

# **Guidance: Time Off in Lieu (TOIL) and Flexitime**

May 2015

<b>Document title</b>			
Guidance: Time Off in Lieu (TOIL) and Flexitime May 2015			
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<b>Approving body</b>		<b>Date of approval</b>	
University Executive Board (UEB) University Negotiating and Consultative Committee (UNCC)		11 May 2015, Min 15/389 15 April 2015, Min 15/.26	
<b>Review date</b>	<b>Edition no.</b>	<b>ID Code</b>	<b>Date of effect</b>
May 2020	1	170	12 May 2015
<b>EITHER</b>		<b>OR</b>	
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In support of these, HR produces a series of guidance on a range of topics – such as this one – to provide employees with simple, accessible, up-to-date information. Should you have any queries or require any further information, please email the HR Service Centre on [hrenquiries@port.ac.uk](mailto:hrenquiries@port.ac.uk) or contact them on 023 9284 3141.

Peter Brook  
Director of Human Resources

# Guidance: Time Off in Lieu (TOIL) and Flexitime

## Summary

### What is this Guidance about?

This document sets out the University approach to the operation and recording of TOIL and flexitime for support staff, who work defined hours. Managers will ensure that there is a consistency of approach to the operation of TOIL and flexitime.

### Who is this Guidance for?

This Guidance is for all staff and managers.

### How does the University check this Guidance is followed?

Human Resources maintain an overview of the TOIL and Flexitime Guidance and reports are presented to the Governors' Human Resources Committee.

### Who can you contact if you have any queries about this Guidance?

All enquiries should be directed to the appropriate HR Adviser and details are available via the HR webpages at [www.port.ac.uk/departments/services/humanresources/contactus/hrbusinesspartnerhradvisers/](http://www.port.ac.uk/departments/services/humanresources/contactus/hrbusinesspartnerhradvisers/).

## Guidance: Time Off in Lieu (TOIL)

### 1. Statement

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 has a 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, recorded and monitored appropriately.

The Guidance applies to support staff who are employed by the University but may also apply to other staff with defined hours. It does not apply to agency staff or other workers.

### 2. Managers' responsibilities

Managers will coordinate 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 keep a proper written account of additional hours worked.

### 3. TOIL

TOIL is defined as time off, taken with agreement from the line manager, when an employee has been asked to work beyond their contracted hours (normally over a one week period). If the request to work the additional hours does not come from the employee's line manager it must be approved by that manager in advance of the work being carried out. TOIL is credited on a flat time basis and should be taken within two calendar months or two accounting periods in which it was accrued. Any variation to this arrangement will be by exception and due to extenuating circumstances. Any abuse of TOIL could lead to action under the University **Disciplinary Procedure**.

## 4. TOIL accounting period

Any TOIL built up without prior agreement with the line manager may not be agreed. It is recommended that no more than eight hours of TOIL is built up in any calendar month or one accounting period and should be taken within two calendar months or two accounting periods of being accrued. TOIL should not build up and managers are responsible for its monitoring. In extenuating circumstances managers can agree to more TOIL to be built up.

## 5. Taking authorised TOIL

It is also imperative that the service always takes precedence when TOIL is either built up or taken. TOIL accrued and not redeemed as outlined will be considered lost and no monetary compensation will be offered unless request to take TOIL had been refused throughout the accounting period for business reasons in which case overtime will be paid.

It is important to note that TOIL can be refused to be taken where this will conflict with the provision of an adequate service within the Faculty or Department. Where managers do not approve the requested TOIL, suitable alternative dates (earlier or later) should be identified and suggested.

## 6. Conclusion

The TOIL Guidance and its operation is based on mutual trust. Managers need to ensure it is agreed in advance, recorded and monitored.

## Guidance: Flexitime

### 1. Statement

The University recognises that flexibility over working hours is one aspect of employment which is highly valued by staff and other benefits include:

- improvement in the work-life balance of staff by making personal and domestic commitments easier to accommodate;
- making it easier to accommodate fluctuations in workloads;
- encouraging team working in instances where certain staffing levels have to be maintained.

