

## PATCHWAY TOWN COUNCIL



### **Time Off in Lieu (TOIL) Policy**

#### **Purpose:**

The Council recognises that it may be necessary for employees to undertake work outside of their normal working hours. Any agreement by employees to work additional hours is only for the benefit of the Council and no other outside body.

The purpose of this policy is to ensure that all Council employees and members are aware of and understand the Council's time off in lieu (TOIL) arrangements so that they are applied consistently.

#### **Scope:**

This policy applies to all employees of the Council except for casual staff who work on an ad hoc basis and those whose terms and conditions of employment do not accommodate reimbursement for additional hours worked. All staff have a TOIL clause in their contracts, where additional hours may have to be worked outside of normal working hours.

#### **Definition:**

TOIL is defined as Time Taken Off in Lieu or time taken off work by employees in recompense for additional hours worked outside of their normal working hours.

#### **TOIL Rates:**

TOIL will be accrued at the following rates for time worked in addition to normal working hours:

##### **A Monday to Sunday – Time**

#### **Accruing TOIL:**

TOIL accrued will be included on the monthly lieu time tracker for each employee, as will TOIL taken. Each timesheet is signed and authorised by the employee's line manager. The core hours of any working day shall be 9 am to 5pm (37 hours per week) when office cover is required. All employees are to agree TOIL with their line manager, except for the Town Clerk, to ensure the business needs of the Council are met. The Town Clerk will need to agree this with the Chairman or Vice-Chairman of the Council.

However, the Council realises that it is unlikely that the Clerk will be able to seek approval in advance for TOIL accrued and therefore places trust in the Clerk to ensure that where additional hours are worked and TOIL accrued, it is done so in a way that meets the business needs of the Council as well as the work life balance of the Town Clerk. The Clerk's monthly timesheet should show all TOIL accrued or taken, being signed and noted by the Chairman.

When attending Council events or events where the employee is invited as a Council employee, it will be down to the employee's manager or Clerk to assess whether TOIL shall be accrued. For example, helping with road closures will accrue TOIL, simply attending an event will not necessarily guarantee that you are eligible for accruing TOIL, unless it can be evidenced that work has been

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undertaken. In exceptional circumstances for commercial reasons and where commercially viable paid overtime can be authorised by the Town Clerk.

Excessive levels of TOIL should not be accumulated in one month (i.e. more than one standard working week). However, in exceptional circumstances managers have discretion to agree to more. This is however only advised if it is felt that employee will be able to take the TOIL within a rolling year period. (see Using TOIL section).

***Any suspected abuse of TOIL may be treated as a disciplinary matter.***

#### **Using TOIL:**

TOIL can only be taken if agreed, in advance, with the employee's manager. Any requests will be considered in line with staffing levels and operational requirements. The Clerk will be responsible for allocating the use of his/her own TOIL at times when it is deemed suitable.

TOIL should be taken as soon as possible after accrual. One example of good practice is for an employee to come in later than his/her normal starting time the day after attending an evening meeting to redeem any TOIL accrued.

In exceptional circumstances where due to service delivery needs TOIL cannot be accommodated within the rolling yearly period, the employee can request payment for the hours owed based on their actual hourly rate. This request should be made in writing by the employee to their line manager. The employee may only claim for the payment once 37 hours, minimum, have been accrued over a rolling year period. This payment will be made at an employee's basic hourly rate if the staff work 37 hours per week. For part-time staff this will be pro-rated based on the number of hours they work. Some occasions, such as community events where the council may play a large part, will be taken as TOIL at the discretion of the Clerk.

#### **Working Time Regulations:**

The Council has a duty to protect the health and safety of its employees by ensuring that they do not work excessive hours and that, where necessary for them to work additional hours, they are appropriately recompensed.

When agreeing the accrual of TOIL, the manager must ensure that the employee's working hours adhere to the requirements of the Working Time Regulations. If the employee's weekly working hours will exceed the 48 hours maximum, the manager must ensure that the employee completes an opt out form. The opt out form can be obtained from the Town Council office and must be retained in the employee's personnel file.