

# Flex time and time off in lieu (TOIL) scheme

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## Document history

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1	Sept 2019	Version 1	HR Strategy team
1.1	October 2019	Updates to paragraphs 7 and 8 to clarify carry over and taking of flex leave for part-time employees.  Paragraph 13 – Clarification of when TOIL can be worked and clarity of the taking back of the time	H Ginty/T Brown
2.0	April 2021	Version 2 - Relaxation of scheme parameters around working before 7am and after 7pm also more flexibility around breaks. General update.	H Ginty
3.0	February 2023	Updated to reflect the new flexi time recording system on iTrent time and attendance. Removal of reference to units as recorded in hours and minutes	T Brown
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# Contents

Flex time and time off in lieu (TOIL) scheme.....	1
Document history .....	1
1. Background.....	4
2. Eligibility to operate flex.....	4
3. Accounting periods.....	5
4. Recording of time .....	5
5. Start and finish times.....	6
6. Hours of work .....	6
7. Carry over and overtime.....	7
8. Flex leave.....	8
9. Medical, dental and personal appointments .....	8
10. Job share/part time .....	9
11. Management of the scheme .....	9
12. Health and safety.....	9
13. Time off in lieu (TOIL).....	9
14. Abuse of the system .....	11
15. Complaints.....	11



# 1. Background

- 1.1 Where possible we want to give you flexibility over your working hours to help you to achieve a good balance between home and work life.
- 1.2 We are committed to supporting flexibility, but we also recognise that the requirements of the service must come first and there is often a balance to be struck between flexibility and service needs.
- 1.3 The flex time scheme enables you to have more choice, subject to operational requirements, over your working hours. It involves flexible start and finish times.
- 1.4 Flex time differs from time off in lieu (TOIL). You may take TOIL even if you work in an area which does not operate the flex scheme. Information on time off in lieu (TOIL) is contained in section 13.
- 1.5 We recognise that some roles do not always need to be constrained by core hours and that it suits some employees to operate in this way. Flexibility has been built into the scheme to embrace this type of working where it suits all parties.
- 1.6 We encourage all employees to maintain a good work life balance and therefore you are actively discouraged from working hours in excess of your contractual hours over a sustained period.
- 1.7 The success of the scheme relies on the trust between you, your manager and other employees using the scheme.
- 1.8 We recognise that some work areas are not able to participate in this scheme due to the nature of their work, or that some employees may seek more or different flexibility than this scheme affords them. In these cases, managers will consider any requests for flexibility (see flexible working request guidelines) and agree where possible.
- 1.9 The flexi time and time off in lieu scheme does not form part of your contract.

# 2. Eligibility to operate flex

- 2.1 The flex time scheme will only apply where it has been agreed by an appropriately designated manager that flex time can operate. In general this will mean most employees who are working at home and/or with an office base are eligible, although each department /division/service/section has the discretion to determine whether flex time is appropriate and can operate successfully.

There may be operational requirements or service demands that require adjustments to be made to this corporate scheme in order to ensure service delivery.

- 2.2 The philosophy behind the flex scheme is that you will have a general pattern of working agreed with your line manager. This is essential to ensure that service delivery/adequate cover is maintained.
- 2.3 If you have a contractual arrangement to work compressed hours you can utilise the flex scheme providing that your hours of work are within those set out in section 6 and you take adequate rest breaks as set out in section 6.2

Examples of compressed working for a full time employee are as follows:

- nine day fortnight (74 hours worked over nine days not ten)
- four or four and a half day week (37 hours worked over four or four and a half days)

- 2.4 There is flexibility to operate outside of the flex time scheme parameters where it suits both parties, for example to work before 7am or after 7pm. However, this should be discussed and agreed between you and your line manager in advance and is subject to the health and safety considerations set out in section 12. There is an expectation that any arrangement of this kind will not impinge on your ability to be available at some predefined times, such as weekly team meetings or to meet with internal or external clients. It is your responsibility in conjunction with your line manager to ensure that these needs are met.
- 2.5 Line managers are expected to give all new starters specific guidance on the operation of the flex time scheme within their teams. It is important that fairness and equity is maintained in allowing employees to participate in the flex time scheme.
- 2.6 You should note that the council may withdraw the facility to work flex time if the provision is abused. For more details, see section 14 – abuse of the system.

