



## Attendance at Work Policy & Procedure

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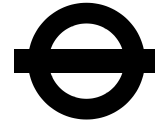
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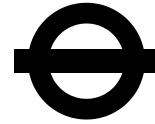
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## Attendance at Work Policy and Procedure

### Section A - Policy

#### 1 Introduction

Punctual and regular attendance at work is essential to Transport for London's (TfL) business and contributes towards efficient working. While recognising TfL has a duty of care to its employees who are unavoidably absent due to ill-health, TfL has an obligation to take reasonable steps to address the effect that unacceptable levels of non-attendance has on its services and the impact on other employees.

TfL will ensure that employees are made aware of the most recent version of this policy and procedure, and any subsequent amendments.

#### 2 Organisational Scope

Employees of TfL, Docklands Light Railway Limited, Rail for London Limited, London Bus Services Limited, London Buses Limited, Victoria Coach Station Limited who are on TfL employment contracts (Pay bands 1-5 and Directors) and those staff on predecessor organisations employment contracts where the individual has transferred to the employment of TfL.

#### 3 Policy Statement

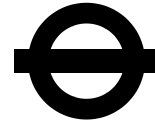
It is essential that employees attend work regularly to enable TfL to deliver the public service its customers deserve. While recognising that some level of absence through ill health is unavoidable, through this Attendance Policy and Procedure TfL is committed to employee health and welfare and the application of a fair and considerate approach to managing absence.

TfL understands its responsibilities under the Equality Act 2010 and the demands of the working environment. TfL works closely with Occupational Health who provide support and advice.

#### 4 Requirements

All employees are required to attend work punctually and regularly in order to maintain satisfactory standards of performance and delivery.

TfL accepts that employees will, on occasion, find themselves unable to attend work. In this event the employee must follow the Reporting Sickness Absence section of this procedure.



Where employees are unable to attend work they must inform their manager, and maintain contact with their manager throughout any absence, in accordance with the procedure detailed in Section B.

## 5 Responsibilities

### All employees should:

- comply with the arrangements set out in this policy and procedure
- ensure that they familiarise themselves with this policy and procedure
- seek to keep absence from work to a minimum and comply with the sickness/absence reporting requirements.

### All managers and employees with leadership or supervisory roles shall:

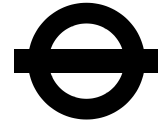
- ensure that employees clearly understand the working arrangements and the procedure for reporting absences from work at their location
- monitor the attendance of employees and ensure they are aware of the level of attendance expected of them
- be familiar with this policy and procedure and ensure all related matters are dealt with promptly, sensitively and in accordance with the procedure detailed in Section B
- understand or take guidance on their responsibilities under the Equality Act 2010 where, due to a long-term medical condition an employee is unable to continue to undertake the full range of duties, consider all options available to keep them in employment. Reasonable adjustments to the employee's current working arrangements will be made and support given in finding suitable alternative employment where appropriate, subject to the needs of the business

## 6 The role of the People Management Advice (PMA) Specialist

The role of the PMA Specialist is to act impartially in advising and guiding managers and employees.

The PMA Specialist ensures that the procedure is followed and will intervene and address the hearing (the employee, their companion or Chair) as appropriate to ensure appropriate conduct. The PMA Specialist is not responsible for deciding whether the case is found or what action is to be taken and can therefore normally be involved in several stages of one case. They will advise of the range of appropriate sanctions which may be awarded to ensure they are in line with company policy and other similar cases. In exceptional cases another HR professional may be involved in the process.

If an appeal is specifically on the grounds of breach of a procedure that occurred as a result of advice from the PMA Specialist then it will be appropriate for another PMA Specialist to attend.



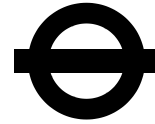
## 7 The role of the Companion

At the formal stages of the procedure the chosen companion can address the hearing and may:

- put the employee's case
- sum up the employee's case
- respond on the employee's behalf to views put forward at the hearing
- raise issues on matters of policy and procedure

They cannot answer questions on behalf of the employee that are directly asked of them.

