



POLICY

TIME OFF IN LIEU

DCC Model Policy – Yes*

DCC Policy version date: No

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2021**

Published to College Website - Yes

*Corporate Policy, not specifically for Schools

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Current Status:

In accordance with the [Turnover Management](#) principles currently in place, the Head of Service is responsible for making the decision on the use of non-contractual overtime and all alternatives to overtime, including offering Time Off In Lieu, should be considered.

POLICY

1.0 Introduction

1.1 It is Devon County Council's (DCC) policy to ensure a consistent and fair approach with regards to Time Off In Lieu (TOIL) arrangements.

1.2 A manager may recognise that there is a requirement for employees to work extra time in addition to their contractual hours and offer TOIL as compensation.

2.0 Scope and Eligibility

2.1 This policy applies to all DCC employees including school support staff where this Policy has been adopted but excluding teachers, regardless of the number of hours worked.

2.2 Employees on Spinal Column Point (SCP) 29/bottom of Grade F and above or whose full time salary is equivalent to SCP29 and above may be given TOIL if extra time is worked at the request of management as they are not entitled to receive overtime or an additional hours payment. Please see [Salary Rates](#) for further information.

2.3 Employees on SCP28/top of Grade E and below may request to accrue TOIL instead of receiving an overtime or additional hours payment and the manager should consider any reasonable request. Employees must discuss this with their manager prior to working the extra time.

2.4 For employees on D6 and above overtime or additional hours will not be paid. The minimum expectation is that working hours will be 37 hours per week (for full time employees). However, they may need to work longer hours without extra payment to meet the requirements of the post. Extra time worked at the request of management can be managed through this Policy.

Time Off In Lieu (TOIL) Policy

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3.0 Principles

3.1 Employees are appropriately compensated for extra time worked and this policy and procedure is consistently applied by managers.

3.2 TOIL is compensation for extra time worked by an employee in excess of their contractual hours at the request of their manager.

3.3 Requests made by the manager for employees to work extra time should be on a voluntary basis and managers should ensure that all eligible employees have the opportunity to volunteer to work extra time where there is a business need.

3.4 Overtime or additional hours is not payable to employees on SCP29/bottom of Grade F and above or whose full time salary is equivalent to SCP29 and above, however, TOIL may be given for extra time worked in addition to contractual hours at the request of a manager. Please see [Salary Rates](#) for further information.

3.5 Managers may wish to offer TOIL to employees for any extra time worked instead of receiving an overtime or additional hours payment, if eligible. Managers must inform employees if this is the case prior to extra time being worked.

3.6 TOIL accrued is equal to time actually worked and no enhancement of time must be authorised regardless of when the work is undertaken e.g. on a weekday, weekend or bank holiday.

3.7 Heads of Service can authorise enhanced TOIL for dealing with one off emergency situations which may occur late at night, early hours of the morning and/or during the weekend. However, enhanced TOIL should not be given to employees for working extra time that is planned in advance, unless there are exceptional circumstances and agreed by the Head of Service beforehand. Enhanced TOIL is at the discretion of the Head of Service and should normally be given as time and a half.

3.8 Flexitime is different to accruing TOIL as the Flexitime scheme allows employees to vary their start, finish and lunch times to meet the operational/business requirements and their personal circumstances. Please see [Corporate Flexitime Policy](#) or [Overtime Policy](#) Appendix A – Definitions for further information.

3.9 DCC recognises its duty to protect the health and safety of its employees by ensuring that they take adequate rest breaks and do not work excessive hours in any particular week, as set out in the [Corporate Working Time Policy](#).

4.0 Equality Statement

4.1 The HR Helpdesk, as the first line of contact, will ensure that employees are able

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to access a copy of this policy. Employees based in a school should obtain a copy from their school.

4.2 DCC and the school, seeks to eliminate discrimination, advance equality and foster good relations.

4.3 DCC and the school, is committed to the principle of equal opportunities in employment regardless of a person's age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

PROCEDURE

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5.0 Managers' Responsibilities

Managers have the following responsibilities:

5.1 To identify where there is a business need for an employee(s) to work extra time in order to deal with busy periods, a specific event or an emergency etc.

5.2 To ensure that all eligible employees have an opportunity to volunteer to work extra time by providing information, with as much notice as is practicable, on the work required, how much extra time is required and when.

5.3 To ensure that employees accurately record any TOIL accrued and taken on the [TOIL recording and monitoring form](#).

5.4 To authorise and monitor employees' TOIL records.

5.5 To ensure that employees are given reasonable opportunity to take any accrued TOIL within 3 calendar months.

6.0 Employee Responsibilities

6.1 It is the responsibility of the employee to accurately record extra time accrued and TOIL taken on the [TOIL recording and monitoring form](#).

7.0 Working Time Regulations

7.1 In accordance with the Working Time Regulations, all reasonable steps should be taken to ensure that an employee's average working time, including the accrual of TOIL, does not exceed 48 hours for each seven day period and allows for a minimum daily rest period. Please see [Corporate Working Time Policy](#) for further information.

8.0 Accruing TOIL

8.1 Accrual of TOIL is equal to time actually worked and no enhancement of time must be authorised regardless of when the work is undertaken e.g. on a weekday, weekend or bank holiday.

8.2 Employees in receipt of overtime or additional hours payment cannot accrue TOIL for the same time period(s).

8.3 Full time employees should not normally accrue more than 30 hours TOIL during a calendar month, pro-rata for part time employees.

