

Time Off in Lieu (TOIL) Procedure	
Enabling Policy Statement; Executive Owner; Approval Route:	Our Colleagues - Chief People Officer - Operations Committee
Is the Procedure for internal use only (Non- disclosable) ?	Disclosable
Associated Policy Statements:	N/A
Authorised Owner:	Human Resources Director
Authorised Co-ordinator:	Head of HR Performance Delivery
Effective date:	20 February 2024
Due date for full review:	20 February 2027
Sub documentation:	There is no sub documentation

Approval History

Version	Reason for review	Approval Route	Date
1.0	3 Yearly review and migration to the POPP governance structure	Operations Committee	20 February 2024

1. Purpose

The University recognises that the nature of its work means that on occasions staff will be needed to work outside recognised working hours. However, the University also acknowledges its duty to protect the health and safety of its staff by ensuring that they do not work excessive hours, and that any additional hours are agreed in advance and monitored appropriately. It is a line manager's responsibility to oversee their team's workloads so that the work is done within the normal working week.

The Time Off in Lieu (TOIL) procedure is a guideline for managers to assist them in planning and managing the working hours of staff who are asked to work additional hours. Examples of reasons a staff member may be asked to work additional hours includes:

- A specific event requires support
- Work is required outside of normal working hours
- There is an unplanned spike in priority work that cannot be completed in normal working hours.

It is imperative that service to customers must always take priority and it is a manager's responsibility to ensure that this is observed. It may be appropriate for any staff member within any role of grade 4 or below to be financially compensated for additional hours by use of the Overtime procedure published on the HR pages on SurreyNet rather than this TOIL procedure. This must be agreed with the line manager prior to commencing the additional work.

2. Scope and Exceptions to the Procedure

The procedure applies to all staff who are employed by the University except employees who are grade 5 and above or Academic Staff¹ within the Research and Teaching job family, for whom separate local arrangements are in place.

It does not apply to agency staff or other workers.

3. Definitions and Terminology

3.1. What is lieu time?

Lieu time is time off which staff are allowed to take in *lieu* of overtime pay, for hours worked beyond their normal contractual hours. (see Section 4.2)

It applies to additional periods of work either before or after their normal working day or outside of their normal shift pattern.

What does NOT contribute to accruing lieu time?

Lunch Periods - It does not apply to lunch periods. Managers should ensure that staff get the appropriate lunch break each day. If lunchtime meetings are necessary then staff should be allowed to take a break either before or after the meeting, to ensure compliance with the Working Time Regulations. Where this will impact on the service levels, managers should consult with their HR Representative for the appropriate solution.

'Privilege' Events - Whilst it is understood that staff will be invited to attend 'Privilege' events as guests of the organiser such as meals out, attendance at conference dinners or other events which are paid for by the organiser, attendance will not accrue TOIL. In the event of any

¹ those covered by Lecturer A & B, Senior Lecturer, Associate Professor, Professor Role Profiles on both Research & Teaching Track and Teaching Track

ambiguity in the definition of a Privilege event and the status of a guest invitation clarification regarding qualification for TOIL must be agreed before any invitation is accepted. Privilege events will be clearly communicated before a member of staff decides to attend.

4. Procedural Principles

4.1. *Overtime versus TOIL*

When a manager is aware that a busy period or specific event is approaching he or she should plan accordingly and review available staffing. Consideration should be given to maximising the available staff in the department, such as:

- revising annual leave requests for that specific period;
- bringing in staff from other departments
- Hiring temporary staff from Unitemps where the cost is less than the overtime costs
- Making temporary changes by mutual agreement to extend part time contracts

When further additional staffing hours are required, the manager should consider whether TOIL is the most appropriate method to use to cover this. The manager should ensure:

- That working additional hours is voluntary;
- That the additional hours are required for a limited period of time only – if it is for a period longer than a month then the manager should review the overall staffing needs for the department to ensure working practices are effective and
- That staff receive appropriate breaks when working additional hours to comply with the Health and Safety legislation.