Normal standards of behaviour apply to work place companions and trades union representatives. In respect of companions that are recognised trades union representatives they are entitled to carry out trades union duties as outlined within this policy and the [TfL Framework for Consultation and Collective Bargaining](#). Action taken against a trade union representative solely for carrying out their duties as a trades union representative will be considered as victimisation.



## Section B - Procedure

The following procedure supports the policy outlined above and is divided into five sections:

1. Sickness absence procedure – Page 6
2. Short term sickness absence (standards of attendance) - Page 10
3. Long term sickness absence (28 calendar days and over) – Page 18
4. Non sickness related absence – Page 24
5. Time keeping and Lateness – page 25.

### 1. Sickness absence procedure

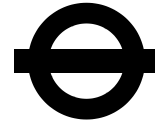
#### 1.1 Reporting sickness absence

- Employees should report their absence to their line manager within an hour of their normal start time. In the event of the line manager not being available, employees should report their absence to another member of the department. In areas where specific local reporting instructions apply, then these should be followed in the first instance.
- Contact should be by telephone and employees must give an expected return date whenever possible. If this is not possible their line manager will determine when the employee needs to make further contact to provide an update. The purpose of the contact is to enable the manager to provide any appropriate support for the employee and to plan cover for the employee's absence. The manager should record the absence through My Staff at Work in the SAP portal. If there are problems in doing this then HR Services should be contacted.
- Only in exceptional circumstances are text messages or email an acceptable way of reporting an absence. All messages must be followed up with a telephone call as soon as is practically possible.
- The employee must contact the manager if there is a change to the estimated return to work date, or a change to the agreed contact date.
- The line manager has a responsibility to record and acknowledge the initial contact and record all subsequent contact between the manager and employee in relation to the sickness absence.

#### 1.2 Certification requirements

Employees must comply with the following certification requirements:

- **Absence from work for one to seven calendar days**  
a Self Sickness Certificate which covers each day of sickness absence must be completed and provided to the employee's line manager on the day of return to work. Line managers should retain Self Sickness Certificates locally ensuring that they are kept in a confidential and secure place.



- **Absence from work in excess of seven calendar days**

an original medical certificate from a certified medical practitioner must be posted or otherwise supplied within nine calendar days of the first day of sickness absence to the employee's line manager. Where sickness continues, employees must provide the continuing certificate within two calendar days of the previous certificate expiring. Once the sickness absence periods are over, managers have the option of retaining certificates locally in a confidential and secure place or may send them to HR Services so they can be scanned and held on the employee's file.

- **Other occasions when a medical certificate may be required**

There may be exceptional occasions when a medical certificate is required for a sickness absence of less than seven days. It may be appropriate to ask for a certificate if:

- an employee has been absent when rostered to work during bank/public holiday
- other leave has been refused
- an employee is absent on days of industrial action

In these cases, if the employee is charged for a doctor's private certificate, then reasonable reimbursement will be made, via the Business Expenses Policy, on provision of a receipt.

### **1.3 Communication when absent due to sickness**

If employees are not going to stay at their home address during their period of certificated sickness, they must inform their manager. Employees on sick leave must not travel abroad without the written permission of their manager. It may be appropriate to consult with Occupational Health and consider any medical reports before any such decision is made. If permission is granted for the employee to travel abroad then they must provide a contact address and phone number and make contact at agreed times. Failure to do so may result in sick pay being stopped.

### **1.4 Taken ill whilst at work**

Should an employee be taken ill at work and need to go home then this day will not be classified as sickness absence. Any following days will be classified as a sickness absence and should be reported and certified as outlined above. Managers may send an employee home if they do not believe that they are fit to remain at work. In some cases it may be appropriate to contact Occupational Health for advice and guidance.