### 2. Eligibility

Flexitime is open to all support staff, but can be refused if the needs of the business warrant staff to be in for set hours. There is no contractual right to flexitime. It is operated by the University on an entirely discretionary basis.

The extent to which staff participate in flexitime may vary and participation is voluntary. It is also recognised that it may be impractical to operate flexitime. For example, where staff are required to work shift patterns to meet specific service provision requirements. Operational requirements will need to be taken into account when determining whether it is practicable to operate a local scheme.

Both full-time and part-time staff may be included but it is recognised that some part-time staff work fixed hours to meet specific business needs and in such circumstances inclusion in a flexitime scheme may not be appropriate.

Any abuse of flexitime could lead to action being taken under the University **Disciplinary Procedure**.

### 3. Recording of hours

An accurate and reliable method of recording hours is vital if flexitime is to operate successfully. An electronic or paperwork based system will be used and managers need to determine the most appropriate one for their service.

## 4. Bandwidth and core time

The bandwidth is the period spanning the earliest time staff can start and the latest time they can finish. Within the University, this is 7.30am–7.00pm.

Core times are those times when staff are required to be in work. There will be two spells of core times per day and they will run for set times before and after lunch. Core times will be determined by line managers and will reflect the business need of the organisational unit concerned. On occasions, it may be necessary for line managers to authorise extensions to core times to meet workload peaks, e.g. during admissions.

## 5. Flexible time

Flexible time falls between the start of the bandwidth and the commencement of the morning core time and between the end of afternoon core time and the close of bandwidth. The amount of this flexible time and the exact positioning within the working day will be determined by line managers.

## 6. Lunch breaks

Each Faculty/Department will set the length of the lunch break to ensure they are no less than the statutory requirements of the working time directive (i.e. minimum of 20 minutes for staff working at least six hours).

## 7. Accounting period

There should be an accounting period within the flexitime scheme. At the end of the period staff are expected to have more or less reconciled actual hours worked with their contractual requirement. This is subject to an allowance for a small number of credit and debit hours, as set out below.

Accounting periods are normally either four weekly or based on the calendar month and set by the line manager.

## 8. Credit and debit hours

An employee's flexitime account is in credit when they have worked in excess of their contracted hours over the accounting period. Therefore, the University owes the employee hours. Conversely, hours are owed to the University when the contractual requirement has not been met and hence the account is in debit.

## 9. Carry over of credit hours

The maximum credit carry over is recommended to be no more than eight hours. However, line managers may extend this for extenuating circumstances.

## 10. Carry over of debit hours

The maximum debit carry over should be no more than four hours. However, line managers can in extenuating circumstances agree to more but these should be for no longer than two accounting periods.

## 11. Exceeding credit limits

Any excess hours above the credit limit will normally be forfeited, unless agreed in advance with the line manager. However, there may be occasions when, for operational reasons (e.g. workload peaks) it is difficult to balance accounts at the end of an accounting period. In these exceptional circumstances, managers will be able to exercise discretion and authorise credit carry over in excess of the normal limit. However, it is recommended that this is used up in no more than two calendar months.

## 12. Exceeding debit limits

Exceeding debit limits will not normally be permitted. Where a member of staff exceeds the limit on a single isolated occasion, then they will be asked to make up this time within one accounting period. There may also be circumstances when managers have discretion to allow some excess carry over of debit in exceptional circumstances (e.g. where a period of extended leave or sickness has prevented someone from reducing debit hours). Where problems persist then the line manager should seek further advice from Human Resources (HR).

## 13. Leavers

Staff leaving the University must balance their flexitime account before they leave. Any remaining credit at the time of departure will be lost unless agreed by the line manager. Any debit hours will lead to a reduction in their final salary payment and the line manager should inform HR.

## 14. Conclusion

Flexitime should support staff in having the ability to balance personal and service needs in working more flexibly. However, it is discretionary, should not be regarded as a contractual right and is able to be changed and amended to meet the needs of the Faculty or Department.

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