

Overtime and compensatory leave policy - FRS staff

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Owner: **Head of HR Operations and Systems, People Services**
Responsible work team: **Policy, Pay and Reward**

Contents

1	Introduction	2
2	Overtime	2
3	Compensatory leave (CL)	4
4	Unsocial hours – payments	4
5	Records	5
6	Help and support	5
	Document history	6

1 Introduction

- 1.1 This policy sets out the Brigade arrangements and rates for overtime and compensatory leave for Fire and Rescue Staff employees which is claimed as a payment or as time off in lieu of hours worked (CL) and when staff support activities for the Brigade outside of their contractual working hours, or where activities are unrelated to their role/job description.
- 1.2 This policy should be applied in line with the Brigade's values:
 - Service – We put the public first.
 - Courage – We step up to the challenge.
 - Learning – We listen so that we can improve.
 - Teamwork – We work together and include everyone.
 - Equity – We treat everyone fairly according to their needs.
 - Integrity – We act with honesty.

2 Overtime

- 2.1 Overtime occurs when due to work necessities, the Brigade requires you to work additional hours in excess of your normal contracted hours of work, in activities directly related to your role/job description. The need to work overtime should only occur in exceptional circumstances. The aim is to avoid the need for, or limit the amount of, overtime hours required. The Head of Service in approving overtime must take into account the following considerations, and all overtime must be authorised by the Head of Service in advance of the overtime being worked.
- 2.2 Where you are required to work in addition to normal working hours this decision will be taken with due regard to your individual circumstances, considering the impact of working additional hours on your health, religious practice, caring responsibilities, and work-life balance.
- 2.3 Where overtime is being utilised managers should try to ensure that the opportunity to perform such overtime is distributed equally amongst the available pool of staff as appropriate, subject to 2.2 above.
- 2.4 Staff working overtime are entitled to breaks in accordance with the Working Time Regulations, that is at least 20 minutes when working more than 6 hours. Breaks are unpaid.

Considerations by the Head of Service in authorising overtime

- 2.5 The Head of Service is expected to consider any reasonable alternative to the need to work overtime hours, particularly where the requirement is for more than a few months. Examples of reasonable alternatives may be to consider:
 - Increasing staffing on a temporary or permanent basis, whether by employment or by using agency staff.
 - Asking part time staff if they wish to increase their hours on a temporary basis.
 - Whether to re-focus tasks within the team and ask staff to act up on a partial basis, and possibly back-fill more limited tasks.
 - Moving appropriate staff from other areas of the service into the specific area, or targeted internal advertising (secondment) for temporary development opportunities for employees who might not be able to gain such experience without moving jobs.

- Where jobs require regular working outside of normal start-finish times, managers should consider normalising these arrangements through a variation of contract. This would still attract an unsocial hours supplement as per section 3 below.

Eligibility to claim overtime

- 2.6 Overtime rates may only be paid when an employee up to and including FRS Grade E has (subject to the conditions set out in paragraph 2.9 below) worked additional hours beyond the full-time working week, which is 35 hours (part-time employees will be paid overtime rates once they have worked more than 35 hours per week) and if overtime payments have been agreed by the manager.
- 2.7 For employees in FRS grades F and G, overtime may be taken back as compensatory leave on an hour for hour basis, see paragraph 3.2 below. In exceptional circumstances overtime is payable subject to Head of Service approval.
- 2.8 Employees in the Top Management Group (TMG) are not in any circumstances entitled to a payment in respect of overtime worked.
- 2.9 The following conditions must be satisfied before an overtime payment can be claimed below:
- (a) The overtime payment must be expressly authorised in advance by the relevant Head of Service.
 - (b) The additional hours worked must not fall within the Compensatory Leave provisions outlined in section 3 below.
 - (c) The employee must work in excess of 35 hours per week before overtime rates are payable.
 - (d) Overtime which totals less than half an hour on any day shall not be taken into account in calculating the number of hours to be paid for.
- 2.10 Overtime must be monitored by managers to ensure that the maximum 48 hours averaged over the 17 week reference period is not exceeded. This is a requirement of the Working Time Regulations.