### **1.5 Employees who fall ill whilst on annual leave**

Should an employee be taken ill whilst on annual leave then this will be substituted for sickness absence provided that a medical certificate from a certified medical practitioner is supplied (in accordance with 1.2).

If the employee falls ill abroad then the medical certificate must be legible and in English (or a translation provided) and signed by a suitable accredited medical practitioner covering the period concerned (in accordance with 1.2).



If the employee is charged for a translation then reasonable reimbursement will be made, via the Business Expenses Policy, on provision of a receipt. If the employee is declared unfit to travel to the UK then they must also provide a contact address, and where they have one, a contact telephone number. This information must be provided as soon as practicable stating:

- date of commencement of the illness
- nature of the illness
- when the employee is fit to travel back to the UK. If this is after the last day of the authorised period of leave then an estimated date of return will be given

If it has been found that an employee has falsely reported their sickness absence during this period to seek, gain or extend annual leave then appropriate action will be taken in accordance with Discipline at Work Policy and Procedure.

There is no entitlement to compensatory leave days where an employee is ill over a bank /public holiday.

## **1.6 Disciplinary action**

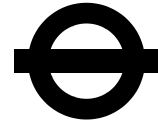
In addition to TfL sick pay being stopped, disciplinary action in accordance with the Discipline at Work Policy and Procedure may be taken if an employee:

- fails to report any absence in accordance with the above requirements, without good reason
- fails to keep in contact with their manager without good reason and/or fails to provide certification as required
- has been dishonest in the completion of their Self Sickness Certificate or submission of medical certificates, or has been found to be acting in a way incompatible with their doctor's advice, or have been found out to be carrying out activities that are not consistent with their reason for absence.

## **1.7 Returning to work**

- Employees should give their manager as much notice as possible of their fitness to resume work and may be required to see Occupational Health prior to returning to work or on their first day back at work.
- A Return to Work meeting will take place wherever possible on the first day of returning to work or as soon as possible thereafter for any sickness absence. The meeting will be used to review:
  - general fitness to carry-out their duties
  - any medication taken or being taken and its effects
  - the likelihood of recurrence of the sickness or injury and any steps which could be taken to prevent further sickness absence
  - to remind the employee, where appropriate, of the requirements of the Attendance at Work Policy and Procedure
  - provide an update to the employee on anything missed whilst sick.

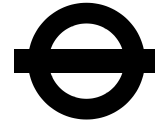




- Notes from the Return to Work meeting should be agreed between the manager and employee and recorded in “My Staff at Work in the SAP portal under Attendance/Additional Absence Data.
- Advice and guidance may be sought from Occupational Health and reasonable adjustments may be considered in order to assist the employee’s return to work.

## **1.8 Medical Appointments**

- Employees should make every effort to attend to personal affairs, including appointments of a non-urgent nature (e.g. doctors and dentists) outside of their normal working hours.
- In cases where employees are at work and: receiving ongoing treatment; in need of a referral to specialist (medical or dentistry); or considered as disabled as defined under the Equality Act 2010, then they should be granted paid time off as part of ongoing reasonable adjustments to attend medical appointments.
- In cases of emergency short term and time defined medical treatment (medical or dentistry), employees will normally be granted paid time off, but will be expected to attend work before and after any treatment.
- For ad hoc or individual medical appointments, consideration should be given to whether the time can be made up through flexible ways of working. If a whole shift/day is required to attend an appointment it may be more practical to take annual leave.
- Time off for ante or post-natal care will be taken in accordance with the [Worklife Balance Policy](#).



## **2. Short Term Sickness Absence**

All employees are expected to attend work, but it is recognised that some levels of absence through ill-health are unavoidable. Whilst not seeking to question whether an absence is genuine, or imply that the absence is the fault of the employee, TfL has set a standard of attendance to ensure a high level of service is maintained and the impact on other employees is minimised. This ensures that employees are treated in a consistent way when they are absent from work.

