

Kenwyn Parish Council

Time Off in Lieu (TOIL) Policy

Kenwyn Parish Council recognises its duty to protect the health and safety of its staff by ensuring that they do not work too many hours and that they are recompensed by taking time off in lieu (TOIL) for any extra time that they are requested to work.

Time off in Lieu (TOIL) is defined as time taken off to compensate for planned (or occasionally unplanned) time worked in addition to contracted hours. There is no provision for overtime to be paid under TOIL.

It is recognised that staff may be required to work extra time over their contracted hours to support service delivery objectives. In the interest of enabling staff to have a healthy balance between home and work life, Council also supports and promotes flexible working.

This policy addresses the informal daily working arrangements of staff in terms of Time off in Lieu (TOIL) rather than long term alterations to work patterns. Staff interested in permanent / long term working pattern alterations should consult the Clerk for guidance in the first instance.

The Working Time Regulations 1998 state that staff must not work in excess of 13 hours per day (including rest breaks) and that staff should not work in excess of an average of 48 hours per week unless they have previously agreed this with Council and signed an opt out agreement to the Working Time Regulations.

It is expected that staff are able to complete their job in their contracted hours. However, whilst not encouraged, it is recognised that on occasions and when agreed, staff may need to work additional time, thereby accruing TOIL.

The amount of time owing accrued by staff however needs to be limited and therefore for full time staff should not exceed 7 hours per month and for part time staff a pro rata of 7 hours per month.

The accruing of TOIL will commence once a member of staff has worked 30 minutes after their scheduled finish time or on a day where they are not scheduled to work. Working additional hours (i.e. accruing TOIL) should always be agreed in advance with the Clerk, who has responsibility for authorising the Time off in Lieu and keeping the appropriate records.

Taking time off in lieu should also be agreed with the Clerk. It is recognised that there will be exceptional circumstances, for example when an employee is delayed whilst attending a late funeral, and is not able to access a phone or contact the Clerk, in which case authorisation in advance may not be possible. In such cases the Clerk should be informed as soon as possible (within 24 hours) so the Time off in Lieu Record can be completed retrospectively.

There are examples where time owing should not be accrued. These guidelines do not seek to be exhaustive however lieu time should not be accrued:

- Where an employee chooses not to take a rest break
- As a result of poor time management. Taking back any time worked in lieu must be agreed by the Clerk according to service needs and should be recorded on the TOIL Record. Where it is not possible

to approve the requested TOIL, suitable alternatives dates (earlier or later) will be identified and suggested.

An employee may not take time off in lieu in advance of accruing the time and on the basis that they are due to work extra time in the future, unless there are exceptional circumstances and the Clerk has authorised this.

The Council encourages employees who have accrued lieu time to take the time back as quickly as possible and within one calendar month where possible. For instance, if time is accrued on 15th January then the Clerk and employee should arrange for the time owing to be taken before 15th February. Where, for service delivery reasons, it is not possible for the time to be taken back within one calendar month, the Clerk will work with staff to plan when the lieu time can be taken within 3 months of its accrual. On termination of employment, all TOIL must be at a zero balance. Employees will not be paid in lieu of accrued TOIL which has not been taken by the final date of employment. Any such accrued TOIL will be lost.

All staff have a responsibility to adhere to this policy and will be made aware of this policy as part of their induction. The success of the scheme is based on trust. Any member of staff who is found to have abused the TOIL scheme may have to face disciplinary action up to and including dismissal.

Adopted:

Minute reference:

Review date: