



# Lieu Time Policy

Version 1

**To ensure organisational effectiveness, it is essential lieu time is agreed in advance. Failure to do so may result in the Trust being unable to grant lieu time.**

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## **1. Policy Statement**

- 1.1 New Collaborative Learning Trust (NCLT) recognises that from time to time employees may be required to work additional hours to accommodate work demands or represent the organisation outside of their usual working hours. However, managers must plan the most effective way of achieving the needs of the department, college and/or trust.
- 1.2 Time off in lieu will be offered as an option to employees who are required to work hours beyond their normal contractually agreed weekly hours. This does not apply in the same way to leaders or managers or those with additional hours as part of the nature of their post or contract.
- 1.3 This arrangement is designed to ensure that an employee is not working excessive hours, to ensure work/life balance and to reward staff for their hard work and flexibility. It is not expected that time in lieu will be a standard or regular occurrence.
- 1.4 NCLT reserves the right to amend this policy at its discretion.

## **2. Purpose of this Policy**

- 2.1 The purpose of this policy is to ensure that all staff:
  - Understand the difference between the different types of leave/lieu used within the Trust.
  - Understand the circumstances where time in lieu may be granted.
  - Understand how and when time in lieu may be booked and agreed.
  - Are aware of the procedures for logging and booking time in lieu.
  - Are treated consistently.

## **3. Policy Definitions**

- 3.1 **Contractual hours:** These are the hours that are specified in an employee's contract and which must be worked prior to TOIL being accumulated.
- 3.2 **Annual leave:** The only employees with an annual leave entitlement are those support staff who work full year.
- 3.3 **Lieu Time:** The accrual of pre-approved additional hours worked, beyond those normally contracted.
- 3.4 *Support Staff who work term time only\* are employed to work 190 days per year. During term-time the college is normally open for up to 195 days; the extra days being used for staff training (INSET days). Therefore, support staff may also be involved in training on these days. So that term-time only staff can have the opportunity to work in a more flexible way, the day(s) they are not required to work can be taken in lieu during term-time by mutual agreement with your Line Manager and subject to this policy. These are added to the HR system as lieu days.*

*\*This applies to any support staff working less than full year, so 38, 39, 40 weeks etc.*
- 3.5 **Time Off In Lieu (TOIL):** The taking of the above pre-accrued hours.
- 3.6 **Paid Overtime:** This is payment for pre-approved additional hours worked in excess of the normal contractual working hours. Lieu time would usually be considered prior to any possible agreement to pay overtime. Overtime will only be paid where TOIL arrangements are not

practical for the college/Trust. The decision to pay overtime must be taken by the Director of HR or Chief Operating Officer in advance of any hours being worked.

- 3.7 Academic staff are not able to claim overtime, as they are required to work such hours as are necessary to sufficiently discharge their duties. The exception may be where a part time teacher worked additional teaching hours, perhaps to cover a colleague's absence, where agreed in advance.
- 3.8 There is also an expectation that from time to time managers may also need to work some additional hours to effectively discharge their duties and for which they are already remunerated and so lieu time wouldn't apply – within a reasonable limit.

#### **4. How is Lieu Time Accrued?**

- 4.1 Lieu time is accrued when additional hours are worked outside of your normal contractual working hours for operational reasons. Lieu time can be accrued and taken only with the prior approval of the relevant line manager, in line with operational requirements and in accordance with this policy. The trust reserves the right not to agree to TOIL for hours that have not been agreed or are not evidenced in this way.
- 4.2 Lieu time can be claimed where the additional time worked exceeds 30 minutes and should be redeemed as soon as possible after it has been accrued to avoid an excessive amount accumulating. Line managers must ensure that the use of time in lieu is not excessive and does not expose the organisation to staff shortages.
- 4.3 The accrual of lieu time must not result in an employee working above the weekly hours limit as specified in the Working Time Regulations 1998.

#### **5. Circumstances which may Qualify for Lieu Time**

- 5.1 Below is a list of examples of situations which may qualify for accruing lieu time. Please note that this list is not exhaustive and you should discuss any exceptional circumstances with the Director of HR.

Qualifies for Lieu Time Accrual	Unlikely to Qualify for Lieu Time Accrual
Admissions interview evenings.	Attending a CPD course on a non-working day <i>(unless specifically directed by the trust/college and lieu time has been agreed in advance with the Director of HR)</i> .
School liaison events where not part of your role and where lieu time agreed in advance.	Working additional hours where not agreed in advance.
Easter/holiday revision workshops – as organised by each college. Any not centrally organised would not accrue lieu time.	Attending meetings where included as a reasonable element of your role.
College Open Events (for part time staff only and after working contractual hours).	Voluntarily attending a college trip on a non-working day, including Duke of Edinburgh. Subject trips <i>(unless specifically requested by the college and lieu time has been agreed in advance)</i> .
Working additional hours to cover staff absence – where agreed in advance.	
Study Support staff attending a trip to specifically support a student with a disability or learning	

difficulty that they work with ( <i>overtime may also be an option in this situation</i> ).	
Staff working on new initiatives voluntarily – lieu time may be granted as a reward at the discretion of the trust.	
Staff leading enrichment activities – lieu time stated below.	