An employee is considered to have an unsatisfactory level of attendance if they have been absent for:

- 2 or more items in any 13 week period; or
- 8 or more working days/shifts in any 26 week period; or
- 4 or more items in any 52 week period; or
- A pattern of sickness absence has developed over a period of time that is causing concern, but has not resulted in a breach of the above attendance standards. A manager may decide that a review meeting is necessary to address any issues which may have contributed to this sickness absence.

An item of sickness absence is defined as one or more complete working day(s)/shift(s) of sickness absence. Where an employee becomes ill at work and the manager agrees the employee should be sent home, then this part day absence will not be included as an item. Any subsequent days sickness will be included.

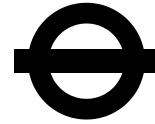
Where an employee returns to work following sickness absence and is then again absent for the same reason within two consecutive calendar days of returning, the two periods of sickness absence will be linked for sickness absence monitoring purposes.

If absences are as a result of a disability or an underlying medical condition, then they will normally be dealt with under the long term sickness absence process (see section 3.1).

Approved special leave is not a sickness absence and is therefore not counted in recording unsatisfactory levels of attendance. Equally, unauthorised absences are not considered as a sickness absence (please see 4.1).

### **2.1 Failure to meet the required level of attendance**

If an employee fails to meet the level of attendance as outlined above then reasonable and proper consideration should be given to all the circumstances of the absence(s). This will be particularly important where absences are related to pregnancy or a post natal condition. Warnings should only be the outcome if, after consideration of all the facts, this is the appropriate response.



Below are the stages in the procedure for dealing with poor attendance

Stage		Possible Action
1	First instance of unsatisfactory level of sickness absence	Informal advice and guidance. Written confirmation of the points discussed
2	Further unsatisfactory levels of sickness absence within 52 weeks of Stage 1	Written Warning
3	Further unsatisfactory levels of sickness absence within 52 weeks of receiving a Stage 2 warning	Final Written Warning
4	Further unsatisfactory levels of sickness absence within 52 weeks of receiving a Stage3 warning.	Dismissal
	Further unsatisfactory levels of sickness absence between 53 and 104 weeks of receiving a Stage3 warning.	Final Written Warning (return to Stage 3)

## 2.2 Stage 1 - Unsatisfactory Sickness Absence – review meeting

- If there has been unsatisfactory attendance due to sickness absence, then the line manager will arrange an attendance review meeting with the employee.
- The purpose of the meeting is to review attendance and consider whether any appropriate support or guidance can be given
- There is no right to be accompanied by a trades union representative or workplace colleague.
- At the meeting, the manager will seek to understand the reasons for the absences. The employee will be given appropriate support and encouragement with the aim of improving attendance, together with a copy of the Attendance at Work Policy and Procedure.
- Where an employee is suffering from a condition that is likely to be long term, repetitive or may be considered a disability under the Equality Act 2010, the manager should contact Occupational Health for guidance. Advice should be requested as to whether there is an underlying medical condition which is causing the recurrent periods of absence. If this is the case an assessment should be made to ascertain whether there are any reasonable adjustments that could be made. A PMA Specialist can also assist. The long term sickness absence procedure would normally be followed in these circumstances.
- If an employee requests a referral to Occupational Health then where possible they will explain their reasons. The line manager will then need to contact Occupational Health. Occupational Health is not an alternative to visiting a GP, so after deciding on the reasons for the referral, Occupational Health will determine whether an appointment with them is actually required.



## **2.3 After the review meeting**

- The manager should confirm in writing, to the employee, the main points of discussion at the review meeting
- If there is an immediate and sustained improvement over the next 52 weeks there will no longer be an issue to address

## **2.4 Stage Two - Formal Action**

### **In the event of unsatisfactory sickness absence continuing**

Where there are further levels of unsatisfactory sickness absence then the formal procedure will need to be followed. This process and the roles of those involved is outlined below.

