

Time Owing / Time off in lieu (TOIL)

Unique Identifier:	CORP/POL/548				
Version Number:	2				
Type of Update / Status:	Ratified with Minor / No Technical Changes				
Divisional and Department:	Human Resources				
Author / Originator and Job Title:	Eleanor Palmer-Rigby, HRBP Maggy Heaton, RCN representative				
Replaces:	CORP/POL/548, Version 1, Time Owing / Time off in lieu (TOIL)				
Description of amendments:	Removed paragraph regarding contacting the bleep holder before any unplanned time owing is taken to ensure that the staff member is not required to assist in another ward / area / locality				
Approved by:	Jayne Taylor, HR Manager (12 month review provided as this has not been reviewed by a meeting)				
Approved Date:	21/02/2020				
Issue Date:	21/02/2020				
Review Date from Date of Approval:	1 Year <input checked="" type="checkbox"/> 21/02/2021	2 Years <input type="checkbox"/>	3 Years <input type="checkbox"/>	4 Years <input type="checkbox"/>	5 Years <input type="checkbox"/>

Version Control Sheet			
This must be completed and form part of the document appendices each time the document is updated and approved			
Date dd/mm/yy	Version	Author	Reason for changes
21/02/20	2	Eleanor Palmer-Rigby, HRBP Maggy Heaton, RCN representative	General review

Consultation / Acknowledgements with Stakeholders		
Name	Designation	Date Response Received
John Marsden	Local Counter Fraud Specialist	
Jayne Taylor	HR Manager	December 2019
Carol Higgins	Matron	December 2019
Mark Selby	Manager	December 2019

1 Introduction / Purpose

To ensure staff have a healthy balance between home and work life, time accrued is taken back at the convenience of the service and the individual and as soon as possible after it has been accrued.

2 General Principles / Target Audience

This Policy applies to all staff employed by Blackpool Teaching Hospitals NHS Foundation Trust. The term “staff” is a collective term that includes full time, part time or temporary staff.

3 Definitions and Abbreviations

E-Roster Electronic time management system

TOIL Time off in lieu

4 Policy

Time owing is time that is worked in excess of contracted hours. This must be 15 minutes or more at the start or end of a staff member’s rostered shift or their usual hours of work and where there is an operational requirement. This Policy is to be viewed separately to the Trust’s Work Life Balance Policy (BTHFT - Procedure, 2016) in regards to flexible working hours, and should be viewed in conjunction with the National Terms and Conditions.

All time accrued must be accurately recorded and in a timely manner, via an electronic or manual system and must be authorised by the employees Line Manager. Irrespective of the method of recording it is the staff member’s responsibility to ensure that the accrual and subsequent taking of time off in lieu is authorised by line management, Appendix 1 provides a generic Trust wide TOIL form. Any discrepancies must be discussed and resolved by the Line Manager and the member of staff at the earliest opportunity. Any adjustment to accumulated time owing and/or time owed can only be authorised by the Line Manager.

Line Managers should not normally allow the deficit/accrual of more than 15 hours time owing. Where the maximum accrual is reached it is the responsibility of the Line Manager and member of staff to take the necessary action to reduce the time owing, to not further exceed the maximum amount or to arrange payment to staff in accordance with Agenda for Change (Section 4.5).

Staff have a responsibility to accurately record all time worked. Additionally staff must inform line management in circumstances where excess hours need to be worked in order to meet the needs of the service.

Staff are contracted to work a specified number of hours per week, and in line with Trust Policy, staff who work a shift of more than 6 hours are expected to take a break of at least 30 minutes. Any unpaid breaks not taken must be the exception and not the rule, and authorised by the appropriate line manager.

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Line managers have a responsibility for ensuring staff take their allocated break and such breaks are recorded on timesheets or via e-roster. If a staff member works through their break, the break cannot be added onto the start or end of the working day.

Where it is necessary to work more than the contracted hours and it is predictable e.g. evening clinics, it is expected that where possible reduced hours will be worked during the working day or working hours adjusted accordingly for the week.

In the event that it is not possible to reduce working hours, lieu time may be accrued, following prior discussion with and authorisation by the appropriate manager.

Where it is necessary to work more than the contracted hours and it is unpredictable e.g. an unplanned visit / staff shortages, the appropriate manager should be notified as soon as possible after the hours have been incurred.

Study days should, where possible, form part of staff contracted hours, where this is not possible; study leave will accrue time owing only after agreement with the Line Manager.

Those staff with accrued time owing may leave or be requested by their Line Manager to leave a shift early, if the service allows in order to reduce time owing. In all cases this must be agreed with the employee and authorised by Line Managers. It must be accurately recorded on approved documentation. Appendix 1 provides a generic Trust wide TOIL form.

If the service allows, it may be possible for time owing to be taken as a full or half day / shift. Where possible this should be via written authorisation, where this is not possible verbal authorisation may be given and written/electronic authorisation obtained retrospectively.

Staff requiring regular time off for family commitments, should refer to the Work Life Balance policy CORP/POL/521 (BTHFT - Procedure, 2016). Staff must not intentionally accumulate hours in order to take full or half shifts on a regular basis.

In accordance with Agenda for Change, (Section 4.5) where staff are unable to take time off in lieu within three months for operational reasons this will be paid as overtime at the appropriate rate.

Time Off In Lieu cannot be accrued for work conducted at home, without the explicit authorisation of line management. In requesting authorisation for accrual of such time, the staff member must give the rationale for such work to be performed at home, prior to the work being conducted.

Staff who use a manual paper recording system, must ensure that all such paperwork is submitted to line management on a weekly/monthly basis, to ensure assurance in relation to audit purposes.

