

# **St Dennis Parish Council**

## **Time off in lieu (TOIL) Policy**

What is it? Time off in lieu (TOIL) is time taken off work to recompense for additional hours worked outside of normal working hours.

### **Who is covered by this policy?**

This policy applies to all employees. All employees may accrue time off in lieu if authorised in advance by the Staffing Committee.

What are the main points?

### **Accruing TOIL**

1. TOIL is accrued when hours are worked outside of normal working hours for operational reasons.
2. Employees who work under the flexitime scheme may only accrue TOIL when additional hours are worked outside the hours of the flexitime scheme, usually before 7am and after 7pm unless the Council has specified different hours for operational reasons.
3. Employees who work specific hours, not subject to the flexitime scheme, may accrue TOIL for hours worked outside their normal working hours.
4. All TOIL must be authorised in advance by the Staffing Committee.

### **Using TOIL**

5. TOIL should be taken as soon as is reasonably possible after it has been accrued.
6. TOIL must be booked in advance with your Staffing Committee.
7. To authorise TOIL where the work can only practically be undertaken outside of normal working hours.
8. To enable employees who have accrued TOIL to take this at a time which is operationally viable but without unreasonable delay.
9. To ensure working hours do not exceed those stipulated by the Working Time regulations Are there any exemptions?
10. Employees who choose to work outside of normal working hours through personal choice cannot accrue TOIL.
11. TOIL should not be accrued on a regular basis. If employees are routinely expected to start or finish work outside of their normal working hours, an alternative solution should be considered.
12. Excess hours accrued under the flexitime scheme may not be transferred to TOIL.
13. If a member of staff regularly works outside of the flexitime hours, by attending evening meetings for example, they may accrue a lot of TOIL hours. They may be able to be paid for these hours. However, the staffing Committee would have to approve any payment for said hours in advance of the work being undertaken.

### **Can you be paid for it instead?**

The Staffing Committee have a duty to ensure that staff are able to achieve work life balance. If evening meetings are a regular feature of the work it may be necessary to draw up a cover rota to ensure that those who attend meetings are able to take the TOIL as soon as possible after attending the meeting (ideally the following day).

### **Overtime payments**

Should be agreed in advance, not used to “mop-up” excess TOIL which cannot be taken. It may be appropriate to meet with your line manager or the Staffing Committee to agree a period of time within which any outstanding TOIL should be booked, how this will be achieved as a team, and to agree any new systems which will be put in place to prevent a build-up of TOIL occurring going forward.

14. If an employee wishes to start work before 7am on a regular basis, this should be discussed with the Staffing Committee to ensure it is operationally feasible to work at this time. The staffing Committee may agree a permanent change of working hours.

15. If TOIL has been allowed to build up and time off is not possible, the Staffing Committee should decide when this can be taken. It is the employee’s responsibility to ensure that they are able to take accrued hours within a reasonable period of time. The employee may also have to be flexible about when the leave is taken in order to meet operational requirements.

16. Both TOIL and overtime must be agreed in advance with the Staffing Committee. TOIL may be more appropriate when undertaking a particular project or piece of work which requires additional working hours, but which is short term and, where there will be an opportunity to take TOIL once it is complete. Overtime is more appropriate where additional working is a more regular feature of the job and it is unlikely that there will be opportunity to take time off in lieu due to the nature of the work.

17. Toil may only be accrued with prior agreement from the staffing Committee and used where the employee has insufficient holidays remaining to cover leave.

Adopted by St Dennis Parish Council 3<sup>rd</sup> April 2023  
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