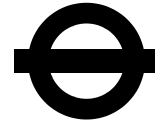
### **2.5 Unsatisfactory Sickness Absence**

Before referring the employee to a Formal Review Hearing the manager should review the absences and speak to the employee. This is required to ensure that the reasons for the absences are understood, all the relevant information has been recorded, and whether the employee has any new information to share with the manager.

Following this discussion the manager is likely to invite the employee to a Formal Review Hearing as outlined below. If the manager does not invite the employee to a formal hearing then they will need to make a record of the discussion stating why they did not proceed to a formal hearing.

### **2.6 Trades union representatives**

No formal action will be taken against a recognised trades union representative as outlined in 2.7 until a full time trades union officer of the trade union concerned has been contacted and informed of the circumstances.



## 2.7 Inviting the employee to a Formal Review Hearing

When inviting the employee to a Formal Review Hearing, the manager will do this in writing ensuring that:

- 7 calendar days notice is given of the hearing, confirming the date, time, location and the reason for the hearing – “Unsatisfactory attendance between.....(date) and .....(current date)”
- A copy of any documentation to be discussed is attached
- The employee must be advised of their right to be accompanied by a trades union representative or workplace colleague
- If the employee cannot attend due to circumstances outside their control and unforeseeable at the time the hearing was arranged, or the companion cannot attend on the proposed date, the employee can suggest an alternative time and date, so long as it is reasonable and it is not more than 7 calendar days after the original date. The chair will seek to take all reasonable steps to arrange a suitable date within 7 calendar days of the original hearing. Should it be that the chosen companion is not available then an alternative companion should be sought. This is to ensure the matter is resolved in a timely fashion. The 7 calendar days may be extended by mutual agreement
- The employee should inform the manager chairing the hearing, no later than 3 calendar days prior to the hearing, who their companion will be
- Any documents the employee or their companion wish to use during the hearing should where possible be submitted to the manager chairing the hearing 3 calendar days before the hearing.

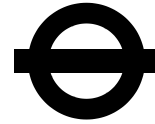
The employee will normally be required to attend work prior to and/or after attending the hearing and will suffer no loss of pay.

### Present

- The Chair, who is normally the line manager
- The employee concerned and where requested, their companion
- A note taker may not be required to attend but full and meaningful notes will be taken. These will normally be issued to the employee within 3 working days. Any difference in relation to content of the notes will be kept on file.
- Although it is not expected to be common practice a PMA Specialist may attend if requested by the employee and agreed by the Chair, or if the Chair requires their attendance. Advice may be sought from a PMA Specialist by the employee or chair before a hearing.

### Conduct

- The Chair, who will normally be the line manager, will open the hearing by introducing those present and explaining the reasons why the hearing has been arranged and detailing the apparent failure to meet the required level of attendance.
- The employee will then be given the opportunity to respond



- The manager may ask questions to ensure that they have a full understanding of the issues
- Once all the information has been heard, the hearing will then be adjourned for a short time whilst the manager decides what action is appropriate. The manager may decide to reconvene the hearing at a later date if they need to consider any points in more detail. This hearing will normally be reconvened within 7 calendar days. If the advice of Occupational Health has not been sought earlier in the process, the Chair may contact them to establish whether the absences have been caused by an underlying medical condition.
- The employee will be informed in writing as to what action, if any, is being taken and the appeals procedure will be explained

### **Action to be taken where appropriate**

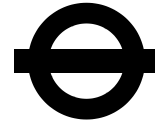
It is important to acknowledge that all employees are required to have a satisfactory attendance level. Although incidents of sickness absence and the reasons for the sickness absence will be treated sensitively, it would normally be appropriate to issue a warning if the standard is not met. When deciding on taking action, having considered all the factors involved, the manager will confirm their reason for taking such action and where appropriate respond to the points raised by the employee.

