

## Time Off In Lieu (TOIL)

### FREQUENTLY ASKED QUESTIONS

#### Q1 - What is the difference between Flexi Time and TOIL?

TOIL is time off granted with pay to compensate for **additional hours** worked **outwith contracted working hours and flexi-time**. These hours are generally undertaken to ensure service delivery is maintained, and are worked in agreement with the line manager and employee in advance of the required period of time. Arrangements regarding taking the time off accrued should be confirmed in advance and where practicable said TOIL should be taken within 8 weeks of accrual. The maximum value that should be accrued as TOIL is 14 hours per month. Some exceptions may exist, with approval from the line manager, depending on the nature of the role or extra workload present.

Flexi time is time off granted with pay to compensate for additional hours worked outwith normal working hours, but within the flexi time period i.e. between 07.30 and 18.30. These hours are generally accrued by an individual through their own choice to allow freedom within their daily/weekly working hours. The corresponding time off is to be requested by the employee and granted according to Service need; there is no deadline by which these hours are to be taken. The maximum value that can be accrued as Flexi is 20 hours per flexi period.

#### Q2 - How is TOIL recorded on Bodet when it is accrued and when is it taken?

TOIL can be recorded on Bodet in two ways:

1. TOIL can be added to the flexi balance on Bodet if it does not exceed the 20 hours flexi limit within a period. When taking the time off – the reason for absence would be selected as TOIL on the Bodet system.

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2. TOIL accrued can be recorded monthly on the [TOIL Request Form](#) to ensure this value is kept separate from flexi time accrued. When taking this time off clock-ins would still require to be entered into the Bodet system with the reason selected as TOIL to ensure the flexi balance is not affected.

Please contact your service Bodet administrator for more information.

In each scenario above time taken as TOIL must be agreed in advance by the line manager. It would be best practice to determine when the hours accrued will be taken at the point it is agreed the additional hours are to be worked. Further details relating to this can be found within [TOIL Guidance](#).

## Q3 - How is TOIL recorded if there is no access to Bodet?

TOIL accrued and taken for the month should be recorded on the [TOIL Request Form](#). All forms must be retained by Services for annual monitoring and review.

## Q4 - Is there a timescale to claim the hours back?

If TOIL is to be granted it should be taken within 8 weeks where practicable. If this cannot happen, then it should be paid. A date for the TOIL to be taken should be agreed either at the point it is agreed the additional hours are to be undertaken, or as soon as possible after the event which led to it. It should not be stored up to be taken and added onto annual leave to extend time off.

## Q5 – Is TOIL taken as a single time?

TOIL is paid at single time until 37 hours per week have been reached (i.e. **contracted hours** plus additional TOIL hours).

### Example – full time staff:

If a **full time member of staff** (contracted for 36.25 hours per week, 7.25 hours per day, undertaken over 5 week days) works on a Monday evening from 18.30 – 22.00.

- From 18.30 until 19.15 is calculated at **single time (these 45 mins take the total hours worked for the week up to 37 hours)**.



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- From 19.15 until 22.00 is calculated at **time and a half (as the overtime threshold of 37 hours for the week has now been exceeded)**.

If the same member of staff then attended another evening meeting on the Wednesday evening from 18.30 – 22.00, the whole 3.50 hours will be at **time and a half** as the 37 hour threshold had already been reached.

If they then attend a meeting on the following Tuesday from 19.00 – 20.30 the following will apply again as the 37 hour threshold for that week starts again.

- From 19.00 until 19.45 is calculated at **single time**.
- From 19.45 until 20.30 is calculated at **time and a half**.

**The amount of hours extra that have been built up between 07.30 and 18.30 on the flexi system are irrelevant when calculating TOIL.**

## **Example – part time staff:**

The same rules as above apply in so far as a part time employee working additional hours will have TOIL based on **time and a third** if the hours are undertaken between **23.00 and 06.00**.

For additional hours worked in excess of 37 hours per week, the overtime rate of **time and a half** will apply.

## Q6 – I worked additional hours over a weekend, how do I claim TOIL?

When working weekends, you are entitled to a weekend enhancement rate which is calculated at time and a third. Therefore the value of hours to be recorded for work undertaken during this time would be calculated by your line manager at time and a third and then added to the Bodet system, or the [TOIL Request Form](#).

When working overtime at the weekend, you will be paid at the overtime rate (time and one half).



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## Q7 – I worked a Public Holiday, how do I claim TOIL?

If you work a public holiday you will receive an additional payment of plain time or time off in lieu. It would be a Service decision as to whether payment is made or TOIL is given. (Individuals working no fixed hours would not receive TOIL).

## Q8 – Two enhancement rates are applicable to the hours accrued as TOIL – which should be used?

When TOIL is undertaken over a period of time where more than one enhancement is applicable the highest rate of enhancement should be selected – for example, if an employee has already undertaken 37 hours through the week and then undertakes 3 additional hours over the weekend, TOIL will be calculated at time and a half (overtime rate) rather than time and a third (weekend enhancement rate), as this is the highest of the two rates.

## Q9 – I've lost 20 hours on Bodet, can I get TOIL for this?

TOIL cannot be taken for hours lost on Bodet. It is the responsibility of an individual to ensure they are not accruing flexi time above 20 hours per flexi period. If it is found this is occurring on a regular basis it would be necessary to discuss this with your line manager to determine if working patterns need to be adjusted.

## Q10 – What if employees are claiming TOIL every month?

Managers should ensure that TOIL is used only occasionally to deal with fluctuations in workload. If TOIL is being claimed every month it may be necessary discuss this with a member of [HR&OD](#) to establish a resolution.

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Q11 – I attended a 2 day conference out with Aberdeenshire which required an overnight stay – how many hours can I claim for this business trip?

You will continue to be paid your normal contractual hours. Hours over and above your contractual hours were actually “worked” (this would not include discussions over a meal) can be claimed as TOIL.

Please refer to [Travel & Subsistence procedure](#) for further information regarding travel.

