

TIME OFF IN LIEU POLICY AND PROCEDURE

Introduction

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 business needs are met. You 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.

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

However, the employer also recognises its duty 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) for any extra time that they do have to work. This policy seeks to set out both a definition of the TOIL system and some guidelines for its implementation.

What is TOIL?

Lieu time is time off which you are allowed to take in *lieu* of (i.e. instead of) overtime pay for hours worked beyond the working day (i.e. evenings and weekends). Under no circumstances can overtime be paid other than in time off, and all references to "overtime" in this document mean unpaid overtime.

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 service provision, such as irregular weekend workshops or seminars.

For example, if a meeting occurs during lunch time, or there is a need to work after or before your normal working hours to complete an urgent report or to attend a meeting, this time is logged and taken back within an agreed timeframe. [Please remember all staff must have at least a 20 minute break if they work for six hours or more.]

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.

General Principles

- TOIL is not a tool to be used to accrue time to enable extra days leave to be taken. Most duties should be carried out as part of normal contractual working hours.
- TOIL is an exceptional rather than a routine occurrence. It is to ensure that when Staff attend meetings, conferences or visits that extend beyond normal working hours, this time can be taken back. It also allows for staff to respond to crises in their personal lives.
- 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 effective service provision. This requires co-operation between staff and managers to ensure adequate cover is provided as necessary.

- It is not envisaged senior managers will access TOIL due to the nature of their workload.
- Some staff may be excluded by the nature of their workload, or variations agreed for operational reasons.
- 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.

Rules on Accruing and Taking TOIL

- Staff must agree with 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.
- Staff must obtain their managers approval before taking any TOIL, in the same way that annual leave is approved.
- Employees will be responsible for completing their own TOIL recording sheet. This will be kept by the employee, signed and passed to the line manager/supervisor for agreement at each credit/debit. The recording sheet 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.
- TOIL must be taken within the same month as accrued unless agreed in advance with the line manager. Lieu time accrued and not redeemed as outlined will be considered lost.
- The accounting period will be each calendar month.
- Existing procedures will remain for all other authorized 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.

Related Policies and Procedures

- Disciplinary Procedure
- Health and Safety Policy
- Family Care Leave Policy

Implementation Date: _____

Review Date: _____

Signed: _____

(for and on behalf of the Management Committee)