Overtime payments

- 2.11 Overtime will be paid at the following rates:
- (a) Weekdays at time and a half.
 - (b) Weekends and Public Holidays at double time.
- 2.12 Overtime is paid in arrears and is not classed as a regular income. However, overtime is pensionable under the LGPS CARE scheme but is not pensionable for final salary pre-2014 benefits. Pensionable overtime is subject to dynamic mid-year annualisation. This means that, when overtime is paid, contribution rates are reviewed using the annualised pensionable earnings for that pay period.
- 2.13 Overtime is paid by submitting a claim through iTrent.
- 2.14 Staff have a right for their overtime payments to be factored into 4 weeks of their annual holiday pay. As a means of meeting this obligation, once a quarter (every 13 weeks), eligible staff will receive an additional payment to reflect the difference between a basic week's pay and the average weekly pay they received over the preceding 13 weeks, to cover their overtime holiday pay entitlement.

3 Compensatory leave (CL)

- 3.1 Where an employee in FRS grade E and below has worked overtime, they may opt to receive CL as opposed to a payment. CL is reimbursed by permitting the employee to have the equivalent number of hours worked off during their normal working week. However, overtime which totals less than half an hour on any day shall not be taken into account in calculating CL.
- 3.2 Should you work additional hours at weekends and public holidays, and paid overtime is not available, you will receive 1.5 hours CL for every additional hour worked. Otherwise, the conversion rate of 1 hour overtime to 1 hour CL will continue to apply.
- 3.3 Subject to paragraph 2.7 above, employees in grades FRS F to FRS G are expected to work reasonable hours as required to perform their role, but in some circumstances may be eligible to claim CL. Employees in FRS grades F and G, required in exceptional circumstances to work additional hours, or public holidays, where such days are not part of their normal working week, shall be allowed equivalent time off in lieu during the week, subject to Head of Service approval.
- 3.4 In other circumstances, CL may be accrued when you choose to assist with Brigade activities that fall outside of their normal role/duties. Supporting additional Brigade activities. These can include those which are part of a supplementary contract, which is where you offer your time outside of normal contracted hours of work, to undertake Brigade-run activities, and/or which are not necessarily directly related to your role/job description, and you receive the equivalent time off in the form of CL. Supporting additional Brigade activities can take place on an ad-hoc basis, e.g. outreach recruitment or community safety activities, or as part of a formalised scheme such schemes may be formalised by the issuing of supplementary contracts.
- 3.5 'Volunteering' for Brigade activities in your own time and without pay or CL is voluntary i.e., unpaid and this includes any form of remuneration or reward. Examples of this are volunteering to be a Fire Cadets Instructor or a volunteer for the Brigade Museum.
- 3.6 CL cannot be anticipated; it must be earned before it can be taken. A maximum of 35 hours (or 5 days) CL may be accrued at any one time in a rolling 12-month period. CL accrued in excess of 35 hours before the maximum 35 CL hours have been used will be forfeited. The Head of Service/designated line manager has discretion to allow more than 35 hours CL to be accrued if they are satisfied this is justified.
- 3.7 CL will normally be taken in whole or half days. This may be varied by local agreement.
- 3.8 CL is managed locally and can only be granted subject to the exigencies of the Brigade at the time it is requested. The employee's line manager must add the date the CL was accrued to the employee's PARC card. The line manager must also approve the taking of CL, which should accordingly be recorded on StARS, with an annotation in the PARC card detailing when the CL was earned.
- 3.9 CL must be used within a rolling 12 months of being earned or it will be forfeited.
- 3.10 CL **must not** be claimed or certified for a period where an allowance or payment has been claimed/paid already for overtime worked.

