

Ludgershall Town Council



Time Off in Lieu (TOIL) Policy

1. Introduction

- 1.1. The Council recognises it may be necessary for staff to undertake work outside of their normal working hours.
- 1.2. Any agreement by staff to work additional hours will either be in accordance with their contractual obligations, or on a voluntary basis.
- 1.3. The purpose of this policy is to ensure that line managers and staff are aware of and understand the Council's Time Off in Lieu (TOIL) arrangements, so that it can be applied fairly and consistently, whilst ensuring the delivery of Council business.

2. Scope

- 2.1. This policy applies to all paid staff of the Council. It does not include casuals who work on an ad hoc basis, or those whose terms and conditions of employment do not accommodate reimbursement for additional hours worked.

3. Definition

- 3.1. TOIL is defined as Time Taken Off in Lieu of hours worked, or time taken off work by staff in recompense for additional hours worked outside of their normal daily working hours.
- 3.2. Normal Daily Working Hours are hours of work as cited in a staff members contract of employment and are the expected normal working routine (eg Monday to Friday 0900-1500hrs).

4. TOIL Rates

4.1. TOIL will always be accrued at the rate of 'time' 1:1 for time worked in addition to normal working hours, or hours worked outside of 'normal working hours', or on non-working days.

5. Accruing TOIL

- 5.1. TOIL accrued will be clearly recorded on a staff members timesheet, as will TOIL taken. All staff members timesheets should be signed at the end of a reporting period, once checked for accuracy of recording.
- 5.2. In accordance with the Working Time Regulations 2010, where TOIL is accrued in addition to usual working hours any mandated lunch breaks must be taken e.g. Part Time staff working in excess of 6 hours must take a minimum 20 minute break, a Full Time staff member would be required to take a minimum 30 minute break. All breaks are unpaid. The staff member must take personal responsibility to ensure they are compliant with the Working Time Regulations 1998.
- 5.3. Ludgershall Town Council operates a policy of unpaid breaks during working hours.
- 5.4. When attending Council events, or events where the staff member is invited as a Council representative, it will be down to the Council, in consultation with the Town Clerk, to advise if TOIL may be accrued.
- 5.5. Staff should, where possible, and in writing, agree the amount of TOIL that may be accrued in advance of attending events.
- 5.6. Where the staff member has an active role at an event or is invited as a Council representative they will be permitted to accrue TOIL, whilst ensuring TOIL accrual complies with para 5.2 and 5.4 of this policy.
- 5.7. Where a staff member attends an event, this will not necessarily allow the accrual of TOIL, unless it can be clearly evidenced that work has been undertaken.
- 5.8. In exceptional circumstances, and where a suitable business case has been approved by the Staffing Committee, and Full Town Council in advance, there may, by exception be situations where overtime can be authorised.

5.9. TOIL should be used within 3 months of accrual.

6. TOIL Accrual Limits

6.1. Excessive levels of TOIL must not be accumulated, staff are permitted to accrue up to three working days of TOIL.

6.2. In exceptional circumstances a staff member may submit a request to the Staffing Committee to be permitted to accrue additional levels of TOIL. Exceptional reasons may include responding to critical incidents or emergencies within the Town, or to permit achievement of an essential role qualification or training completion.

7. Using TOIL

7.1. TOIL may only be taken if agreed in advance with the Line Manager. Where the Line Manager is unavailable then it should be agreed with a member of the Staffing Committee, or the LTC Chair.

7.2. Requests will be considered in line with staffing levels and operational requirements, where another staff member is already absent from the Council TOIL usage may not be permitted due to ensuring the ability to remain open to the public.

7.3. Requests should be submitted in writing, preferably by email.

7.4. The core opening hours of the Council offices are 9.30am to 2.30pm, during this time office cover is required.

7.5. Timesheets should clearly show where TOIL has been used.

7.6. When the Council determines the office may be closed to the public there is still an expectation that staff will deliver their normal daily hours. If staff wish to use TOIL or annual leave when the office is closed to the public they may do so, providing they follow the relevant policy.

8. TOIL Misuse

8.1. Any suspected abuse of TOIL will be investigated. Where misuse, or abuse of TOIL is found it may be treated as a disciplinary matter, under the Disciplinary Policy.

8.2. Where this policy is breached, it may lead to the instigation of disciplinary proceedings, or the removal of the ability to accrue TOIL.

9. Working Time Regulations – Weekly Hour Limitations

9.1. The Council has a duty to protect the health and safety of its staff by ensuring they do not work excessive hours, and that additional hours worked are necessary.

9.2. The Council is mindful of the maximum weekly hours being 48 hours, and the maximum daily working hours being 13 hours, and a minimum rest period of 11 hours between shifts. It is the responsibility of the staff member, and their line manager to ensure they comply with the Working Time Regulations.

9.3. When agreeing to the accrual of TOIL, line managers must ensure working hours comply with the requirements of the Working Time Regulations. If a staff member chooses to work hours that would exceed the daily or weekly limit, they may voluntarily complete a Working Time Regulations opt-out form. This form can be obtained from the Town Clerk.

9.4. Staff may withdraw from opting out at any time, with no detriment.

9.5. Any Working Time Regulations Opt Out Forms will be retained in the staff members personnel file for the duration of their employment, or until the opt-out is withdrawn, and in accordance with the Data Protection Act and UK GDPR.

END

Administration of the TOIL Policy

A1. Review Date

This policy will be reviewed every two years, or when there are any legislative changes that affect this policy.

A2. Version Control

Version	Approved	Date	Adopted	Date	Comments
V1	Staffing Committee	6 Jan 26	FTC Jan 26	12 Jan 26	Initial Copy