### 3. Accounting periods

- 3.1 The flex time scheme is based on four-weekly accounting periods. Daily time is recorded using a time recording system via iTrent self-service which is based on you entering your start and finish times and recording the times of any breaks.
- 3.2 If you have sickness, annual leave or other leave booked or if there is a bank holiday in the flex period the system will automatically reflect those absences and you will not need to record anything additional on your flexi record.
- 3.2 A standard, working day will be made up of 7 hours 24 mins. This equates to 37 hours per week. If you job-share, work part-time, or are working different hours each day, the format still applies but the working days/hours are calculated according to your working pattern. It is therefore extremely important that your working pattern is accurately recorded on iTrent.

### 4. Recording of time

- 4.1 You must record your time worked accurately. This is an audit requirement and should usually be completed on a daily basis. You need to remember to record the time you go for a break (such as lunch, private appointment etc) and record the time again on your return.
- 4.2 Credit and debit balances are calculated automatically by the Flexi system. If you are using the hard-copy recording system; at the end of each week, you should calculate your credit or debit balance.
- 4.3 You should regularly save your times as this acts as verification that it is complete and correct and the details are then available for your line manager to review and authorise where necessary.
- 4.4 Any credits or debits accrued from the four-week accounting are carried forward to the next four-week cycle. See section 7 for details on carry over.

4.5 Time worked as TOIL is not recorded on the flexi module at present. This should be noted elsewhere. Record the date, times and hours worked and the reason. See section 13.

## 5. Start and finish times

5.1 You start work for the day when you begin your first duty at your first place of work. If you are not starting work at your normal place of work (due to operational / business reasons and not personal choice) and where the journey to work is longer than your usual journey from home to work, the additional travelling time counts as time worked. If your journey is shorter than usual, your start time is when you begin your first duty on arrival at your first place of work.

5.2 Approved training courses are classed as normal work and the same rules apply as above.

## 6. Hours of work

6.1 Start and finish boundaries

6.1.1 We do not operate core time or core hours. Instead, the flex time scheme relies on start and finish time-boundaries (excluding a lunch break) as detailed below

<b>Time boundaries</b>	<b>Start time</b>	<b>Finish time</b>
Earliest	7am	2:30pm
Latest	10:30am	7pm

With the agreement of the service manager and subject to the needs of the service, the parameters can be adjusted on a section wide basis.

6.1.2 There is scope for some employees to work flexibly outside of these start-finish boundaries – see section 2. 4

6.2 Breaks

6.2.1 There is a statutory requirement to take a minimum break of twenty minutes if you work for more than six hours. We would prefer that you take a a minimum break of thirty minutes. This break is unpaid. For young people under the age of 18 years, a minimum break of half an hour is required after every four and half hours in accordance with the working time regulations.

6.2.2 If you work for six hours or less per day you do not have a statutory requirement to take a break, although you may choose to do so. Any such break would be unpaid.

6.2.3 It is possible for you to take a number of breaks during the working day, however, these must take account of the demands of the service and may only be taken if service is not compromised as a result. If in doubt, speak to your line manager.

6.3 Weekend and bank holiday working

6.3.1 Instances of weekend working, where agreed in advance with your line manager come under the flex time scheme and therefore do not accrue any additional remuneration.

- 6.3.2 If you wish to work from a council office on either a Saturday or Sunday you should inform your manager of your intentions and check with the porters to ensure that the building will be open. Council offices are not open on Sundays other than in very exceptional circumstances. A health and safety assessment of the risks involved may also be needed (see section 12).
- 6.3.3 Working on a bank holiday does not come within the remit of the flex time scheme.
- 6.4 Working before 7am and after 7pm
  - 6.4.1 There is flexibility to operate outside of the flex time scheme parameters where it suits both parties see section 2.4. In the main this will be applicable only if you are working from home, otherwise you will be restricted by office opening hours.
  - 6.4.2 Attendance at approved meetings or other approved activities that requires you to work outside of the 7am to 7pm boundaries can count towards flex or can be taken as time off in lieu (TOIL), at the discretion of your manager. See section 13 on TOIL.
  - 6.4.3 The health and safety risks of carrying out work at these times may need to be assessed before line managers can agree to it.
  - 6.4.4 A distinction is made between employees working beyond flex time provision (before 7am or after 7pm) who have chosen to do so because it fits in with their personal circumstances, and those who are required to do so as part of their contractual duties in response to service needs. In the former case, no enhancements will be paid, in the latter, appropriate enhancements will be paid as appropriate.

## 7. Carry over and overtime

- 7.1 Credit and debit balances are displayed on on the flexi system. Credit or debits are carried forward from one accounting period to the next, subject to the table below.

Maximum flex-time credit	Maximum flex-time debit
(14.8 hours / 2 days)	(5 hours / 0.675 days)

A maximum credit of -14.8 hours/two days or debit of five hours/0.675 days may be carried forward after every four-week accounting period. Carry over is calculated on a pro-rata basis for job-share and part-time employees, for example a part timer working a total of 18.5 hours per week (0.5 FTE) could carry forward a maximum of -7.4 hours. These amounts are automatically calculated by the system.

- 7.2 There may be occasions when work or home demands/pressures, special projects and so on mean that you may accrue credit or debit in excess of that stated above. You will need to agree with your manager how this will be dealt with, particularly when approaching the end of an accounting period. In general, credit should be reduced by making use of the flexible starting and finishing times or by taking flex leave in less busy periods.
- 7.3 Overtime payments are only made where special arrangements have been approved in advance and should be recorded outside the flex time scheme. Excess flex credit must not be paid as overtime.

- 7.4 If you leave the council you are expected to clear any flexi credit or debit before your leaving date. In the event that flexi debit is not resolved, we reserve the right to recover this via your final salary.

## 8. Flex leave

- 8.1 Accrued flex credit can be used as flex leave. You should accrue sufficient hours before you apply for a flex day's leave. Requests for flex leave may be granted before you reach your daily hours, providing that taking a flex day will not cause you to be in debit by more than 5 hours (pro rata for part-timers).
- 8.2 Flex leave is not considered statutory leave and therefore is not an employment right. Approvals for requests of flex leave are at the discretion of your manager and will only be granted where sufficient notice is given, and in accordance with the needs of the service; requests to take flex leave may be refused.
- 8.3 If you have a disability that is recognised by the Equality Act 2010, your line manager can agree one flex leave day per month, at short notice, to accommodate the symptoms of your condition. You will be expected to use accrued time to take such flex leave. However, there may be occasions where this is not possible and if this is the case you will be expected to make up the time as soon as possible so that you do not exceed the maximum permitted deficit by the end of the next flex period. The likelihood of such an event occurring in the first place should be discussed with your line manager and if necessary the council's occupational health provider and agreed in advance of such a request being made.
- 8.4 If you are full time, a maximum of two days (14.8 hours) flex leave can be taken in any one four-week accounting period providing the leave can be accommodated within service needs. If you are part time or job share, this will be pro rata.
- 8.5 Flex leave of four half days totalling 14.8 hours (pro rata for part timers) can be taken providing the leave can be accommodated within service needs.
- 8.6 Request for flex leave should be made using the flex leave request system on iTrent self service using the "book flexi" option or via an annual leave card for non-computer users. Where possible, you should give five working-days' notice of requests for flex leave.

## 9. Medical, dental and personal appointments

- 9.1 As a means of helping you balance your home and work responsibilities flex can be used to accommodate a wide range of personal appointments including, doctor, dentist, solicitor, orthodontist, optician, podiatrist, and consultation appointments with teachers and attendance at school performances etc. Agreement must be obtained in advance and time not worked must be recorded accurately.
- 9.2 All appointments including those to see a doctor, (this includes a GP or a specialist/consultant based at a hospital, clinic or outpatients department) or dentist, should, wherever possible, be booked in your own time (eg first thing in the morning or at the end of the working day). Where this is not possible, accrued flex leave/annual leave or unpaid leave can be used. Agreement must be obtained in advance and time not worked must be recorded accurately.

- 9.3 Medical appointments for dependants should, wherever possible, be booked in the employee's own time. Where this is not possible, accrued flex leave can be used. Alternatively, annual leave or unpaid leave can be used. If this is not possible and the employee has insufficient flex time, managers can allow employees to borrow flex time (providing that the time is made up as soon as possible, preferably within the next flex accounting period).
- 9.4 For employees who are covered by the Equality Act 2010, please refer to the compassionate and special leave procedure for advice on time off for medical appointments.

