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# **Newark Town**

# **Council**

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

**July 2024**

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## **INTRODUCTION**

Newark Town Council recognises that it may be necessary for employees to undertake work outside of their normal working hours from time to time, whether it be to conduct tasks within the scope of their role or additional duties.

This policy must be read in conjunction with an individual employee's written statement of particulars (often referred to as "contract of employment"), which will state if there are any variations to this policy.

## **WORKING ADDITIONAL HOURS**

It is the Council's aim that no employees should be required to regularly work additional hours to meet the demands of their roles. It is recognised that at certain times additional hours may be necessary, for example, a late funeral booking, financial year end, leading up to an event or due to significant unexpected circumstances and the Council is grateful to its staff for flexibility shown at these times.

It is, however, imperative that staff are not continually working excessive hours. Additional hours may be worked in three ways –

- Additional hours worked at the request of your line manager, in response to an unexpected situation.
- Volunteering to conduct essential tasks outside of normal day-to-day duties and outside normal working hours.
- Voluntary additional hours worked at the staff member's choice.

## **COMPENSATION FOR ADDITIONAL HOURS**

There are three main reasons for compensation for additional hours worked as detailed below.

a) Employees requested to work additional hours by their line manager to conduct tasks in the scope of their role will be entitled to accrue Time off In Lieu (TOIL) on an hour-for-hour basis. For example, if you work two extra hours, you will receive two hours of TOIL in exchange. The minimum TOIL allowed is 30 minutes (1/2 hour)

For clarity, examples of the above may include.

- training sessions
- any meetings requiring Officer attendance that are outside usual working hours.
- callouts (e.g., alarm call outs to Council properties)

There is no uplift in recompense for Saturdays, Sundays, or Bank Holiday working; they remain on an hour-for-hour basis. The recommended best practice is for staff members to start later today or tomorrow to balance these additional hours. In particular, this

can be easily achieved when meetings are scheduled and known in advance. This will also help ensure that staff are not working an excessive number of hours in a 24-hour period and taking adequate rest breaks between shifts.

The Council realises that in the case of the Town Clerk, it will not be a request from a line manager that results in additional hours worked of this nature and the Council therefore puts its trust in the Clerk that additional worked and claimed back as TOIL are done reasonably and in accordance with this policy.

- a) Employees requested to work outside of day-to-day duties for example to help run an event, the time may be reimbursed as TOIL agreed by the Clerk in advance.
- b) Employees may choose to voluntarily work additional hours to conduct their work, but this is not something the Council will encourage. Any voluntarily worked extra hours must be agreed with the Clerk in advance if TOIL is to be agreed.

Whilst the Council is grateful to its staff when dedication and commitment is shown in their roles, it is not reasonable for the Council to reimburse every hour a staff member works when it is done voluntarily i.e., through their own choice or because it suits them personally.

The Council recognises that there are core hours of work for its premises and that Council teams operate best with the maximum number of staff present during these core hours. The more TOIL accrued by staff members, the more staff are likely to be absent during core hours of operation, and everyone must be mindful of this knock-on effect.

The Council is committed to a duty of care to its employees, in particular through ensuring reasonable working hours and manageable workloads that do not cause excessive working or undue stress. If the contracted hours of the role are felt not to be enough to deliver the demands of that particular role it is the staff member's responsibility to report this to their line manager (in the case of the Clerk to the Chairperson of the HR committee) to enable a review of workloads.

## **RECORDING AND AUTHORISING ADDITIONAL HOURS**

All Council employees' hours of work outside their contracted hours are to be recorded on a timesheet. All extra hours worked must be recorded whether these are done voluntarily or as authorised overtime. TOIL request sheets should be submitted prior to taking the time.

## **LIMITATIONS**

Unless otherwise agreed, employees that have accrued TOIL will be limited to carry over 15 hours TOIL from one month to the next (resetting on the first day of every month). For part-time employees, the carry-forward limit will be 30% of their contracted hours; for an employee on 25 hours per week, the limit will be 7.5 hours. Anything in

addition to the 15 hours (or part time equivalent) and not used by the final day of the month will be considered lost and removed from the TOIL balance.

Employees should only be working additional hours for TOIL accrual in order to build up additional days off work i.e., as a supplement to holiday entitlement with prior approval from the Clerk.

Unless previously agreed, upon leaving the Council's employment no employee shall receive payment for any TOIL balance held; any TOIL should be allocated during the notice period. The exception is where an employee is absent and unable to use their TOIL due to maternity leave, adoption leave or parental leave; in this situation the employee may receive payment for any TOIL held.

## **FLEXIBILITY WITH WORKING HOURS**

Newark Town Council recognises that unfortunately some staff cannot be offered as much flexibility with their working hours due to business demands. The Clerk has responsibility for ensuring that adequate office cover is available Monday to Friday.

## **IMPLEMENTATION**

Any employee found to be abusing the policy will be dealt with in accordance with the Council's Disciplinary Procedure.

Hours of work will be reviewed by the Clerk on a monthly basis and reported to the HR committee at every meeting. Any concerns will be addressed as and when noticed, with a record kept securely on the employee's personnel file.