

Wiltshire Council Human Resources

Time off in lieu (TOIL) Policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

Time off in lieu (TOIL) is time taken off work to recompense for additional hours worked outside of normal working hours.

Go directly to the section on:

- [Accruing TOIL](#)
- [Using TOIL](#)
- [Line Manager responsibilities](#)
- [Exemptions](#)
- [Frequently asked questions](#)

Who is covered by this policy?

This policy applies to all Wiltshire Council employees (with the exception of staff employed in locally managed schools).

All employees may accrue time off in lieu if authorised in advance by their manager.

This is a harmonised policy and applies to both Wiltshire Council and ex-district TUPE employees.

What are the main points?

Accruing TOIL

1. TOIL is accrued when hours are worked outside of normal working hours for operational reasons.
2. Employees who work under the flexitime scheme may only accrue TOIL when additional hours are worked outside the hours of the flexitime scheme, usually before 7am and after 7pm unless the department has specified different hours for operational reasons.

3. Employees who work specific hours, not subject to the flexitime scheme, may accrue TOIL for hours worked outside their normal working hours.
4. All TOIL must be authorised in advance by your manager.

Using TOIL

5. TOIL should be taken as soon as is reasonably possible after it has been accrued.
6. TOIL must be booked in advance with your manager.

Line manager responsibilities

7. To authorise TOIL where the work can only practically be undertaken outside of normal working hours.
8. To enable employees who have accrued TOIL to take this at a time which is operationally viable but without unreasonable delay.
9. To ensure working hours do not exceed those stipulated by the [Working Time regulations](#)

Are there any exemptions?

10. Employees who choose to work outside of normal working hours through personal choice cannot accrue TOIL.
11. TOIL should not be accrued on a regular basis. If employees are routinely expected to start or finish work outside of their normal working hours an alternative solution should be considered.
12. Excess hours accrued under the flexitime scheme may not be transferred to TOIL.

Frequently asked questions

13. Staff in my team regularly work outside the flexitime hours (for example attending evening meetings) and accrue a lot of TOIL but I am struggling to enable them to take this. Can they be paid for it instead?

As a manager you have a duty to ensure that staff are able to achieve work life balance. If evening meeting are a regular feature of the work it may be necessary to draw up a cover rota to ensure that those who attend meetings are able to take the TOIL as soon as possible after attending the meeting (ideally the following day). Overtime payments

can only be made to employees on grade I or below and should be agreed in advance, not used to “mop-up” excess TOIL which cannot be taken.

It may be appropriate to meet with your team to agree a period of time within which any outstanding TOIL should be booked, how this will be achieved as a team, and to agree any new systems which will be put in place to prevent a build-up of TOIL occurring going forward.

14. I would like to start work before 7am on a regular basis, would I have to record these hours as TOIL?

You should discuss with your manager whether it is operationally feasible for you to work at this time. If it is then it may be better to agree specific working hours with your manager and come out of the flexitime scheme.

15. I have built up some time off in lieu but my team is very busy and I am unable to take it – what should I do?

You should discuss with your manager when this time can be taken. It is your manager’s responsibility to ensure that you are able to take accrued hours within a reasonable period of time. You may also have to be flexible about when the leave is taken in order to meet operational requirements.

16. What is the difference between TOIL and overtime – how do I know which applies?

Employees on grade I and above do not qualify for overtime allowances apart from in exceptional circumstances and any additional hours should be taken as TOIL.

Both TOIL and overtime must be agreed in advance with your manager.

TOIL may be more appropriate when undertaking a particular project or piece of work which requires additional working hours but which is short term and where there will be an opportunity to take TOIL once it is complete.

Overtime is more appropriate where additional working is a more regular feature of the job and it is unlikely that there will be opportunity to take time off in lieu due to the nature of the work.

Equal Opportunities

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

If appropriate:

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

Advice and guidance

If you require help in accessing or understanding this policy you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

Further information

There are a number of related policies and procedures that you should be aware of including:

- Flexible working policy
- Flexitime policy
- [Working Time regulations](#)

For further information please speak to your supervisor, manager, service director or contact your [HR advisor](#).

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