## 10. Job share/part time

- 10.1 If you are a part-timer or job-sharer and you request flex leave, you will be required to use the amount of hours and minutes that constitute your normal working day, for the specific day in question. For example, if you only work half a day on a Wednesday and request Wednesday as flex leave, you only utilise 3 hours 40 minutes (half a day) as flex leave. If you normally work a full day on a Monday and you wish to take flex leave on a Monday, then you would utilise 7 hours 24 minutes (a whole day). You should make sure that the scheme indicates the correct number of hours and minutes required to be worked each day – this depends on the working pattern which must be correct on iTrent. If your working pattern is incorrect you should ask your manager to contact LBC HR Services.

## 11. Management of the scheme

- 11.1 Appropriately designated managers are responsible for the operation of the flex time scheme within their teams and for ensuring a quality service to all service users, and that the required work standards are maintained.
- 11.2 Departments must be staffed for their respective normal working hours for satisfactory service delivery and managers must ensure this is achieved. If it emerges that a department is not providing an effective service due to the operation of the flex scheme, then this will need to be addressed immediately.

## 12. Health and safety

- 12.1 In some cases it may be necessary for the health and safety risks of lone-working to be assessed before your manager can agree to a request to, for example work in an office outside of the normal scheme parameters or on a weekend. If lone working procedures apply you are expected to comply with them.
- 12.2 Further information and guidance can be obtained from the Corporate Health and Safety manager. Lone-worker guidelines are available from the intranet.
- 12.3 You are responsible for ensuring that you take adequate rest breaks throughout your working day (see section 6.2)

## 13. Time off in lieu (TOIL)

- 13.1 Definition

13.1.1 TOIL is not the same as flex. It is time worked to attend or undertake a specific additional piece of work and can be offered as an alternative to overtime. Some examples include.

- attending evening committee or official council meetings.
- working at council run community events.
- attending careers fairs or publicity events on behalf of the council where additional hours are worked either early or late.
- attending a meeting or appointment in conjunction with your work that can't be done in normal working hours.

13.1.2 The main difference is the question of choice or need. TOIL is worked in the performance of your duties where there is a business need to work outside standard 'office' hours. Flex is where you choose to slightly adapt your working hours often to suit your individual circumstances or preferred working style.

## 13.2 Working TOIL

13.2.1 The working of TOIL is agreed in advance and is known about by the line manager.

13.2.2 Time worked as TOIL is not recorded on the flex-time system but should be noted elsewhere. Record the date, times and hours worked and the reason.

## 13.3 Taking the time back

13.3.1 Time off in lieu is given back on an hour for hour basis, not on a time and a half or any other enhanced basis.

13.3.2 In order to take the time worked back you must obtain your line manager's approval in advance, in the same way as annual leave is approved. When approved the date and time off to be taken should be recorded as taken.

13.3.3 TOIL does not have a specific accounting period. Additional hours worked and recorded as TOIL are not lost at the end of the normal four week flex accounting period. It is normal practice for line manager and employee to agree that the additional TOIL hours are taken within a specified time period often within one month or three months of being worked.

13.3.4 No more than one day of TOIL at any time and no more than two days of TOIL in a month may be taken. Only with good reason and the approval of the service manager can these limits be exceeded.

## 13.4 TOIL to assist with flexibility

13.4.1 TOIL can be used by areas who do not operate the Flex scheme to provide some additional flexibility to attend medical, dental or personal appointments (see section 9) where it does not impact on service delivery. If TOIL is approved, the time off should be recorded and agreement reached about how this time is to be made up.

## 13.5 Managers' responsibilities

13.5.1 Managers should ensure that TOIL hours are recorded, monitored and managed to prevent an excessive build-up of additional time worked.

13.5.2 The working of TOIL is exceptional rather than a regular or routine occurrence and is not accrued unnecessarily or is taken in such a way as to have an adverse impact on service delivery.

## 14. Abuse of the system

14.1 If you are found to be abusing the flex or TOIL system (eg by recording time for someone else or by failing to record correct times) this will be considered unacceptable and may result in the withdrawal of the flex-time scheme for the employee in question and potential disciplinary action.

## 15. Complaints

15.1 Complaints regarding the use of TOIL or any aspect of the flex time scheme and its application within a work area should be addressed, in the first instance, to the line manager. Any unresolved complaints should then be progressed through the formal grievance resolution procedure.