



Professional Services Staff Overtime, Additional Hours and TOIL Policy

1. Introduction

LSE aims to ensure that there are appropriate resources in place to fulfil required operations and sustain service level expectations. These aims are met through a combination of contractual arrangements, and, in some cases, staff may be required and/or requested to work additional hours to meet a particular demand. While the School acknowledges the commitment of all staff, this policy sets out how staff at salary bands 1-5 who work additional hours may be appropriately and fairly rewarded using overtime and time off in lieu (TOIL) arrangements.

In certain roles, there is an obligation that the postholder is required to work additional hours in line with operational requirements. In these cases, the terms are set out in the contractual appointment letter.

For all staff employed on professional services staff terms and conditions, pay is calculated based on a full-time member of staff working 35 hours per week (excluding lunch breaks), or a shift or other agreed working pattern which averages 35 hours per week over a year. Salaries are pro-rated for part-time staff.

2. Aims

This policy sets out the fair and transparent principles to be followed by employees and managers in regard to how additional hours, TOIL and overtime are agreed and classified, with any appropriate payment rates clearly detailed.

In addition, the policy details overtime arrangements for staff in respect of taking their statutory holiday leave allowance and the procedure which is used to compensate staff who regularly undertake overtime.

3. Scope

The policy principles set out below cover all professional services staff on salary bands 1-5. However, certain areas of LSE may require specifically agreed models on allocating overtime due to the operational requirements within those areas. For those areas, local principles on how overtime and TOIL are allocated may be developed in consultation with appropriate trade union representatives.

For professional services staff on salary bands 6-10, TOIL and overtime payments do not apply. These staff will be expected to work in accordance with their terms and conditions and, therefore, may be required to work from time-to-time above their paid weekly hours to fulfil their duties. They will not normally be expected to work continuous or heavy additional hours.

4. Restrictions

All members of staff who work on a restricted visa which limits the total weekly hours worked must ensure that they follow the rules and limits within their visa prior to working any additional hours, regardless of how hours are classified.

Under the Working Time Regulations, no individual working pattern should exceed working on average, 48 hours per week over a 17-week period. If both the member of staff and the line manager wish to agree an opt-out from this restriction, they should contact their HR Partner for further advice.

5. Definitions of working hours terms

The policy details a number of terms which refer to hours of work. These include contractual hours of work, time off in lieu (TOIL), voluntary paid overtime, contractual paid overtime and annualised hours. The definitions of these terms are detailed in Appendix C.

6. Policy responsibilities for line managers allocating additional hours worked, TOIL and overtime

The responsibilities below detail how managers should manage all additional hours for all professional services staff at salary bands 1-5 who work over and above their contracted hours of employment:

- 6.1. Before any additional hours are worked, the manager should confirm to the employee(s) how they will be classified: whether as TOIL or voluntary paid overtime.
- 6.2. Where overtime does not form part of the core resourcing model for an area, managers are expected to consider whether TOIL/overtime arrangements in their local area support their operational needs and are cost effective, as well as any potential detrimental impact on staff motivation and performance. This includes managers regularly reviewing and monitoring the use of TOIL/overtime and considering whether alternative staff resourcing models may offer a more effective way to manage operational needs.
- 6.3. Where there is a need for managers to request that staff work additional hours and overtime does not form part of the core resourcing model for an area, it is expected that managers will consider TOIL as a first option.
- 6.4. Whether offering TOIL or overtime, managers should ensure that they offer this to all appropriate groups of staff in a fair, transparent and equitable way.
- 6.5. In areas where TOIL and/or overtime is offered on a regular basis, managers should, where reasonably possible, offer TOIL or overtime on a rotational basis in a fair and transparent way whilst balancing operational needs.
- 6.6. Managers should agree TOIL and overtime hours in minimum blocks of 30 min/0.5 hours.
- 6.7. Managers can provide TOIL and overtime to professional services staff in salary bands 1-5 for agreed additional hours of work. For staff who work above and beyond their contract and duties, managers can additionally reward all professional services staff through the contribution pay process. Please see the [Professional Services Staff Contribution Pay Guidance](#) for further information.

- 6.8. Managers must process, record and pay overtime using the [overtime claim](#) form or bulk upload files and submit to fin.div.payroll@lse.ac.uk once overtime hours have been worked in line with monthly payroll [deadlines](#).

7. Policy responsibilities for members of staff working additional hours, TOIL and overtime

The principles below detail how members of staff should agree additional hours worked over and above their contracted hours of employment:

- 7.1. It is the responsibility of a member of staff to ensure that, when working additional hours, this has been agreed in advance with their line manager and that they understand whether the additional hours above their contract of employment are to be classified as TOIL or paid as overtime.
- 7.2. Members of staff who work additional hours without prior agreement should not normally expect to receive overtime payments or TOIL.
- 7.3. Members of staff are strongly encouraged to speak with their line manager if they feel that taking on additional work as TOIL or overtime could detriment their personal wellbeing and work life balance and/or whether they feel it may impede their ability to perform the duties of their role.

