



Human Resources
Goireasan Daonna

Overtime Policy

Poileasaidh Seach-ùine

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Document Control

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B: Document Approval

Name	Title	
Elaine Barrie	Head of HR	Final Approval
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Introduction

The Overtime Policy details the Highland Council's rules relating to working overtime providing detail on best practice when authorising additional hours to be worked and claiming overtime payments or time off in lieu entitlement.

Policy Purpose

The purpose of this policy is to outline expectations when overtime is required, with an aim to provide consistency across The Highland Council.

The application of this policy will enable overtime to be reported and monitored by the Executive Leadership Team.

Who is this policy for?

This policy applies to:

- Scottish Joint Council Employees (all Highland Council (HC) graded posts)
- Non-teaching employees based in schools.

This policy is not applicable to:

- employees on SNCT Terms and Conditions. Please refer to [SNCT](#) policies
- employees on Agenda for Change Terms and Conditions who have separate arrangements in place. Please see [NHS PIN policies](#).

Policy in Practice

Definitions

Overtime is extra time worked beyond an employee's normal working hours.

Normal working hours are the weekly hours detailed in an employee's contract of employment.

Time off in Lieu (TOIL) is time that can be taken back as a result of working additional hours. See [Flexi-Time scheme](#) for more information.

Working Time Regulations are employment laws that govern an employees' working hours.

Policy Principles

The practice of regularly requesting an employee to work in excess of their normal contractual hours should be discouraged. In addition, employees should not be required to work excessive overtime hours over prolonged periods.

Overtime is considered to be extra time worked, with prior approval, in excess of the standard full-time working week of 37 hours.


All overtime must be approved prior to being worked.

Overtime must be approved by a Chief Officer or other delegated manager who has the relevant authority.

Overtime should only be approved for unavoidable operational purposes after all other alternative working practices have been considered.

Additional hours which are accrued under The Highland Council's [Flexi-Time Scheme](#) do not constitute overtime and should be taken as flexi-time/leave.

Any employee paid above grade HC11 will not be entitled to receive overtime payments or time off in lieu.



Overtime will only be paid once a minimum of 30 minutes extra, per day, has been worked. Anything less than 30 minutes does not count as overtime.

Only complete half hours are paid.

Statutory Duties and Working Time Regulations

Employees and managers have a responsibility to ensure that the Working Time Regulations are complied with including the working of overtime. This means employees must:

- have a minimum 11-hour rest period between consecutive working shifts
- not work more than an average of 48 hours per week (unless they have signed an opt-out agreement), or more than 40 hours per week for employees under 18
- have at least one rest day per week, which can be averaged out over a 2-week period.

Payment & Time off in Lieu

A discussion should take place with the designated manager and the employee to reach agreement on whether the extra hours planned will be paid as overtime or approved as TOIL. This should be determined prior to the extra hours being worked.

Specific provisions for payment of overtime and TOIL are as follows:


SJC Employees

- All employees who are below grade HC08 will be paid overtime at the rate of time and a half (x 1.5).
- Employees paid on grades HC08 to HC11 (inclusive) overtime is paid at their normal hourly rate.

Chief Officials

- Chief Officials will not be entitled to receive overtime payments or time off in lieu (TOIL).

Any hours worked on a fixed public holiday, out with an employee's normal working hours, shall be paid as overtime at the rate of double time.



Compensatory leave on an equivalent basis to payment may be agreed as an alternative to payment.

Overtime or compensatory leave will not be granted until the total hours worked by an employee exceed 37 in any week.

For more information, please see the [Hierarchy of Enhanced Hourly Rates](#).

Claims / Authorised Signatories

Claims for overtime payments must be submitted on an approved form which complies with all conditions detailed in the Council's Financial and Contract Regulations.

All claim forms must be signed by the employee and by an authorised signatory who can verify that the hours claimed have been worked, and that the work was undertaken by an officer at the appropriate grade.

It is the responsibility of authorised signatories to check that overtime claims are correct before they are authorised. Reasons for the overtime worked should be retained.

Equality & Diversity

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).

Guidance

Guidance, information and tools relating to the management of this policy have been developed and will be maintained in accordance with the Highland Council Partnership Framework. Guidance, procedures and associated documentation can be found on the HR Microsite – see Quick Links below.



Legislation

The development and application of this policy is guided by:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2008
- Working Time Regulations 1998

Monitoring

The Chief Officer of Finance will submit regular reports to the Executive Leadership Team detailing the extent of the costs involved in the working of overtime by each of the Council's Services.

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Flexible Working Arrangements	Click Here
Flexi-Time Scheme	Click Here
ACAS Working Time Rules	Click Here
The Right to Disconnect	Click Here
Hierarchy of Enhanced Hourly Rates	Click Here



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