

Time Owing Policy

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Divisional and Department:	HR & OD – Workforce Advisory				
Author / Originator and Job Title:	Alan Rigby, HR Manager				
Replaces:					
Description of amendments:	Clarified scope of the policy and added in measures to improve best practice.				
Approved by:	Joint Negotiating Consultative Committee				
Approved Date:	23/01/2024				
Issue Date:					
Review Date from Date of Approval:	1 Year <input type="checkbox"/>	2 Years <input type="checkbox"/>	3 Years <input checked="" type="checkbox"/> 23/01/2027	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
15/05/21	2.1		Review date extended by six months
23/02/21	3	Lauren Newton, HR Advisor Lucy Barker, HR Advisor Rachel Hook, HR Advisor	General review – minor amendments
	4	Alan Rigby, HR Manager	General review

Consultation / Acknowledgements with Stakeholders		
Name	Designation	Date Response Received
John Marsden	Local Counter Fraud Specialist	August 2023
Tina Daniels	Equality and Diversity Lead	
HR Policy Forum Group	Staff Side/Management	December 2023

1.0 Introduction / Purpose

- 1.1 The Trust acknowledges that on occasion, the demands of the service will require that employees will have to work extended hours of duty for which they may accrue time owing as agreed by both parties as an alternative to overtime.
- 1.2 The provisions of this policy offer a framework by which the accrual and redemption of time owing can be fairly and sensibly managed for the benefit of the staff and the service.
- 1.3 It is the responsibility of the local manager to ensure that time owing is kept to a minimum and that, wherever possible, staff are able to complete their span of duty at the correct time.
- 1.4 This Policy will also help ensure staff have a healthy balance between home and work life, and that time accrued is taken back at the convenience of the service and the employee and as soon as possible after it has been accrued.

2.0 Scope

- 2.1 This Policy applies to all staff employed by Blackpool Teaching Hospitals NHS Foundation Trust for Band 2-7, in line with the national Agenda for Change. The term “staff” is a collective term that includes full time, part time or temporary staff.

3.0 Definitions and Abbreviations

- Time owing is defined as a period of time worked by the employee for which they have yet to receive either payment or time off in lieu (TOIL)
- Time owed is defined as a period of time where an employee has not fulfilled their contracted hours.
- Healthroster / Employee Online - Electronic time management system
- TOIL - Time off in lieu

4.0 Policy

- 4.1 Time owing, or owed, is time that is worked in excess or deficit of contracted hours. This must be recorded in 5-minute blocks 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 (1) in regard to flexible working hours, and should be viewed in conjunction with the National Terms and Conditions.
- 4.2 All time accrued, or owed, must be accurately recorded and in a timely manner, via Healthroster / Employee Online and must be authorised by the employees Line

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Manager. It is the staff member's responsibility to ensure that the accrual / deficit and subsequent taking of time off in lieu / working additional duties is authorised by line management. 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.

- 4.3 Line Managers should not normally allow the deficit/accrual of more than 15 hours' time owing (pro rata for part time staff). This must be monitored on Healthroster on a weekly basis prior to finalising. 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.
- 4.4 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. Employees must discuss any discrepancies with their Line Manager in the first instance.
- 4.5 In exceptional circumstances, where Healthroster cannot be updated in 'real time' an alternative electronic record (i.e. work outlook calendar) must be kept and must match any local corresponding records, for example, a ward off duty. Appendix 1 provides a generic Trust wide TOIL form, to be used in exceptional circumstances, as a short-term measure, if the staff member does not have access to a computer. However, this alternative record should be provided to management and transferred onto Healthroster at the earliest opportunity, or by midday on the following Monday at the latest, to ensure assurance in relation to audit and pay purposes.
- 4.6 If an alternative record is used as the initial method of recording positive and negative amendments to a staff member's attendance, this must be detailed in the Healthroster notes. It is also recommended that Line Managers conduct regular spot checks to ensure alignments between alternative and Healthroster records.
- 4.7 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.
- 4.8 Line Managers have a responsibility for ensuring staff take their allocated break and such breaks are recorded on timesheets or via Healthroster. If a staff member works through their break, the break cannot be added onto the start or end of the working day.
- 4.9 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.
- 4.10 If it is not possible to reduce working hours, time owed to the Trust may, in exceptional circumstances, be accrued, following prior discussion with and authorisation by the appropriate manager.