### **Written Warning**

- If a Written Warning is considered appropriate, the employee will be informed that their current record of attendance is not satisfactory. If another attendance review is triggered, within 52 weeks of receiving this warning, a further hearing will be arranged at which a Final Written Warning may be issued
- The Chair is required to confirm their decision and the reasons for it in writing. Wherever possible this should be done at the end of the hearing following the necessary adjournment. If it is not possible to confirm the decision in writing on the day, then it should be done as soon as possible. The employee will have 7 calendar days to appeal from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.

### **2.8 Stage Three Formal Action - Unsatisfactory Sickness Absence**

- If during the 52 weeks following the issue of a Written Warning a further attendance review is triggered the employee will, following a discussion as outlined in 2.6, be invited in writing, to a Stage Three Formal Review Hearing
- The arrangements for the hearing will be the same as for Stage Two except that the reason will be “Continued unsatisfactory attendance following the issue of a Written Warning on.....(date)”
- At the hearing the procedure will be the same as Stage Two



- A PMA Specialist will attend if requested by the employee and agreed by the Chair, or if the Chair requires their attendance. Advice from a PMA Specialist may be sought by the employee or chair before the hearing.
- A note taker will attend the hearing to capture full and meaningful notes. These will normally be issued to the employee within 3 working days. Any difference in relation to content of the notes will be kept on file.

## **Action to be taken where appropriate**

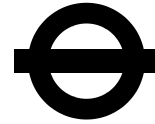
It is important to acknowledge that all employees are required to have a satisfactory attendance level. Although incidents of sickness absence and the reasons for the sickness absence will be treated sensitively, it would normally be appropriate to issue a Final Written Warning at this stage if the standard is not met. When deciding on taking action, having considered all the factors involved, the manager will confirm their reason for taking such action where appropriate responding to the points raised by the employee.

## **Final Written Warning**

- If a final written warning is considered to be appropriate it will be valid for 104 weeks. If during the first 52 weeks of the final warning there are items of further unsatisfactory sickness, employees will be referred to Stage 4 of the procedure where dismissal is likely. If however, there are further items of unsatisfactory sickness between weeks 53 and 104 weeks of the warning they will be referred to Stage 3.
- The Chair is required to confirm their decision and the reasons for it in writing. Wherever possible this should be done at the end of the hearing following the necessary adjournment. If it is not possible to confirm the decision in writing on the day, then it should be done as soon as possible. The employee will have 7 calendar days to appeal from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.

## **2.9 Stage Four Formal Action Stage – Unsatisfactory Sickness Absence**

- If during the first 52 weeks of the Final Written Warning, a further formal review hearing is triggered then the employee will be invited, following a discussion as outlined in 2.6, in writing to a Stage Four Formal Review Hearing
- If by this stage the employee has not already been referred to Occupational Health then they should be contacted and informed of the absences. Occupational Health is not an alternative to visiting a GP, so after deciding on the reasons for the absences and any request for a referral, Occupational Health will determine whether an appointment with them is actually required.
- The reason for the further review hearing must be stated - . “Continued unsatisfactory attendance following the issue of a Final Written Warning on .....(date)” and it must also be stated that dismissal will now be considered



- The other arrangements for the hearing, procedure at the hearing and right to be accompanied are the same as Stage Two and Stage Three.
- A PMA Specialist will attend
- A note taker will attend the hearing to capture full and meaningful notes. These will normally be issued to the employee within 3 working days. Any difference in relation to content of the notes will be kept on file.

## **Action to be taken as appropriate**

It is important to acknowledge that all employees are required to have a satisfactory attendance level. Although incidents of sickness absence and the reasons for the sickness absence will be treated sensitively, it is likely that the employee will be dismissed at this stage if the standard is still not met. When deciding on taking action, having considered all the factors involved, the manager will confirm their reason for taking such action and where appropriate respond to the points raised by the employee.

