



Hinckley & Bosworth  
Borough Council

*A Borough to be proud of*

FORWARD TIMETABLE OF CONSULTATION AND DECISION MAKING

ETHICAL GOVERNANCE AND PERSONNEL COMMITTEE - 12 DECEMBER 2016

WARDS AFFECTED: ALL WARDS

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## TIME OFF IN LIEU (TOIL) POLICY

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### Report of Chief Officer (Corporate Governance and Housing Repairs)

#### 1. PURPOSE OF REPORT

1.1 To seek approval of the council's Time Off in Lieu (TOIL) policy.

#### 2. RECOMMENDATION

2.1 That members approve the policy for adoption on 1 January 2017.

#### 3. BACKGROUND TO THE REPORT

3.1 The current contract of employment states that TOIL is applicable:

- to employees on or above SCP 29 when overtime is not payable
- For ad hoc weekend working when overtime is usually applicable but TOIL is agreed as an alternative
- For employees who are unable to work flexi-time because of service requirements. Normal annual leave rules apply to 'banked hours', including the carry-over provisions.

Whilst these contractual provisions are in place, the council does not currently have detailed guidance on the use of TOIL in order to manage it; it is therefore likely that managers could be operating different arrangements and inconsistencies could emerge. Furthermore, following a broad consultation with staff in regard to terms and conditions of employment, the trade union reported that staff and managers indicated the need for a corporate TOIL policy.

3.2 Prior to developing a new policy, the HR Manager contacted service managers to establish which services adopted the use of TOIL and to understand any concerns that managers may have. Some services reported that TOIL is used ad-hoc (i.e. weekend working on occasion or when there is limited overtime budget available),

however managers generally reported that the preferred method of recompensing staff for accrued hours was to take flexi leave. The only service which used TOIL on a regular basis was the Planning and Environmental Health Service.

- 3.3 There is a distinction between TOIL and Flexi time however, after discussing this with some team managers, the term toil and flexi is used interchangeably. From a contractual perspective TOIL once accrued, cannot be lost, therefore should an employee leave then this is paid in line with any holiday accrual. This is on the premise that technically TOIL is driven by management request which is in line with the use of overtime i.e. requesting employees to attend evening meetings or to carry out additional duties at weekends etc. In contrast, flexi time is a contractual right by the employee to work their total number of contractual hours on a flexible basis, in order to provide varying service cover and to support work life balance. If employees leave there is no contractual right to paid up flexi time.
- 3.4 The new policy aims to provide clear guidance in regard to the use of TOIL so that it is consistently managed across the council.

#### 4. EXEMPTIONS IN ACCORDANCE WITH THE ACCESS TO INFORMATION PROCEDURE RULES

- 4.1 The report to be taken in open session.

#### 5. FINANCIAL IMPLICATIONS [DW]

- 5.1 The policy places limitations on the period for which toil may be accrued as this becomes, in effect, a contractual employee benefit payable if an employee leaves (as opposed to flexitime which is not and which is lost if not taken). This represents a potential additional cost which would need to be met from within existing budgets.
- 5.2 In addition section 8.3 of the policy outlines the circumstances and process under which, in exceptional circumstances, unredeemed toil may be payable outside of the normal period limitations. This cost, if incurred, would also need to be met from existing budgets.

#### 6. LEGAL IMPLICATIONS [JB]

- 6.1 None.

#### 7. CORPORATE PLAN IMPLICATIONS

- 7.1 Providing value for money and pro-active services.

#### 8. CONSULTATION

- 8.1 Extensive consultation has taken place with the recognised trades unions, managers and all staff throughout the summer months.

#### 9. RISK IMPLICATIONS

- 9.1 It is the Council's policy to proactively identify and manage significant risks which may prevent delivery of business objectives.

9.2 It is not possible to eliminate or manage all risks all of the time and risks will remain which have not been identified. However, it is the officer's opinion based on the information available, that the significant risks associated with this decision / project have been identified, assessed and that controls are in place to manage them effectively.

9.3 The following significant risks associated with this report / decisions were identified from this assessment:

None

## 10. KNOWING YOUR COMMUNITY – EQUALITY AND RURAL IMPLICATIONS

10.1 This policy applies to all staff. No EIA at this stage.

## 11. CORPORATE IMPLICATIONS

11.1 By submitting this report, the report author has taken the following into account:

- Human Resources implications

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Background papers: None.

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Executive Member: Councillor A Wright.