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- 4.11 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.
- 4.12 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. If the Study day takes place on a 7.5 hour standard working day, but does not last the full 7.5 hours, the health roster should be amended to the actual length of the study day.
- 4.13 Those staff with accrued time owing may, in agreement with their Line Manager, 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 Healthroster or approved documentation and shown with an appropriate "Note" detailing the amendment on Healthroster.
- 4.14 If the service allows, it may be possible for time owing to be taken as a full or half day / shift. This should be recorded on Healthroster following Line Manager authorisation prior to the time owing being taken.
- 4.15 Staff requiring regular time off for family commitments, should refer to the Work Life Balance Policy CORP/POL/521 (1).
- 4.16 Staff must not intentionally accumulate hours in order to take full or half shifts on a regular basis. Additional hours that result in accrual of time owing must be to the services benefit and be approved with the line manager prior to the hours work, unless the requirements is unpredictable.
- 4.17 In accordance with Agenda for Change, (Section a3.5) where staff between bands 2 to 7 are unable to take time off in lieu within three months for operational reasons this will be paid as overtime at the appropriate rate. It is recognised that there is an expectation that comes with the seniority of the role, that staff in Bands 8 and 9 are likely to work reasonable additional hours from time to time. TOIL may be granted for some hours where these hours are considered by their line manager to becoming excessive, to allow the employee to rest and recover from a period of long working hours. There should not be an expectation that employees in these bands routinely take additional hours back as TOIL.
- 4.18 With staff increasingly "working from home", it is essential that staff work to their contracted hours and record the daily start and end times accurately, ensuring breaks are recorded. Any additional, or shortfall, in the time worked must be appropriately recorded and discussed with the staff member's Line Manager. Staff will only be able to accrue TOIL whilst working from home if they have authorisation from their Line Manager.
- 4.19 Staff who Work from Home must turn their laptop off at the end of each working day. It is not acceptable to simply close the laptop, or let it go to sleep. This is to ensure all firewall updates are uploaded into the laptop each time the laptop is switched on.

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- 4.20 Staff who do not follow the instructions contained in this policy may not have their accrued time authorised.
- 4.21 For staff whose start/finish times are pre-populated onto the Healthroster, it is the staff member's responsibility to update their line manager, as soon as practicable, to ensure that the Healthroster is correct.

5.0 Office Based Staff

- 5.1 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).

6.0 Time Owed to the Trust

- 6.1 In circumstances where a member of staff has accrued hours which are owed to the Trust, the following action must be taken:
- 6.2 Line Managers to hold a discussion with the staff member and agree an action plan to re-pay the hours over a specified amount of time. This must be monitored on Healthroster.
- 6.3 Any staff member with a time owing balance that owe hours to the Trust will not be allocated overtime until the balance is cleared. In exceptional circumstances, this decision may be deferred to the Directorate Manager.

7.0 Dealing with inaccurate records.

- 7.1 If, over time, a situation arises whereby the record of time owing to the Trust or the employee becomes, or appears erroneous, the Trust will implement the following:
- 7.2 If the service has a paper record of the time owed/owing to a member of staff, and the manager of that service is content to accept that as the correct balance, then the e-Rostering Team could adjust the total on Healthroster to that figure based on individual circumstances. This can only be completed in exceptional circumstances and where diligent checks have been undertaken.
- 7.3 If there is no paper record of the time owing/owed, then the e-Rostering Team would ask the service manager to conduct a preliminary investigation into why the balance was incorrect. If the investigation is inconclusive, i.e. the issue had occurred more than six years previously or as a result of a change in management, then the current Line Manager should contact the e-Rostering Team for advice and guidance.

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8.0 Employees transferring to an alternative department.

- 8.1 In circumstances where an employee transfers to alternative department, it is expected that all reasonable measures will be taken to ensure that the time owing balance is reduced to zero. This should be achieved during the employees notice period. The method as to how this will be achieved will be agreed by the manager and the employee, having sought advice from a senior manager and HR if necessary.
- 8.2 If, despite all reasonable steps being taken, a balance remains, this will 'follow the employee into their new post.

9.0 Suspicion of Fraudulent Activity

- 9.1 In order for the Trust's Time Owing policy 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 with the Trust's Counter Fraud, Bribery and Corruption Policy, CORP/POL/136 (2).

References and Associated Documents

1. **BTHFT - Policy.** Work-Life Balance. [Online] 15 05 2021. [Cited: 14 09 2021.] <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-521.docx>. CORP/POL/521.
2. —. Fraud, Bribery and Corruption Policy. [Online] 26 04 2021. [Cited: 14 09 2021.] <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-136.pdf>. CORP/POL/136.
3. —. European Working Time Directive (EWTD). [Online] 19 05 2021. [Cited: 14 09 2021.] <http://fcsp.xfyldecoast.nhs.uk/trustdocuments/Documents/CORP-POL-221.docx>. CORP/POL/221.
4. **NHS Employers.** NHS Terms and Conditions of Service Handbook. [Online] 02 2021. [Cited: 14 09 2021.] <https://www.nhsemployers.org/publications/tchandbook>. Handbook amendment number 45. NHS TCS Advisory Notice.

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Appendix 1: Generic timesheet

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

Name:

.....

Division:

.....

Place of work:

.....

Job Title:

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. I consent to the disclosure of information from this form and any associated documentation, to the Local Counter Fraud Specialist and/or NHS Counter Fraud Authority, for the purpose of verification and the investigation, prevention, detection and prosecution of fraud.

Signature of Employee: Date:

Certified by: (Line Manager) Date:

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Appendix 2: Equality Impact Assessment Form					
Department	HR and OD	Service or Policy	CORP/POL/548	Date Completed:	January 2024
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, marriage and/or civil partnership, 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.	No action required at this time, but future review might see a change that will require action.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or policy/ development impact on community safety • Crime • Community cohesion	There is no identified impact on community safety/crime or community cohesion.	N/A	N/A	N/A	
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.	Currently there is no evidence that shows who should benefit does not.	Monitor data to ensure equity. Any future review might see a change that will require action.	This document supports a positive and supportive process.	No negative impact identified at this time.	
Does the service, leaflet or development/ policy have a negative impact on any geographical or subgroup of the population?	No negative impact has been identified in relation to any geographical or subgroup of the population.	No action required at this time, but future reviews might see a change which requires action.	No impact identified at this time but might change at a future review.	No negative impact identified at this time.	
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.	No action required at this time, but future review might see a change that will require action.	This document promotes a positive and inclusive approach.	No negative impact identified at this time.	
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 policy does not explicitly include a commitment to equality and diversity but is inclusive in this approach in the process of staff taking time owing.	No action required at this time, but future review might see a change that will require action.	This document promotes a positive and inclusive approach.	No negative impact identified at this time.	
Does the Organisation or service workforce reflect the local population? Do we employ people from disadvantaged groups	The Trust is reflective of the community it serves and employs people from disadvantaged groups i.e. those who have a disability/learning disability/low social economic status.	To continue monitoring staff across all protected characteristics and comparing with the local demographic figures from the Council and ONS.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Will the service, leaflet or policy/ development i. Improve economic social conditions in deprived areas ii. Use brown field sites iii. Improve public spaces including creation of green spaces?	This policy does not have any direct impact on the development to improve economic social conditions in deprived areas/use brown field sites/improve public spaces etc.	To continue monitoring this policy to ensure any review takes into account any changes re points i ii iii.	This policy promotes a positive and inclusive approach to supporting our employees.	No negative impact identified at this time.	
Does the service, leaflet or policy/ development promote equity of lifelong learning?	No it doesn't.	N/A	N/A	N/A	
Does the service, leaflet or policy/ development encourage healthy lifestyles and reduce risks to health?	To ensure staff have a health balance between work and home life.	Any time accrued is taken back at the convenience of the service and the individual as soon as possible after it has been accrued.	This policy promotes a positive and inclusive approach to supporting our employees.	N/A	
Does the service, leaflet or policy/ development impact on transport? What are the implications of this?	No it doesn't.	N/A	N/A	N/A	
Does the service, leaflet or policy/development impact on housing, housing needs, homelessness, or a person's ability to remain at home?	No it doesn't.	N/A	N/A	N/A	

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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?	No particular group has been identified as having an impact as a result of this policy, whether adverse/negative.	Continue to review the policy in future in case circumstances change.	No impact identified at this time but might change at a future review.	
Does the policy/development promote access to services and facilities for any group in particular?	No this policy does not promote access to services and facilities for any group.	No action required at this time but future reviews might see a change which requires action.	No impact identified at this time but might change at a future review.	
Does the service, leaflet or policy/development impact on the environment <ul style="list-style-type: none"> ● During development ● At implementation? 	No this policy does not promote access to services and facilities for any group.	No action required at this time but future reviews might see a change which requires action.	No impact identified at this time but might change at a future review.	
ACTION:				
Please identify if you are now required to carry out a Full Equality Analysis		Yes	No	(Please delete as appropriate)
Name of Author:	Alan Rigby (HR Manager)		Date Signed:	January 2024
Signature of Author:				

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