

Time Owing

Policy: HR41

Policy Descriptor

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.

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Action

These are the key points for action from this policy:

- 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.
- Employees may only accrue a maximum of 15 hours (or 2 complete spans of duty where hours equal less than 7½ per day) time owing in any calendar month.
- Time Owing may not be accumulated or redeemed without the prior authorisation of the local Manager or those acting under their delegated authority.

1. Introduction

- 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. Alternative arrangements for time owing may be locally agreed for specific areas where alternative shift/working patterns are required due to needs of the business. In these circumstances local arrangements take precedence over the principles outlined in this policy, where it has been agreed with the trade Unions.
- 1.5. This policy has been subject to consultation and has been agreed with the Joint Staff Side representatives of the Trust.

2. Definitions

- 2.1. 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'.
- 2.2. The financial year is defined as the period from 1 April to 31 March.

3. General Principles

- 3.1. All time owing must be authorised by the responsible local manager or an individual acting under their delegated authority.
- 3.2. Any time owing recorded without the local manager's knowledge/authority, regardless of the amount of time, will not be redeemable.
- 3.3. Employees may only accrue a maximum of 15 hours (or 2 complete spans of duty where hours equal less than 7½ per day) time owing in any calendar month.
- 3.4. A maximum of 7½ hours time owing only (or one complete span of duty where this is less than 7½ hours), may be carried forward to the next accounting period. One single period of time owed should not be carried forward beyond two accounting periods. Staff who for operational reasons, are unable to take time off in lieu for a single period within three calendar months must be paid.
- 3.5. Where managers have not been able to allow time owing in excess of 7½ to be redeemed during the current accounting period, such excess hours must be paid at plain time rates regardless of when it was accrued. E.g. An individual working a normal Saturday shift from 2.00pm until 9.00pm, asked to work until 10.00pm due to service need. In this example they may accrue one hour of TOIL as an alternative to overtime. If this cannot be subsequently taken due to service need then this must be paid. This payment would be made at plain time rate.
- 3.6. Time Owing may not be redeemed at a time when the quality of care to clients would be affected or where it would result in the need to pay other staff enhanced rates to cover the hours redeemed.

- 3.7. Time owing which has been accrued may, at the employer's discretion, be redeemed through a payment of salary, at plain time rate, in lieu upon leaving employment.
- 3.8. There are many examples of where time owing should not be accrued. These guidelines do not seek to be exhaustive, however, time owing should not be accrued:
- where an employee arrives early or leaves late to miss traffic, or for any other reason to suit their own personal circumstances
 - where employees choose not take breaks
 - as a result of poor time management or as a means of accruing extra leave
 - As a result of staff members working away from home involving an overnight stay. Time to be owed will include that which is over the contracted hours of work, which encompass work/training and travel over and above their usual travel time
- 3.9. The requirements of the Working Time Regulations in relation to unpaid rest breaks must be observed as outlined in the Agenda for Change Terms and Conditions of Service and Working Time Regulations
- 3.10. It is recognised that in response to service delivery needs it may be necessary, on occasions, to work through breaks but this should only be done with the authority of the appropriate line manager. Unpaid compensatory rest will be given in these circumstances.
- 3.11. Bank, agency or overtime must not be used to facilitate an individual to take back time owing.
- 3.12. Payment in lieu of time owing will not be made where the Trust has made a reasonable offer for the employee to take the time owing in lieu, which has been refused.
- 3.13. Some services within the Trust are able to offer flexi time, as a working arrangement. This is separate to a Flexible Working Arrangement which must be requested in line with the [Flexible Working policy \(HR47\)](#).
- 3.14. The decision regarding whether a service can offer flexi time as part of their normal hours of work is made by the responsible local Manager. This arrangement will not be available on inpatient units of services where a shift pattern is worked.
- 3.15. Services that offer flexi time, will have core hours of work that all staff will be requested to be present for (unless otherwise agreed via a flexible working arrangement in line with the Flexible working policy HR 47). Boundaries can be determined locally by the manager but Team members should work together to ensure that there is always an acceptable level of coverage. This level is to be decided at a local level by the manager.
- 3.16. Line managers should monitor hours worked each month to ensure that hours worked are not too little, or exceeding the contracted amount of hours worked each week/month. Excessive hours worked can be an indication of poor time management or excessive work load.
- 3.17. Flexi Time is designed to assist staff members with a work life balance and accommodate things like the ad hoc routine dental/doctor appointments, and other unplanned for situations. It should not be used as a means to accrue additional annual leave, or as a means of establishing a routine pattern of work. Employees wishing to work a set pattern on a regular basis, even if it is within the boundaries of the flexi time core hours, should apply

- 3.18. to do this via the Flexible Working Policy (HR47) i.e. a staff member wanting to start at 10am and finish at 4pm every Friday and make the time up in the week, would need to complete a flexible working request as this is a regular pattern.

4. Recording Additional Hours

- 4.1. When a member of staff undertakes duties outside of their contracted hours, a record must be kept and authorised by the employee's manager on a Time off in Lieu Record (appendix 2). This must be held securely within the department. The record should be reviewed by the employee and the manager at the end of each month and signed to confirm that it is an accurate reflection of additional hours worked and taken off work during the month.
- 4.2. Additional hours should be recorded in no less than 15 minute blocks. The reason for any additional hours should be clearly stated
- 4.3. **Staff using Health Roster** - Health Roster maintains an on-going record of TOIL which is displayed on the Roster. Roster creators and roster approvers are responsible for approving and maintaining the TOIL on Health Roster for the departments within their responsibilities.
- 4.3.1. Each team will have a team capture sheet on Health roster, where all changes to the roster are noted, including TOIL accrual. The data capture sheet must be signed off by the Team Manager, and input onto HealthRoster. This allows the accumulation of TOIL to be noted in real time, and supports managers to monitor the accrual of hours owed to the employee or owed to the Trust.
- 4.3.2. Health Roster highlights to team managers all staff owed hours by the Trust and also staff with hours owed to the Trust. The flowchart at Appendix 1
- 4.3.3. No member of staff should owe contracted hours to the Trust, but as the hybrid model of shifts available makes HOTTT hours possible then the following rules would apply in managing and reducing these balances:
- 6 HOTTT - work short shift at week 4 of the roster cycle
 - 7.5 HOTTT - work standard shift at week 5 of the roster cycle
 - 12 HOTTT - work long day shift at week 12 of the roster cycle
- 4.3.4. Employees may only accrue a maximum of 15 hours owed to the Trust (or 2 complete spans of duty where hours equal less than 7½ per day) in any calendar month to be worked within month 2 after build up, or paid back to the Trust at month 3.
- 4.4. **Travel Time** – There may be occasions where employees are required to attend a work related activity at a location other than their normal base. This may for example be for a training course or a temporary change due to organisational requirements. In such circumstances employees should agree in advance with their line manager any difference in travel time from their normal commute. The difference in travel time (the time taken to commute from home to the new location minus the normal commute time from home to the normal base) should be factored in and agreed with the line manager and agreed how this will be recouped. This may be factored in to the working day with no time owed either way or there may be a difference owed to either the Trust or to the employee. For example:
- 4.4.1. If it normally takes the individual 40 minutes to travel from home to base and they then travel to an alternative location they would put the time they set off plus the normal commute time as their start time that day.

- 4.4.2. Example: Left home at 07:10 + 00:40 (normal commute) = start time 07:50 for that day. The same applies for the journey home. So in reality the total time undertaken on work activities may be no longer than the normal working day because any extra commute time has been factored in. However, there may be circumstances when this is not possible and there will be time owed. Where overnight accommodation is arranged in order to stay closer to the temporary location then the above will not apply.

