

## Time Off in Lieu Policy and Procedure

WHC reserves the right to amend this policy at its discretion. The most up-to-date version can be downloaded from our website.



University of the  
Highlands and Islands  
West Highland College

Oilthigh na Gàidhealtachd  
agus nan Eilean  
Colaiste na Gàidhealtachd an Iar

## Time Off In Lieu Policy and Procedure

ELT manager	Director of Finance
Responsible officer	HR Manager
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## 1. Policy statement

West Highland College UHI recognises that a flexible approach to the arrangement of working hours supports operational efficiency whilst ensuring personal circumstances of employees are taken in to account.

This policy outlines the provisions available under this scheme and conditions of their use.

## 2. Scope

This policy applies to all West Highland College employees irrespective of length of service.

## 3. Policy outcomes

The aims of the policy are to

- Support employees and managers to achieve a balance between work life balance and service delivery
- Set out the parameters of the policy
- Set out the obligations on managers and employees

## 4. Key definitions

### Contractual hours

These are the weekly hours that are specified in an employee's contract and which must be worked prior to any TOIL being accumulated.

### A day's annual leave

For calculation purposes, a full day's annual leave for full-time staff will count as one fifth of the 37 hour working week. For part time staff a day will be calculated on a pro-rata basis or according to their actual normal daily working hours as appropriate.

### TOIL

This is time off in lieu for preapproved work undertaken in excess of the normal contractual working hours.

### Paid overtime

This is payment for preapproved additional hours worked in excess of the normal contractual working hours (if applicable this is dealt with out with this policy).

## 5. What the law says

### Working time directive

The Working Time Regulations 1998 and the Working Time (Amendment) Regulations 2003, which implement the European Working Time Directive in to law govern the hours most workers can work and set

- Limits on the average working week
- Statutory entitlement to paid leave for most workers
- Limits on the normal hours of night work and regular health assessments
- Special regulations for young workers
- Minimum rest break entitlements

## 6. Exceptions

### Abuse of the scheme

Any employee who abuses the scheme will be required to work fixed hours. Disciplinary action may also be taken in line with the College's Disciplinary Policy and Procedure.

## 7. Working hours

Standard full time working hours are 37 hours per week for salary calculation purposes. Part time staff are paid at a pro rata rate to 37 hours per week. The over-riding consideration in determining the arrangement for working additional hours is the need to provide effective, responsive and flexible services which meet our customer needs.

Some areas of work may require employees to be available either at home or at their place of work to be called on if required to deal with emergency or unusual situations.

## 8. Scheme rules

- TOIL may be accrued for additional hours worked between 7am and 10pm, seven days a week.
- Working hours are normally between 9am and 5:30pm which allows for up to an hour for lunch. Any working hours differing from this, including hours for part time staff, should be agreed with the employee's line manager.
- TOIL may only be accrued after contractual hours have been worked
- Additional hours worked will only qualify for TOIL if they have been agreed in advance with line managers in line with operational requirements.
- The College reserves the right not to agree to TOIL for hours that have not been agreed or are not evidenced in this way.
- A maximum of 37 hours of TOIL per leave year may be taken (based on standard full-time working – pro rata for part time staff). Therefore, employees should not normally be more than 37 hours 'in credit' at any time, unless exceptional circumstances apply and prior agreement to exceed this figure has been obtained from their manager.
- Additional hours worked cannot be carried over into the next annual leave year.
- Employees are required to keep accurate records of additional hours worked. Managers are responsible for maintaining suitable monitoring arrangements.
- Managers must review TOIL sheet hours on a monthly basis to ensure that the limits outlined above are not exceeded.
- Abuse of the scheme will be dealt with as a conduct matter.
- Accrual of TOIL must not result in an employee working more than an average of 48hrs per week over a 17 week period

## 9. Overtime which may qualify for TOIL

Below is a list of examples of additional hours worked which may qualify for TOIL. Please note that this list is not exhaustive.

- College Open Days & Evenings
- Graduation Events
- BEST events

Please note that additional hours worked as part of an employee's normal day to day duties do not qualify for TOIL unless previously agreed by the Line Manager. It is expected that staff raise with their manager if they are unable to undertake all elements of their role in their regular working hours.

Managers are expected to support employees to manage down excessive additional hours worked. If necessary this may be undertaken as part of the performance management process.

## 10. Procedure to be followed when managing TOIL

This part of the document is not part of the formal policy. Instead it provides additional information to help managers in the practical day to day application of the policy.

### 10.1 Roles & Responsibilities

Managers are responsible for:

- Ensuring that your staff are aware of the TOIL policy
- Ensuring that the scheme is applied in a fair and consistent manner
- Ensuring that employees are not beyond the limits as set out in the policy
- Managing any deviation from the scheme rules
- Supporting staff members who are struggling with their regular working hours, if necessary via the performance management process
- Passing TOIL sheets to HR on a quarterly basis

All employees are responsible for:

- Complying with the scheme rules
- Submitting monthly TOIL sheets
- Submitting TOIL leave requests in the appropriate manner
- Managing their time to comply with the scheme rules
- Raising with their manager if they require support in managing their regular hours

The HR person who is supporting the manager is responsible for:

- advising on policy application
- entering accrued TOIL on to CASCADE on a quarterly basis
- supporting managers as part of the performance management process

The trade union representative or West Highland College work colleague is responsible for:

- supporting their member/colleague

### 10.2 How to monitor additional hours worked

Employees are required to keep accurate records of the additional hours they work. Managers will need to provide the employee with a copy of the TOIL sheet for time recording purposes to enable them to do this. Managers must check the time sheets on a monthly basis to review TOIL levels. Where there are inaccuracies the manager must address these with the employee.

### 10.3 How to enter accrued TOIL on to CASCADE

Monthly TOIL sheets will be collated by Line Managers and passed to HR for processing on a quarterly basis at the beginning of the following months:

- November

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- February
- May

HR will enter accrued TOIL on to CASCADE which can then be booked.

### 10.4 How to manage abuse of the scheme

All TOIL must be considered by the manager in line with operational requirements. Managers must ensure that staff are familiar with the rules of the scheme by issuing them with a copy of the policy as part of the line managers element of the induction process. Managers must check TOIL sheets on a monthly basis to ensure that staff are complying with the rules of the scheme.

If an employee is not complying with the rules of the scheme the manager should seek advice from HR and a decision will be made with support from HR, whether this matter should be treated as a conduct matter.

### 10.5 How to consider requests for TOIL

All TOIL requests will be considered by managers in line with operational requirements. Managers may wish to take account of the following in considering a request:

- Length of notice of intention to take TOIL
- Length of TOIL request
- Office cover and wider operational requirements
- Personal circumstances of the employee
- Parity across the team in the application of this process

If managers are unable to agree to requests they should discuss the reasons for this with the employee, ideally face to face.

### 10.6 How to book TOIL

TOIL can be requested on CASCADE by selecting 'TOIL' from the drop down box showing leave types. It is approved through the managers electronically in the normal way.

## 11. Support

### **Employees:**

Queries should be directed to your line manager in the first instance.

### **Managers:**

Further guidance and advice in this matter is available from the HR Department who can be contacted as follows:

- Fort William 01397 874 216 or 874 218 & Auchtertyre 01397 874520