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8.4 TOIL cannot be claimed for individual periods of time less than 30 minutes per day.

8.5 Employees must record all extra time worked and taken on the [TOIL recording and monitoring form](#).

8.6 TOIL is not intended to be used to accumulate extra leave or holiday entitlement.

9.0 Taking TOIL

9.1 TOIL cannot be taken in advance of extra time being accrued and can never be a minus balance.

9.2 TOIL must be taken at times convenient to operational/business requirements and managers must authorise in advance of TOIL being taken.

9.3 TOIL may be taken as either full or part days i.e. in hours.

9.4 TOIL may be taken during core times, as defined in the [Corporate Flexitime Policy](#), subject to operational/business needs of the department.

9.5 TOIL should be taken as soon as practicably possible after it has been accrued. If this is not possible it must be taken within 3 calendar months of being accrued. It is recognised that in exceptional circumstances a longer period may be required and this should be managed on an individual basis.

10.0 Abuse of TOIL

10.1 Employees abusing this policy or falsifying records will be subject to disciplinary action under the [Corporate Conduct Policy and Procedure](#).

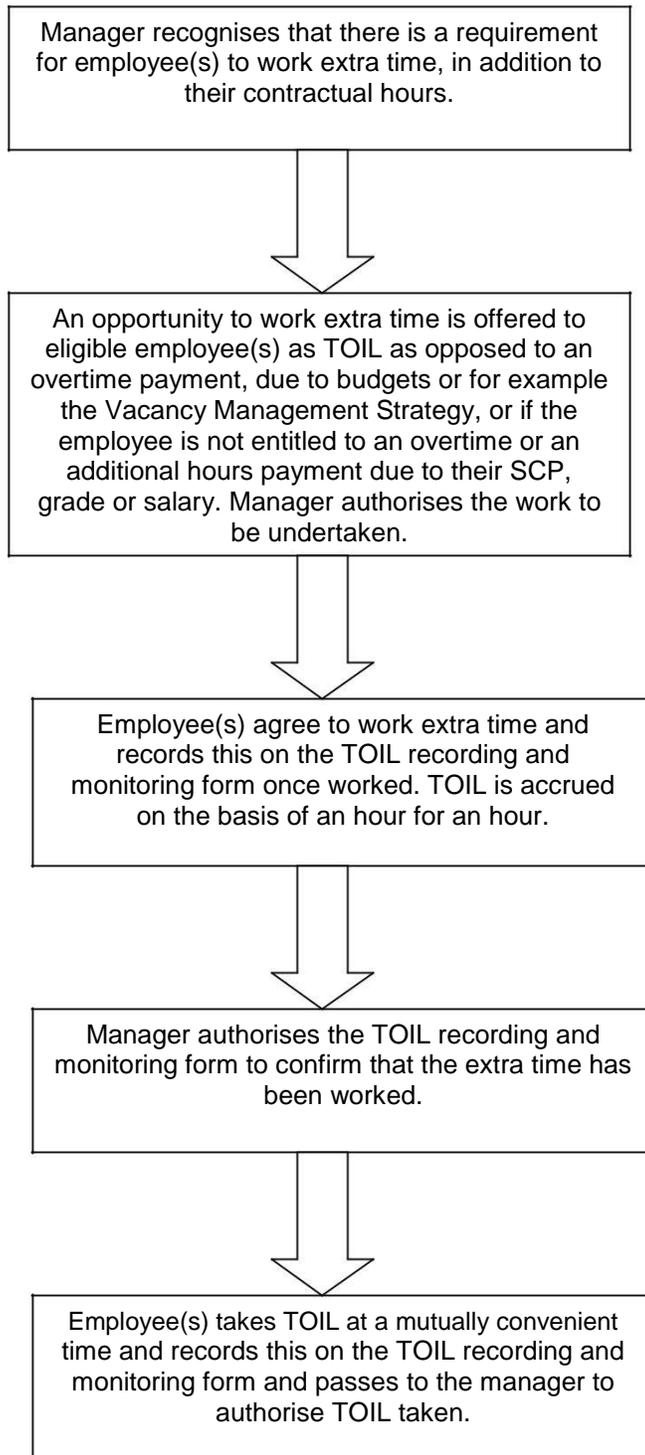
11.0 Termination of Employment

11.1 Employees leaving DCC employment need to ensure that any accrued TOIL has been taken as any untaken TOIL will not be paid.

12.0 HR Direct

12.1 Any queries or concerns with regards to TOIL working arrangements should be referred to HR Direct, telephone number is 01392 385555. Email hrdirect-mailbox@devon.gov.uk.

Appendix A - TOIL Process Flowchart



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POLICY HISTORY

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
	A draft TOIL policy was communicated with the recognised Trade Unions on 7 December 2010. This policy was agreed with the recognised Trade Unions on 21 March 2011.			
01-04-2011	New policy implemented as a result of the Employment Strategy and changes to payment for working overtime and promotion of TOIL.	P&S	1 April 2011	April 2012
01-04-2011	Note: Top of page 3 refers to the Vacancy Management Strategy whereby from 1 August 2010 all non contractual overtime has ceased, subject to the discretion of the Chief Executive (or delegated officer) if there are exceptional circumstances. This paragraph and section 1.2 needs to be reviewed if circumstances change.	P&S		
01-04-2011	Removed reference to vacancy management on page 3 and amended helpline contact details.	HR Direct	16 September 2015	