

Introduction

This guidance sets out how Time off in Lieu (TOIL) will operate at Creative Lives.

Creative Lives has a commitment to ensuring that employees maintain a healthy work-life balance and will try to ensure that the need to work additional hours is kept to a minimum but when additional hours are worked TOIL can be accrued for work beyond your usual contracted hours and must be agreed in advance with your line manager.

Ideally we would want you to complete work within your existing hours but at times if this is not practical (eg evening event / weekend work / long distance travel etc) TOIL can be accrued.

Purpose

This policy seeks to create a consistent and flexible approach to working arrangements that enables employees to manage fluctuations in work requirements that are not accommodated through normal flexible working practices. This procedure is not to be used for flexible working arrangements and is intended for hours worked above your normal working hours.

TOIL

TOIL stands for Time Off In Lieu. This is where an employee works **pre approved** additional hours and is compensated with taking the time off at another point. Use of TOIL should be unusual.

TOIL should not be accrued on a regular basis; it should be an unusual event rather than the norm. Accrual of TOIL should be unusual, managers who have staff accruing TOIL on a regular basis must look at the working pattern so that the working pattern can be adjusted to meet the needs of the role as appropriate.

TOIL is intended to be planned and authorised in advance. It is not intended that it will be worked on an ad hoc basis.

Authorisation of TOIL

All TOIL must be **agreed** and authorised by a manager.

The accrual of TOIL requires authorisation **in advance** before additional hours are worked. If this authorisation is not in place, any additional hours undertaken will not qualify for TOIL and will be lost. TOIL should be recorded on the staff toil record sheet.

Operation of TOIL

Agreed hours worked beyond the standard 37.5 hour working week, or contracted hours for part time staff, may be claimed on the following basis:

Maximum banked TOIL is 20 hours.

TOIL is awarded on:

- a single hourly rate basis for supplementary hours worked.
- There is no monetary alternative to TOIL at any point and any TOIL that is not used in line with this procedure will be lost.
- Agreed TOIL hours earned in any calendar month must be taken as soon as possible, ideally within a month, after they are earned to ensure suitable rest periods. If this is not possible, where it is appropriate TOIL may be taken at any point during the following rolling 3 months, if it is not used during this time frame it will be lost and there will be no cash alternative.
- Toil should not be accrued for the purpose of increasing annual leave.
- Where a staff member has accrued TOIL it should be planned in and used before going on maternity/adoption or shared parental leave, and TOIL should not be accrued if it won't be possible to take the accrued TOIL back.
- If a person has accrued TOIL but then takes a period of long term sickness then in these exceptional circumstances it may be possible to carry the TOIL forward and be used during the first month of return from sick leave.
- No more than 20 hours of TOIL may be held at any time and any additional hours will be lost. It should be unusual for staff to be holding 20 hours as TOIL is expected to ordinarily be being taken within a month of being accrued.

Recording of TOIL

Employees should record TOIL accrued and taken on their TOIL sheet to be signed off by their line manager.

https://docs.google.com/spreadsheets/d/1J4wc8Q48rKGPvplAMBmP2NW_KvorQB9EhMQkFv35drl/edit#gid=0

TOIL When Travelling

- Creative Lives staff work from home with no fixed office aside from hot desk facilities, any travel time taken before 8am or after 6pm may be counted as TOIL.
- Where an employee is travelling to and from an event on the same day, but needs to set out earlier than their normal working day and/or arrive home later than normal this should be managed where possible through normal flexible working during the rest of the week (finishing earlier / longer lunch etc). **Anything over an additional 60 minutes can be accrued as TOIL.**
- On occasions, an employee may need to be at a distant location and require an overnight stay, in this instance travel should ideally be taken during the normal working hours prior to and following an overnight stay.
- Overnight stays do not accrue TOIL (unless you are working)

Contract End

Any accrued TOIL should be used before the end of an employment contract regardless of the reason for the termination of the contract. Any TOIL that is not

used, for any reason, will be lost and there will be no cash alternative. Where a staff member has accrued TOIL it should be planned in and used before the end of their contract and not be accrued if it won't be possible to take the accrued TOIL back.

Agreed by SMT June 2024, to be reviewed March 2026