Overtime is separate from TOIL and will be paid according to a separate procedure. As per section 4.2, any overtime or TOIL must be agreed with the line manager in writing prior to commencing the work. Where there is disagreement as to whether TOIL or overtime should be used, advice should be sought from the Head of Department or local HR representative for arbitration, if necessary.

4.2. *Accruing Leave within the TOIL system*

TOIL must be accumulated within a plan agreed with the line manager. Any additional hours worked must be agreed in advance. If this agreement is not in place, then the additional hours will not qualify for the accrual of TOIL and will be lost.

When an employee identifies additional hours which might justify TOIL, he/she should raise this with his/her line manager. If the additional hours are agreed, prior to the work commencing the line manager must confirm the TOIL arrangement in writing to the employee. TOIL will only be granted if written confirmation from the line manager is given in advance and agreed with the relevant manager. Please note, an email can qualify as written confirmation.

Time off accumulated through TOIL arrangements must be equal to time actually worked during the normal working week (normally Monday to Friday). Where additional staff hours are required at weekends or bank holidays time off accrued through TOIL will be as follows: Saturday equal to time and a half. Sunday/Bank Holidays equal to double time.

TOIL will only be granted where a period of more than 30 consecutive minutes have been worked over the employee's normal working hours.

Part time employees may work over and above their normal contracted hours and can take the additional time worked as TOIL off their normal contracted hours by agreement with their line manager. However, to qualify for TOIL at time and a half or double time, part time staff must work the equivalent number of hours in any one week of a full time member of staff (normally 36

hours a week). If it is agreed that the part time employee is to be paid for the additional hours all hours worked to 36 hours in any one week will be paid at normal time, including Saturday or Sunday work.

4.3. The TOIL Accounting Period

TOIL should be taken as soon as practicably possible after it has been accrued. If this is not possible it must be taken within 6 months of accrual.

TOIL accrued and not redeemed as outlined will be considered lost and no monetary compensation will be offered.

4.4. Taking Authorised TOIL

When an employee wishes to take approved TOIL this has to be agreed with the relevant manager at least one week in advance. The manager may not agree to the request in cases where this leave will conflict with the provision of an adequate service by the department.

Where managers do not approve the requested TOIL, suitable alternative dates (earlier or later) should be identified and suggested by the line manager.

4.5. Manager's Responsibilities

Managers will co-ordinate the TOIL operation of their team to ensure that there is adequate cover for all functions for their area of business.

Managers should ensure that employees are given reasonable opportunity to take any accrued TOIL within the approved period.

Managers should ensure that TOIL is not used as a method of flexible working but used occasionally to deal with fluctuations in workload.

Managers must ensure that any TOIL agreed is confirmed in writing to the employee before the commencement of work.

Managers are responsible for keeping a proper and accurate account of additional hours worked.

4.6. Conclusion

The TOIL procedure and its operation depend on mutual trust. Any suspected abuse of TOIL may be treated as a disciplinary matter.

5. Governance Requirements

5.1. Implementation: Communication Plan

The procedure was embedded when first published.

5.2. Implementation: Training Plan

The procedure was embedded when first published. Further support will be provided to colleagues implementing the procedure when required.

Newly appointed line managers are signposted to procedures, all of which are located on SurreyNet.

5.3. Review

This procedure will be reviewed every 3 years or sooner if required by a change in legislation or practice.

5.4. Legislative Context and Higher Education Sector Guidance or Requirements

This procedure is impacted by the Working Time Directive, and associated legislation, and therefore will be amended in line with any relevant changes in this legislation.

5.5. Sustainability

This procedure is deemed to have little to no impact on sustainability.

6. Stakeholder Engagement and Equality Impact Assessment

An Equality Impact Assessment was completed on 31 January 2024 and is held by the Authorised Co-ordinator.

Stakeholder Consultation was completed, as follows:

Stakeholder	Nature of Engagement	Request EB Approval (Y/N)	Date	Name of Contact
Governance	Governance Review	N	19 January 2024	Kelley Padley
H&S	H&S Review	N	24 January 2024	Matt Purcell
Sustainability	Sustainability Review	N	15 December 2023	Martin Wiles