

TIME OF IN LIEU POLICY

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AUTHOR:	Deputy Director of HR & Communications
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POLICY SUMMARY

The Trust aims to ensure that there are sufficient resources to undertake normal duties within the normal working day, however, recognises that there will be occasions where employees may be required to work outside their normal hours. In line with Agenda for Change Terms & Conditions the Trust aims to support the Time off in Lieu facility and this policy supports the facilitation of this.

The Trust monitors the implementation of and compliance with this policy in the following ways;

This policy will be subject to review as per agreed review schedule of Trust HR policies and as agreed by the Trust's Partnership Committee.

Services	Applicable	Comments
Trustwide	✓	
Essex MH&LD		
CHS		

**The Director responsible for monitoring and reviewing this policy is
Director of Corporate Governance & Strategy**

ESSEX PARTNERSHIP UNIVERSITY NHS FOUNDATION TRUST

TIME OFF IN LIEU POLICY

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Assurance Statement

This policy provides assurance to the Trust that we have a process in place to ensure that there are sufficient resources to undertake normal duties within the normal working day. However we recognise that there will be occasions where employees may be required to work outside their normal hours and at these times time off in lieu may be agreed.

This is balanced with the duty to comply with the Working Time Regulations and protect the health & safety of its employee by ensuring that excessive hours are not worked and that any additional hours which are worked are usually agreed in advance and monitored appropriately.

The policy has been developed to ensure that the Trusts values; compassionate, empowering and open are being adhered to at all times.

1.0 INTRODUCTION

1.1 The Time Off in Lieu (TOIL) covers all staff on Agenda for Change Bands 1 to 7 who are eligible for overtime payments.

Senior Managers on Band 8a and above are not entitled to overtime payments and therefore cannot claim TOIL. There is no provision for Bank Workers to claim TOIL as they are paid for the time they work.

1.2 For the purposes of this policy, TOIL is defined as accrued time which has been agreed with their manager, that employees are allowed to take off for time that they have previously worked in addition to their contracted hours. The Trust acknowledges the professional nature of its workforce and as a result, TOIL is not intended as a method to accumulate additional leave or replace effective and flexible departmental working practices.

1.3 TOIL should be used as the main method of dealing with both unplanned events/emergencies and the management of any occasional/temporary planned activities which require additional staffing hours.

1.4 In accordance with the NHS terms and conditions of service staff are entitled to request time off in lieu (TOIL) as an alternative to receiving a payment for additional time worked. The introduction of this Policy will ensure that TOIL is managed effectively, fairly and transparently.

2.0 DEFINITIONS

TOIL – Time off in lieu for hours worked over and above contracted hours at the agreement of their line manager, to be taken back at a mutually agreeable time but within 3 months.

3.0 PRINCIPLES

- 3.1 It is expected that staff are able to complete their job within their contracted hours. However, whilst it is not encouraged, it is recognised that on occasions staff may need to work additional time, thereby accruing TOIL.
- 3.2 It is the line manager's responsibility to ensure that staff do not regularly exceed their contracted hours. If there is an indication that this is the case, it is the manager's responsibility to address the issue with the member of staff in order to at least reduce the amount of additional time being built up.
- 3.3 Staff should recognise their own responsibility in ensuring that the correct procedures are followed with regard to accruing and taking back of TOIL. Staff should always operate in full consideration of the needs of the service and colleagues within their team.
- 3.4 Working additional hours (i.e. accruing TOIL) must always be agreed with the line manager or the senior appointed person who has responsibility for authorising the attendance recording timesheet/return.
- 3.5 The 1998 Working Time Regulations (amendment) 2003 sets out the regulations regarding working hours for staff. For further information refer to the Trust's Working Time Policy & Procedure.

4.0 MONITORING OF IMPLEMENTATION AND COMPLIANCE

- 4.1 The policy will be reviewed at intervals of not more than three years by the Human Resources department, and may be reviewed earlier in light of any changes to agenda for change terms and conditions and relevant legislation.

5.0 REFERENCE TO OTHER TRUST POLICIES/PROCEDURES

- 5.1 This policy and procedure must be used in conjunction with the following policies and procedures:
- Time out for Trade Union Duties
 - Training and Study Leave
 - Working Time Regulations
 - Sickness Absence Policy & Procedure
 - Conduct & Capability Policy & Procedure
 - Leave
 - Flexible Working

END