4 Unsocial hours – payments

- 4.1 FRS employees up to grade FRS E are entitled to receive payment at a rate of one-fifth of the basic hourly rate in respect of working unsocial hours as part of your normal working week.

- 4.2 A claim for an unsocial hours payment must not be paid in addition to a claim for overtime nor in addition to any other shift allowance. The employee should claim a payment for either overtime or unsocial hours payment, but not both.
- 4.3 Unsocial hours will be paid as follows:
 - (a) For any standard hours worked between 8pm - 6am as part of a regular five day Monday-Friday week.
 - (b) For any standard hours worked on Saturdays, Sundays and Bank Holidays.
- 4.4 Unsocial hours are paid by submitting an online claim form.
- 4.5 The unsocial hours enhancement cannot be taken as CL.

5 Records

- 5.1 Please send records by email to RecordsServices@london-fire.gov.uk. Records will be kept on your electronic personal record file (e-PRF) and retained in accordance with Policy number 788 - Electronic personal record file (ePRF) policy. Personal data shall be processed in accordance with Policy number 351 – Data protection and privacy policy.

6 Help and support

- 6.1 Please contact the HR Helpdesk on extension 89100 option 3 and by email to IT.HR@london-fire.gov.uk.
- 6.2 This policy may also be available on request in other alternative accessible formats as set out in Policy number 290 – Guidance note on translation and interpretation. Please contact Communications on extension 30753 and by email to communications.team@london-fire.gov.uk to discuss your needs and options.
- 6.3 The Brigade invites your engagement so that it can learn so if you have a suggestion that can improve this policy then please submit your idea via the Staff Suggestion Scheme on Hotwire as set out in Policy number 887 – Staff suggestion scheme. Any changes do need to go through the agreed engagement, consultation, negotiation or governance requirements

Document history

Assessments

An equality, sustainability or health, safety and welfare impact assessment and/or a risk assessment was last completed on:

EIA	30/05/24	SDIA	L – 04/03/25	HSWIA	05/03/25	RA	NA
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Audit trail

Listed below is a brief audit trail, detailing amendments made to this policy/procedure.

Page/para nos.	Brief description of change	Date
Throughout	Correction of references in paragraphs 1.6 and 1.9 (b). Minor clarification of rules around breaks in 1.4. Paragraph 1.7 rewritten with correct OT/CL policy for FRSFs and FRSGs with consequent amendments made to paragraph 2.2.	06/06/2019
Throughout Page 3, Para 1.14	Removal of the descriptor "volunteer" to avoid confusion with volunteer duties elsewhere, and additional clarifying text to ensure a distinction is preserved. New paragraph added re overtime pay arrangements relating to leave.	14/01/2022
Page 3, Para 1.12	Additional text clarifying pensionable rules on overtime.	02/08/2022
Page 3, Para 2.2 & Page 4, Para 2.5	Agreed additional wording on rules.	02/08/2022
Page 3, Para 1.7	Removal of single rate overtime for FRS grades F to G.	01/02/2023
Throughout Page 5, para 5 and 6	Reviewed as current with minor changes made. Records and Help and support details added.	15/11/2023
Page 2, para 1.2	Values included.	02/04/2024
Page 5, para 5.1 Page 5, para 6.2	Data protection details added. Access to alternative policy format details added.	22/04/2024
Page 5, para 5.1 and 6.3	Records Services and Staff Suggestion scheme details added.	10/06/2024
Page 6	SDIA and HSWIA updated.	11/03/2025
Page 3, para 2.12 and 2.13	Additional wording added to clarify the pensionable status of overtime and dynamic mid-year annualisation. Overtime claim process updated to reflect submission through iTrent.	18/09/2026

Subject list

You can find this policy under the following subjects.

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Freedom of Information Act exemptions

This policy/procedure has been securely marked due to:

Considered by: (responsible work team)	FOIA exemption	Security marking classification