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4.1 Office Based Staff

Core office hours must match the needs of the particular service. These hours must be agreed in advance to meet the needs of each specific team / individuals. Generally these core hours are between 08:00 – 18:00 hours however these can be adjusted to meet service needs (e.g. 07.30 – 16.30 hours where meeting/training preparation may be required).

4.2 Suspicion of Fraudulent Activity

In order for the Trust's Time Owing Guideline to be successful, there has to be an element of trust between Blackpool Teaching Hospitals NHS Foundation Trust and the member of staff.

However, any suspicion of fraudulent activity will be referred to the Trust's Counter Fraud Specialist for investigation, in accordance to the Trust's Counter Fraud and Corruption Policy, CORP/POL/136 (BTHFT - Procedure, 2017).

5 References and Associated Documents

BTHFT - Procedure, 2016. *Work-Life Balance*. [Online]
Available at: <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-521.docx>
[Accessed 29 01 2020].

BTHFT - Procedure, 2017. *Fraud, Bribery and Corruption Policy*. [Online]
Available at: <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-136.pdf>
[Accessed 20 01 2020].

BTHFT - Procedure, 2018. *European Working Time Directive (EWTD)*. [Online]
Available at: <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-221.docx>
[Accessed 10 02 2020].

NHS Employers, 2020. *NHS Terms and Conditions of Service*. [Online]
Available at: <https://www.nhsemployers.org/pay-pensions-and-reward/agenda-for-change/nhs-terms-and-conditions-of-service-handbook>
[Accessed 18 02 2020].

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Appendix 1: Generic timesheet

RECORD OF ADDITIONAL HOURS WORKED – TIME IN LIEU (TOIL)

Name:

Division:

Place of work:

Job Title: Band:

Contracted hours:

Date	Hours Worked	Reason for additional hours worked/taken	Time Worked	Time Taken	Line Manager authorisation	TOIL Balance
Example 3/6/15	0800 - 1800	Clinic over ran	+ 2 hours	0	(Signature)	= 2
					BALANCE	

Please record times using the 24 Hour clock system

Declaration: - I declare that the information I have given on this form is true, factually correct and complete. I confirm that I have worked the above stated hours in full. I understand that if I knowingly provide false information this may result in disciplinary action and I may be liable for prosecution and civil recovery proceedings.

Signature of Employee: Date:

Certified by: (Line Manager) Date:

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Appendix 2: Equality Impact Assessment Form					
Department	Organisation Wide	Service or Policy	CORP/POL/548	Date Completed:	January 2014
GROUPS TO BE CONSIDERED					
Deprived communities, homeless, substance misusers, people who have a disability, learning disability, older people, children and families, young people, Lesbian Gay Bi-sexual or Transgender, minority ethnic communities, Gypsy/Roma/Travellers, women/men, parents, carers, staff, wider community, offenders.					
EQUALITY PROTECTED CHARACTERISTICS TO BE CONSIDERED					
Age, gender, disability, race, sexual orientation, gender identity (or reassignment), religion and belief, carers, Human Rights and social economic / deprivation.					
QUESTION	RESPONSE		IMPACT		
	Issue	Action	Positive	Negative	
What is the service, leaflet or policy development? What are its aims, who are the target audience?	The Procedural Document is to ensure that all members of staff have clear guidance on processes to be followed. The target audience is all staff across the Organisation who undertakes this process.	Raise awareness of the Organisations format and processes involved in relation to the procedural document.	Yes – Clear processes identified		
Does the service, leaflet or policy/ development impact on community safety	Not applicable to community safety or crime	N/A	N/A		
<ul style="list-style-type: none"> • Crime • Community cohesion 					
Is there any evidence that groups who should benefit do not? i.e. equal opportunity monitoring of service users and/or staff. If none/insufficient local or national data available consider what information you need.	No	N/A	N/A		
Does the service, leaflet or development/ policy have a negative impact on any geographical or sub group of the population?	No	N/A	N/A		
How does the service, leaflet or policy/ development promote equality and diversity?	Ensures a cohesive approach across the Organisation in relation to the procedural document.	All policies and procedural documents include an EA to identify any positive or negative impacts.			
Does the service, leaflet or policy/ development explicitly include a commitment to equality and diversity and meeting needs? How does it demonstrate its impact?	The Procedure includes a completed EA which provides the opportunity to highlight any potential for a negative / adverse impact.				
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	Our workforce is reflective of the local population.				
Will the service, leaflet or policy/ development	N/A				
<ul style="list-style-type: none"> i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces? 					
Does the service, leaflet or policy/ development promote equity of lifelong learning?	N/A				
Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health?	N/A				
Does the service, leaflet or policy/ development impact on transport? What are the implications of this?	N/A				
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	N/A				
Are there any groups for whom this policy/ service/leaflet would have an impact? Is it an adverse/negative impact? Does it or could it (or is the perception that it could exclude disadvantaged or marginalised groups?	None identified				

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Does the policy/development promote access to services and facilities for any group in particular?	No			
Does the service, leaflet or policy/development impact on the environment	No			
<ul style="list-style-type: none"> • During development • At implementation? 				
ACTION:				
Please identify if you are now required to carry out a Full Equality Analysis		Yes	No	(Please delete as appropriate)
Name of Author: Signature of Author:	Eleanor Palmer-Rigby	Date Signed:		October 2019
Name of Lead Person: Signature of Lead Person:	Eleanor Palmer Rigby	Date Signed:		October 2019
Name of Manager: Signature of Manager	Lesley Smith Payne	Date Signed:		October 2019

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