

REFORM OF THE AGENDA FOR CHANGE (AFC) PAY AND TERMS OF CONDITIONS IN SCOTLAND

SCOTTISH TERMS AND CONDITIONS COMMITTEE SUB-GROUP

TIME OFF IN LIEU (TOIL)

Final Report

Group Membership

Patricia Leiser, Director of HR, NHS Ayrshire & Arran (Joint Chair)
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Janis Millar, MSG
Jackie Mitchell, Royal College of Midwives
John White, Director of HR, NHS Lanarkshire

Terms of Reference

The Terms of Reference agreed for the group were:

- To take forward the work programme for ensuring that the existing policy and procedures for the application of TOIL enable all staff to be treated fairly and consistently through the development of a Once for Scotland guidance.
- To draft a set of proposals to be referred to STAC for approval and thereafter to recommend to the Cabinet Secretary for Health and Sport for approval.

Introduction

1. The purpose of TOIL is to ensure that staff have a healthy balance between home and work life and that time accrued is taken back at the convenience of the employee and the Service and within a reasonable timescale.
2. As agreed in the above Terms of Reference the TOIL sub-group have undertaken a comprehensive review of current TOIL policies in place across NHSScotland and, following a series of meetings, developed a proposed Once for Scotland Agreement on the management of TOIL. (Annex A).
3. In developing the proposed Agreement the sub-group has sought to clarify the purpose of TOIL and how to manage it effectively thereby ensuring that TOIL is utilised appropriately and provides the intended benefits for staff and the Service.
4. In addition to the proposals, a number of questions and answers have been drafted to support the agreement and ensure that it is clear when TOIL can be worked, when and how it should be taken, when and what payment applies and situations when TOIL is not appropriate.

Key Points Agreed

1. TOIL is additional time for operational service requirements that is worked at the start of the end of a rostered shift and must be 15 minutes or more.
2. Any additional time worked that is less than 15 minutes will not be classified as TOIL.
3. Managers will not normally allow accrual of more than 15 hours time owing in a calendar month.
4. TOIL must be authorised by the appropriate manager and it is the staff member's responsibility to ensure that TOIL accrued and taken back is authorized by their line manager.
5. An approved electronic system must be used to record when TOIL is given, when it is taken back and instances when payment is made.

Benefits

The proposed policy guidance is outlined in Appendix A attached to this paper and the group believe that implementation of this guidance will facilitate the intended benefits of the review by -

- Providing a clear and concise process for staff working excess hours and attracting TOIL
- Improve recording of working time
- Improve governance of the use of TOIL
- Provide the ability to report on the use of TOIL as workforce information.

Recommendations

The sub-group would like to make the following recommendations to STAC -

1. that all Boards implement the proposed agreement
2. that SSTS is the recommended system for recording TOIL
3. that Boards include TOIL data in their local workforce metrics and reporting. Reports may include:
 - how much TOIL is used in each Board
 - groups of staff that utilise TOIL
 - how much is taken back
 - how much is required to be paid after 3 months.

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