8. General principles around managing levels of additional hours worked, overtime and TOIL and payment rates

- 8.1. Accrued TOIL must not exceed a maximum balance of 35 hours at any point. Both managers and members of staff should regularly monitor and discuss how accrued TOIL should be managed to avoid exceeding the maximum balance of 35 hours. Only under exceptional operational requirements can the 35 hours maximum balance be exceeded. This must be agreed to by the line manager in all circumstances.
- 8.2. Accrued TOIL should be taken at regular intervals to ensure that staff are taking appropriate breaks when working additional hours.
- 8.3. Where areas of LSE operate a local flexible working practice which includes TOIL, it should follow the principles set out in this policy, specifically around fairness and transparency.
- 8.4. TOIL should be recorded in writing and monitored at a local level between members of staff and their line manager.
- 8.5. Where voluntary overtime for full-time staff is required on a regular and ongoing basis, managers should consider whether this should be treated as a contractual overtime arrangement. It is recommended that managers review overtime resources/metrics on an annual basis to monitor this and any changes to contractual arrangements must be carried out in consultation with staff. Members of staff may also raise with their line manager if they consider a voluntary arrangement to have become a more permanent requirement so that this may be considered. Managers should seek advice from their HR Partner in this situation.
- 8.6. Where additional hours are worked by part-time staff (including salary band 6 and above), staff can submit a claim for these hours to be paid at their usual standard hourly pay rate up to a maximum of 35 hours per week in total.
- 8.7. Where additional hours are worked by part-time staff on a regular basis, this should be monitored and, where appropriate, consideration given to whether an adjustment to contracted hours of employment may be appropriate. Any changes to contractual working hours are subject to consultation with the member of staff.
- 8.8. If additional hours worked are agreed to be paid as overtime, the payment rates for working overtime (as set out in Appendix A) will apply.

9. Overtime and calculating pay during annual leave

The first 20 days of annual leave in the calendar year (pro-rated for part time employees) will be leave under Regulation 13 of the Working Time Regulations 1998 (the "**Regulation 13 Days**"). In respect of the Regulation 13 Days, LSE will ensure that staff receive their normal pay in respect of regular voluntary paid overtime for staff. The principles of how these payments are calculated and processed are detailed in Appendix B.

Appendix A – Overtime Rates

Where additional payment is authorised to be made as overtime payments, it shall be made in accordance with the below rates.

The following rates apply to professional services staff on salary bands 1-5.

Extra hours worked:	Salary Bands 1-5
by part-time and hourly-paid staff (up to an average of 35 hours a week on an annual hours basis ¹)	1.0 time
by catering services and cleaning services staff before/after normal working day (in excess of 35 hours a week)	1.5 time
on rest days (e.g. Saturday and Sunday if normal working week is Monday to Friday and over 35 hours per week)	1.5 time
on a second consecutive rest day worked	2.0 time
on closure days	1.5 time
on bank holidays	2.0 time

Members of staff can check overtime payments in their monthly timesheets. For members of staff who receive overtime payments and are members of the SAUL pension scheme, overtime payments are superannuable.

Overtime Protection Arrangements

Some staff previously covered by the 1995 Portering Agreement and the 1997 Maintenance Technicians Agreement may receive lower overtime earnings under this policy because they were previously paid at higher premia for working Sundays, closure days or bank holidays than are proposed under the new arrangements. For staff covered under this agreement, detailed information on the pay protection arrangements and rates are available in the areas affected by the 1995 Portering Agreement and the 1997 Maintenance Technicians Agreement.

Appendix B – Overtime payments whilst on annual leave

All staff who are paid for working non-contractual overtime will receive 'overtime related holiday pay'.

The payment will be made at the same time as overtime is paid. This will be automatically applied as part of any submission of overtime hours to the Finance Division Payroll team.

The payment will be based on the Regulation 13 Days. The payment rate for the Regulation 13 Days is calculated as an additional 8.3 percent on all overtime payments.

This will be shown as a specific payment on pay slips next to any overtime payments.

For staff who receive fixed contractual overtime payments, no additional 'overtime related holiday pay' will be made as this group of staff will continue to receive their fixed contractual overtime whilst on annual leave.

¹ If staff in this category work on average, above 35 hours per week on an annual basis, the School will work to offer a change in contract to include an agreed level of contracted overtime into the contract.

Appendix C – Definitions of working hours terms

Contractual Hours of Work

- An employee's contractual hours of work are set out in the appointment letter and accompanying terms and conditions of employment.

Time off in lieu (TOIL)

- TOIL is a period of time agreed between an employee and employer, to compensate an employee for working additional hours above and beyond their contracted hours of employment. This must be pre-approved and is in addition to annual leave.

Voluntary Paid Overtime

- Voluntary paid overtime refers to additional hours of work over and above an employee's contractual hours of work which are carried out on an agreed or voluntary basis. The hours and the rates of payment are agreed prior to work being completed.
- Voluntary paid overtime is offered on a discretionary basis and can be accepted or rejected by an employee.

Contractual Paid Overtime

- A small number of LSE staff are contracted to work in excess of a full-time working week. These staff receive contractual overtime pay which is guaranteed and superannuable. As it forms part of an employee's contract of employment, it is payable when an employee is on holiday (including annual leave, School closure periods and bank holidays) or on sickness absence.

Annualised Hours Contracts

- Some groups of staff are contracted to work a set number of hours on an annual basis. These hours and work patterns can vary over the course of the year.

Review schedule

Review interval	Next review due by	Next review start
5 year	August 2028	January 2028

Version history

Version	Date	Approved by	Notes
1	April 2023	JNICC	Pending Approval
2	June 2023	JNICC	Pending Approval

Links

Reference	Link

Contacts

Position	Name	Email	Notes
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Communications and Training

Will this document be publicised through Internal Communications?	Yes
Will training needs arise from this policy	Yes
If Yes, please give details HR Partners will liaise with areas on the impact of this policy. Annual leave guidance documents will be updated.	