

Time Off in Lieu Policy

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Consultation	HR Policy Group	Applicable to:	All staff All Sites
Equality, Diversity And Human Right Statement	The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This procedure should be implemented with due regard to this commitment.		
To be read in conjunction with / Associated Documents:	Equality and Diversity Policy Agenda for Change Terms And Conditions of Employment	Information Classification Label	<input type="checkbox"/> Unclassified
Access to Information	To access this document in another language or format please contact the policy author.		

Document Change History (changes from previous issues of policy (if appropriate):

Version number	Page	Changes made with rationale and impact on practice	Date

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1. Purpose

This Policy describes the appropriate management of time off in Lieu. The aim of the policy is to promote fairness and equality across the Trust. The policy provides guidance to employees and managers when actual hours of work are in excess of contracted hours of work.

The policy will promote safety in the workplace

2. Scope

The Trust is committed to creating an environment where staff are valued, supported and benefit from good employment practices that promote a healthy work-life balance and ensure fair and equitable treatment throughout.

The Trust supports employees working a variety of contracted hours. However, it is acknowledged that on occasions employees may exceed their contracted hours

3. Policy Content

3.1 Outcome of the Policy.

That employees are appropriately compensated for any additional hours worked.

3.2 Definition of Terms.

Time off in lieu (TOIL) is defined as time taken off to compensate for planned or unplanned time worked in addition to contracted hours. In accordance with Agenda for Change Terms and Conditions, Time Off in Lieu overtime payments will be at plain time rates. However, staff who, for operational reasons, are unable to take time off in lieu within three months, must be paid at the overtime rate.

Overtime Pay is defined as the additional pay claimed as a result of additional hours worked to contracted hours. It can be planned or unplanned.

3.2 Authorisation

Whenever possible, employees should not work additional hours. However, any additional hours worked must be authorised by the line manager. Where service demands prevent this from occurring, this can be agreed retrospectively. However, an appropriate senior person must be in agreement at the time.

3.3 Working Hours

Employees may not work more than 48 hours a week over a 17-week reference period in accordance with Working Time Regulations; unless an Opt-Out agreement has been signed.

If an employee regularly works additional hours, then working hours may need to be formally amended to reflect this. Typically, no more than 2 days additional hours (14 hours) should be worked in a four-week period.

3.4 Record Keeping

Additional hours should be recorded on a Time Off in Lieu Form (See Appendix 1). Reasons for any additional hours should be clearly stated.

3.5 Entitlement

Additional time worked attracting Lieu entitlement must be formally recorded and authorised by the appropriate line manager.

Taking back any TOIL must be agreed by the line manager according to service needs and should be recorded on a TOIL Form.

Time in Lieu accumulated should be taken as best practice within 28 days. If this is not possible, the employee should inform their line manager and mutually agree a suitable date for taking time back within the needs of the service. Time Off in Lieu of overtime payments will be at plain time rates. However, staff who, for operational reason, are unable to take time off in lieu within three months must be paid at the overtime rate.

Normally, no more than two days per month and one day at a time should be taken back at once. TOIL will be granted as a mutually agreed time with consideration to the needs of the service.

TOIL cannot be accrued for time spent on residential courses/visits/seminars, except where Saturday or Sunday working is required. Under these circumstances, only overtime hours worked up until the official completion of the working day would normally attract lieu time entitlement. Only course contracted time can be reclaimed.

Part time employees who may be attending meetings or training, as identified in their Personal Development Plan, on days not usually worked may use the Time Off in Lieu Form to record additional hours worked. The same procedure should be followed for taking time back, according to local agreement.

Any additional time worked or taken back should also be recorded on the Toil Record Form.

4. Exceptions

There are no exceptions.

5. Monitoring of compliance

Minimum requirement to be monitored	Process for monitoring e.g. audit/ review of incidents/ performance management	Job title of individual(s) responsible for monitoring and developing action plan	Minimum frequency of monitoring	Name of committee responsible for review of results and action plan	Job title of individual/ committee responsible for monitoring implementation of action plan

6. Equality, diversity and human right statement

The Trust is committed to an environment that promotes equality and embraces diversity in its performance both as a service provider and employer. It will adhere to legal and performance requirements and will mainstream Equality, Diversity and Human Rights principles through its policies, procedures, service development and engagement processes. This SOP should be implemented with due regard to this commitment.

To ensure that the implementation of this policy does not have an adverse impact in response to the requirements of the Equality Act 2010 this policy has been screened for relevance during the policy development process and a full impact assessment conducted where necessary after appropriate consultation. The Trust will take remedial action when necessary to address any unexpected or unwarranted disparities and monitor workforce and employment practices to ensure that this policy is fairly implemented.

This policy and procedure can be made available in alternative formats on request including large print, braille, moon, audio cassette, and different languages. To arrange this please contact Business Human Resources in the first instance.

The Trust will endeavor to make reasonable adjustments to accommodate any employee with particular equality and diversity requirements in implementing this policy and procedure. This may include accessibility of meeting venues, providing translation, arranging an interpreter to attend meetings, extending policy timeframes to enable translation to be undertaken, or assistance with formulating any written statements.

7. Legal requirements

This document meets legal and statutory requirements of the EU General Data Protection Regulation (EU 2016/679) and all subsequent and prevailing legislation. It is consistent with the requirements of the NHS Executive set out in Information Security Management: NHS Code of Practice (2007) and builds upon the general requirements published by NHS Digital/Connecting for Health (CfH).

