

HINCKLEY AND BOSWORTH BOROUGH COUNCIL

TIME OFF IN LIEU (TOIL) POLICY

1. Introduction

- 1.1 The success of this council is founded on the skills, energies and commitment of its employees. Many, on occasions, work beyond their contracted hours in order to respond flexibly to unexpected demand levels and to meet the needs of the service. This adaptability enables the council to cope with work demands and to provide a responsive service.
- 1.2 The council recognises its duty, so far as is reasonably practicable to ensure the health, safety and welfare of their employees whilst at work. Managers have a role and responsibility under health and safety legislation, to ensure that excessive hours are not worked by staff and that they are recompensed by taking time off in lieu (TOIL) for any extra time that they have to work. The council is also required to provide a safe environment for its employees. Managers should ensure that a lone working system is put in place for employees that are working off site or out of hours.
- 1.3 This policy should be read in conjunction with the council's Flexitime Policy and Health and Safety Policy.

2. Definition of Time off in Lieu (TOIL)

- 2.1 Time off in lieu (TOIL) is time taken as additional leave instead of overtime pay by employees working beyond their contractual or normal working hours.

3. Purpose

- 3.1 The purpose of this policy and procedure is to ensure that managers and employees are aware of and understand the council's TOIL arrangements.

4. Scope

- 4.1 This policy and procedure applies to all employees (including managers) of the council with the exception of casual staff who work on an ad-hoc basis.

5. Principles governing use of TOIL

- 5.1 The requirement for overtime may be due to a variety of reasons such as an increased volume of regular work, a temporary crisis in resourcing, to cover absences, to catch up on slipping deadlines or to resource one off projects that cannot be carried out within working hours. This policy also applies to officers who are required to attend evening meetings and requested to work at weekends.

5.2 When to pay overtime

Under 3.20 of the Single Status Terms and Conditions employees on or below spinal column point (SCP) 28 (Grade 1-5) who are required to work additional hours are entitled to receive overtime pay at time and half for additional hours worked Monday to Saturday and double time for additional hours worked on a Sunday (*part time workers are entitled to these enhancements only after a 37-*

*hour week (or average 37 hour week) is exceeded, although **rostered** work on a Saturday and Sunday will attract the allowance in 3.18 of the agreement).*

5.3 When TOIL is more appropriate

For employees on or above SCP29 (Grade 6 and above) overtime will not be paid and TOIL will therefore apply. On occasion, and if pre-agreed with their manager, staff on or below SCP28 may opt to take TOIL.

5.4 Stand by hours and call out arrangements are not in scope of this policy.

6. TOIL rates

6.1 Time off accumulated through TOIL arrangements must be equal to time actually worked.

7. Accruing TOIL

7.1 Employees can accrue TOIL if authorised by their manager. If this agreement is not in place, any additional hours worked by the employee will not qualify for the accrual of TOIL and will be lost. (Some employees often attend evening meetings which are outside of their contractual hours. This may be treated as TOIL and does not need prior agreement).

7.2 Employees who participate in the flexi time scheme may only accrue TOIL when the additional hours worked are outside of the flexi time hours i.e. before 7.30am and after 7.00pm Monday – Thursday and 6.30pm Friday.

7.3 Employees who work fixed hours and are not subject to the flexi time scheme may accrual TOIL for any additional hours worked outside of their normal working hours.

7.4 When accruing additional TOIL hours requires an officer to work at another location, then travel time should be included and recorded on the time sheet. (Commuting time should always be excluded).

7.5 The council does not encourage staff to work excessive hours and is committed to complying with the Working Time Regulations. Under the regulations employees are not expected to work more than 48 hours per week. Managers must ensure therefore, when agreeing the accrual of TOIL, that the maximum is not exceeded. However should an employee's weekly working hours exceed, on average the 48 hour maximum over a seventeen week reference period, then the employee may wish to exercise their right to opt out of the 48 hour ruling. Please contact HR for further details.

7.6 Employees are encouraged to take TOIL as soon as possible after it has been accrued. Excessive levels of TOIL should not be accumulated and no more than 3 working days should be accrued at any given time. However in exceptional circumstances, managers have discretion to agree up to 5 days.

7.7 Employees should ensure that they record details of any agreed accrued TOIL using a TOIL recording form (attached to this policy).

7.8 The operation of TOIL depends on mutual trust. Any suspected abuse of TOIL, such as claiming more hours than actually accrued, may be treated as a disciplinary matter.

8. Redeeming TOIL

8.1 Line managers are expected to allow as much flexibility as they can under this policy. However it will not always be possible to allow staff to take the time off when they have requested it. Managers should consider TOIL requests if submitted in advance of time being taken off and will only be approved after taking into consideration the operational requirements of the service.

8.2 Any TOIL not taken within 12 months of accrual will be lost unless there has been prior agreement between the employee and their manager to take it another specified time.

8.3 In exceptional circumstances where due to service delivery needs a request for TOIL cannot be accommodated within the 12 month period, the employee can request payment for the hours owed. This request should be made in writing to their manager and the employee has to demonstrate they have tried their utmost to request and or take their accrued TOIL in the previous 12 months.

8.4 Where the employee can demonstrate that no action has been taken to accommodate their request of TOIL, or requests have been refused on grounds that the employee feels unreasonable, the individual has the right to either request payment for the hours owed or specify when they wish to take the TOIL. This request should be made in writing to HR Manager following the twelve month period of the TOIL being accrued.

8.5 Employees should record TOIL taken using a TOIL recording form. In exceptional circumstances where TOIL has not been pre-agreed (i.e. attending regular evening meetings) time claimed as TOIL should be authorised by the employee's line manager within 5 working days.

8.6 When taking TOIL leave, this should be input on the flexi time sheet under 'Annual Leave/TOIL'.