

**APPROVED BY COUNCIL : ...9.../...10.../...23....***This policy will be reviewed once every 5 years unless there is a significant change in legislation or staffing requirements.***Signed by Clerk :****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 either contractual or on a voluntary basis. Any additional hours worked that are not included on a contractual basis are at the agreement of the Clerk in advance of their working ONLY – hours worked which have not been formally agreed by the Clerk will not be honoured.

The purpose of this policy is to ensure that managers and employees 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.

**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.

**Time Accruing TOIL:**

TOIL accrued will be included on the monthly timesheet for each employee, as will TOIL taken. Each timesheet is signed and authorised by the **Clerk** only.

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 Clerk. The Clerk's monthly timesheet should show all TOIL accrued or taken.

In exceptional circumstances for commercial reasons and where commercially viable paid overtime can be authorised by the Clerk. Excessive levels of TOIL should not be accumulated (i.e. more than one standard working week for said employee). However, in exceptional circumstances the Clerk has discretion to agree to more. This is however only advised if it is felt that employee will be able to take the TOIL within three months of accrual.

It has been agreed that TOIL will be accrued alongside the Councils holiday period of January-December in any given month, commencing January 2019.

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 Clerk.** 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 (within two months and not over one weeks working hours accrued). In exceptional circumstances where due to service delivery needs TOIL cannot be accommodated within the 12 month period, the employee can request payment

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for the hours owed. This request should be made in writing by the employee to the Clerk, however it has to be proven that the TOIL could not have been taken due to work and service pressures only.

**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 Clerk 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 Clerk must ensure that the employee completes an opt out form.

DATE OF REVIEW	REVIEW DETAILS
5 <sup>th</sup> February 2018	First draft to Council Approved
13 <sup>th</sup> November 2023	5 year revision and Council approval – no changes