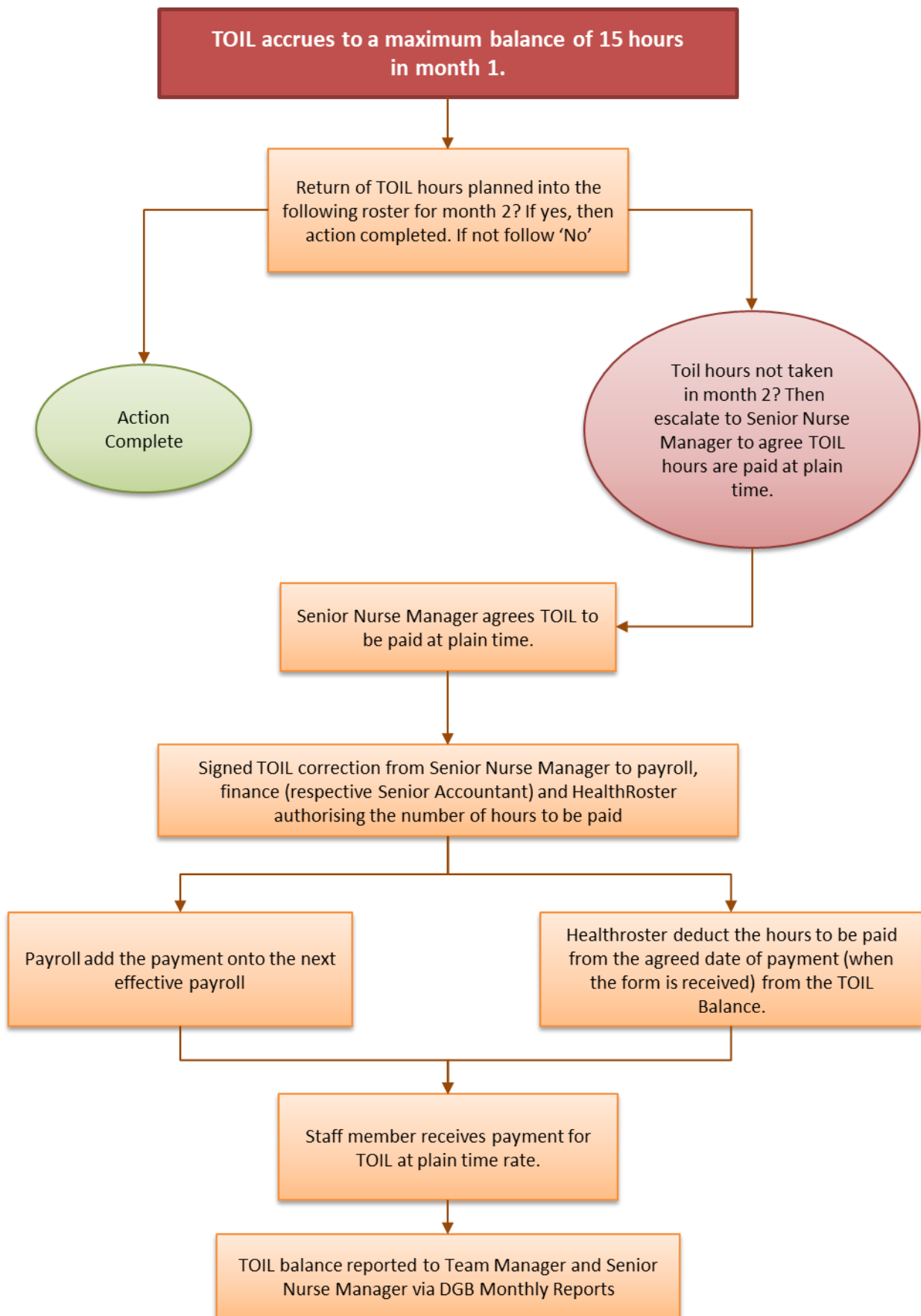
5. Authorisation

- 5.1. Time Owing may not be accumulated or redeemed without the prior authorisation of the local Manager or those acting under their delegated authority.
- 5.2. Requests for time back in respect of time owing must be made to the responsible local Manager or those acting under their delegated authority at least 48 hours in advance of the time requested.
- 5.3. Any staff 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.

6. Monitoring

- 6.1. All TOIL balances are reported from HealthRoster including hours owed to the Trust, and will be monitored as part of the DGB reporting by exception.

Appendix One – TOIL Flowchart



Appendix Two – Record of Time Owing

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