*The only lieu time that will be granted to senior leaders is for working Open Saturday events.*

- 5.2 Please note that additional hours (including 4pm meetings) 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. If individuals choose to stay late to complete work without prior approval then they will not be eligible to make a request for lieu time and will need to discuss the matter with their immediate manager.
- 5.3 It is acknowledged that there are occasions when both the member of staff and the employee will benefit from additional hours being worked, for such as a CPD session. In these circumstances, it is not expected that staff will claim for lieu time.
- 5.4 Line managers are expected to keep an accurate record of any additional hours worked by their staff on the HR system. The HR Team will add to this, any whole college events where lieu time is granted – for example, Open Saturday (lieu time will always be granted for Open Saturday and a full day is usually awarded)/Easter revision workshops and TOIL accrued with Enrichment.

**6. TOIL Accrual through Enrichment**

- 6.1 Five sessions during one half term – half a day lieu, accruing a maximum of three days lieu.
- 6.2 Senior Leadership Teams will communicate the times of the year that TOIL through enrichment can be used. This will usually be in the progression exam week. All requests to use TOIL should be requested in the usual way, using the Trust HR Portal and in agreement with your line manager.

*\*Taking TOIL in progression exam week is the only circumstance where three consecutive days of TOIL will be permitted.*

**7. Requests to Take TOIL**

- 7.1 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 – this should not exceed two consecutive working days for teaching staff and Progress Tutors\*.
  - Office cover and wider operational requirements.
  - Personal circumstances of the employee.
  - Parity across the team, college and trust in the application of this process.

*\*The trust reserves the right to amend this on occasion, only if it is in the best interests of the trust, relevant college and students.*

- 7.2 Line managers have the right to refuse a TOIL/leave request if it would be inconvenient for the team, college or trust. If managers are unable to agree to requests they should discuss the reasons for this with the employee, ideally face to face and then action on the HR system.
- 7.3 There are certain occasions and events when request for TOIL/leave would most certainly not be granted, as follows:
- Open Events (*may be granted for some support staff*)
  - Taster Days (*may be granted for some support staff*)
  - Induction Days (*may be granted for some support staff*)
  - Results Days – A Level and GCSE – if this is part of your additional contracted days you are required to work
  - Enrolment Days
  - Progression Day and events
  - Parents' Evenings
  - Busy periods at the beginning of September (*subject to line manager approval*)
  - Trust Conference/Planning days and CPD events
  - Interview Evenings – if this is part of your additional contracted days you are required to work
  - Obviously key exam times for teaching staff
- 7.4 We politely ask that staff be mindful of public perception of student facing staff taking lieu time during term time and ask that staff do not post to social media at this time.

## **8. How to Book Toil**

- 8.1 TOIL can be requested via the HR system portal. It can then be approved or declined electronically by the line manager, though it would be courteous for a conversation to also take place wherever possible.

## **9. Carrying Over Annual Leave/Lieu Time**

- 9.1 It is strongly encouraged that any lieu time or holiday entitlement should be used within the academic year. It is important staff take their holiday entitlement for their wellbeing and (for support staff) in line with minimum legal requirements.
- 9.2 Where staff are leaving the college, any lieu time or annual leave entitlement should be used prior to them leaving.
- 9.3 Teaching staff will be eligible to carry over a maximum of one day of lieu time from one academic year to the next with prior agreement of their line manager. Any other lieu should be used by the end of each academic year or will be lost.
- 9.4 Support staff will be eligible to carry over up to two days of lieu or annual leave from one academic year to the next with prior agreement from the line manager and up to a maximum of five carried over with agreement from senior management under special circumstances (to be applied for in writing).

See also: Special Leave Policy

**Policy Status**

<b>Policy Lead (Title)</b>	Director of HR	<b>Review Period</b>	Every 3 years
<b>Reviewed By</b>	Trust Executive Team	<b>Equality Impact Assessment Completed (Y/N)</b>	Y

**POLICY AMENDMENTS**

<b>Version</b>	<b>Approval Date</b>	<b>Page No./Paragraph No.</b>	<b>Amendment</b>	<b>Audience</b>	<b>How Communicated</b>
1	February 2021	6.0	TOIL Accrual through Enrichment added	Staff	Hr Newsletter and email