Appendix 1: Equality impact assessment

Title	
Strategy/Policy/Standard Operating Procedure	
Service change (Inc. organisational change/QEP/ Business case/project)	
Completed by	
Date Completed	

Description *(provide a short overview of the principle aims/objectives of what is being proposed/changed/introduced and the impact of this to the organisation)*

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Who will be affected *(Staff, patients, visitors, wider community including numbers?)*

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The Equality Analysis template should be completed in the following circumstances:

- **Considering developing a new policy, strategy, function/service or project(Inc. organisational change/Business case/ QEP Scheme);**
- **Reviewing or changing an existing policy, strategy, function/service or project (Inc. organisational change/Business case/ QEP Scheme):**
 - If no or minor changes are made to any of the above and an EIA has already been completed then a further EIA is not required and the EIA review date should be set at the date for the next policy review;
 - If no or minor changes are made to any of the above and an EIA has NOT previously been completed then a new EIA is required;
 - Where significant changes have been made that do affect the implementation or process then a new EIA is required.

Please note the results of this Equality Analysis will be published on the Trust website in accordance with the Equality Act 2010 duties for public sector organisations.

Section 1 should be completed to analyse whether any aspect of your paper/policy has any impact (positive, negative or neutral) on groups from any of the protected characteristics listed below.

When considering any potential impact you should use available data to inform your analysis such as PALS/Complaints data, Patient or Staff satisfaction surveys, staff numbers and demographics, local consultations or direct engagement activity. You should also consult available published research to support your analysis.

Section 1 – Initial analysis

Equality Group	Any potential impact? Positive, negative or neutral	Evidence <i>(For any positive or negative impact please provide a short commentary on how you have reached this conclusion)</i>
Age <i>(Consider any benefits or opportunities to advance equality as well as barriers across age ranges. This can include safeguarding consent, care of the elderly and child welfare)</i>		
Disability <i>(Consider any benefits or opportunities to advance equality as well as impact on attitudinal, physical and social barriers)</i>		
Gender Reassignment <i>(Consider any benefits or opportunities to advance equality as well as any impact on transgender or transsexual people. This can include issues relating to privacy of data)</i>		
Marriage & Civil Partnership <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on same sex couples)</i>		
Pregnancy & Maternity <i>(Consider any benefits or opportunities to advance equality as well as impact on working arrangements, part time or flexible working)</i>		
Race <i>(Consider any benefits or opportunities to advance equality as well as any barriers impacting on ethnic groups including language)</i>		
Religion or belief <i>(Consider any benefits or opportunities to advance equality as well as any barriers effecting people of different religions, belief or no belief)</i>		
Sex <i>(Consider any benefits or opportunities to advance equality as well as any barriers relating to men and women eg: same sex accommodation)</i>		
Sexual Orientation		

(Consider any benefits or opportunities to advance equality as well as barriers affecting heterosexual people as well as Lesbian, Gay or Bisexual)

If you have identified any **positive** or **neutral** impact then no further action is required, you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address.

If you have identified any **negative** impact you should consider whether you can make any changes immediately to minimise any risk. This should be clearly documented on your paper cover sheet/Project Initiation Documents/Business case/policy document detailing what the negative impact is and what changes have been or can be made.

If you have identified any negative impact that has a high risk of adversely affecting any groups defined as having a protected characteristic then please continue to section 2.

Section 2 – Full analysis

If you have identified that there are potentially detrimental effects on certain protected groups, you need to consult with staff, representative bodies, local interest groups and customers that belong to these groups to analyse the effect of this impact and how it can be negated or minimised. There may also be published information available which will help with your analysis.

<u>Is what you are proposing subject to the requirements of the Code of Practice on Consultation?</u>	Y/N
Is what you are proposing subject to the requirements of the Trust’s Workforce Change Policy?	Y/N
Who and how have you engaged to gather evidence to complete your full analysis? (List)	
What are the main outcomes of your engagement activity?	
What is your overall analysis based on your engagement activity?	

Section 3 – Action Plan

You should detail any actions arising from your full analysis in the following table; all actions should be added to the Risk Register for monitoring.

Action required	Lead name	Target date for completion	How will you measure outcomes

Following completion of the full analysis you should submit this document with your paper/policy in accordance with the governance structure.

You should also send a copy of this document to the equality impact assessment email address

Section 4 – Organisation Sign Off

Name and Designation	Signature	Date
Individual who reviewed the Analysis		
Chair of Board/Group approving/rejecting proposal		
Individual recording EA on central record		

Appendix 2: Roles and responsibilities

Role	Responsibility
Employee	All employees are required to comply with the working practices and policies within the Trust.
Line Manager	Managers should: <ul style="list-style-type: none"> • Apply the principles • Ensure that staff are aware of and understand the policy. • Ensure that the staff are updated with regard to any changes to this policy. • Ensure Verification of continued service.
Human Resources	Business HR Should: <ul style="list-style-type: none"> • Promote the policy and give general guidance and support to managers and staff. • Monitor and review the implementation and operation of the policy.
Chief People Officer	The Director of Human Resources and Organisational Development is responsible for ensuring that this Policy is fully implemented and that there is a continuing commitment to the training of managers in the implementation of policies.