## **Dismissal**

- If the employee has been absent within the first 52 weeks of receiving the Final Written Warning then dismissal will be the likely decision taken. Dismissal will normally be with notice or be paid in lieu of notice (which will be subject to the appropriate tax rules at that point in time).
- The Chair is required to confirm their decision and the reasons for it in writing. Wherever possible this should be done at the end of the hearing following the necessary adjournment. If it is not possible to confirm the decision in writing on the day, then it should be done as soon as possible. The employee will have 7 calendar days to appeal from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.

## **2.10 Unsatisfactory Sickness Absence – Appeal**

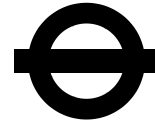
An employee who wishes to appeal against the outcome of any formal stage of the procedure may appeal as specified in the letter confirming the decision. One appeal will be allowed at each formal stage of this procedure.

Employees who want to appeal must submit their appeal in writing to the person specified in the letter. This should be submitted within 7 calendar days of receiving the letter. The appeal should clearly state the basis on which the appeal is made.

The appeal hearing should be arranged where possible within 7 calendar days of the appeal being received. The same right to be accompanied and rights where a companion cannot attend on the proposed date (paragraph 2.5 and 2.6) apply.

The individual chairing the appeal hearing will, wherever possible, be a manager senior in authority to the manager who chaired the review hearing or one who has the authority to, where applicable, override the original decision.





## **Conduct of the Appeal Hearing**

- At the Appeal hearing, the manager will listen to the employee's grounds of appeal, any comments the companion wishes to make and review the formal action taken.
- The Appeal Manager may ask questions to clarify matters.
- Having heard the appeal, the manager will adjourn the hearing to consider their decision. The manager may decide to reconvene the hearing at a later date if they need to consider any points in more detail. This hearing will normally be reconvened within 7 calendar days. If Occupational Health have not been contacted earlier in the process the manager may contact them to establish whether the absences have been caused by an underlying medical condition.
- Depending on the Stage that is being appealed a PMA Specialist may attend as outlined earlier.
- Full and meaningful notes will be taken. These will normally be issued to the employee within 3 working days. Any difference in relation to content of the notes will be kept on file. Depending on the Stage being appealed a note taker may be present as outlined earlier.

## **Outcome of the Appeal**

The Appeal manager can:

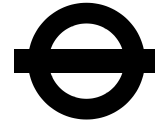
- uphold the decision made at the Formal Review Hearing
- reduce or remove the warning

Should the Appeal Manager consider that further investigation is required or believe that Occupational Health should be contacted before a decision can be made, then they must inform the employee, including timescales, and this would normally not be longer than 7 calendar days. The hearing would then be re-convened to advise the employee of any additional information obtained and deliver the decision unless the employee confirms they do not wish to attend and require the decision in writing only.

The Appeal Manager, on the day or as soon as possible thereafter will confirm the decision in writing and confirm the decision made at the review hearing and reason.

The decision made by the Appeal Manager is final and ends this Procedure.

In circumstances where a dismissal is overturned on appeal and alternative action taken, this will normally be valid from the date of the Stage Four Formal Review Hearing.



### **3. Long Term Sickness Absence (and absence as a result of a disability)**

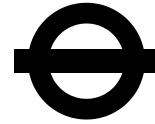
When an employee is expected to be away from work through continuous sickness or injury for 28 calendar days or more, the process outlined below (3.2 to 3.8) should be used. In cases when an employee is unable to meet the required standard of attendance due to a disability or an underlying medical condition the steps outlined in paragraph 3.1 should be followed. Equally these steps may apply to an employee who has returned from a long term absence but is unable to meet the required level of attendance.

#### **3.1 Disabled employees and those with an underlying medical condition**

- If after consultation with Occupational Health it is established that an employee has an underlying medical condition or is disabled, then this section of the procedure should be used. The condition may be a serious, continuing, or a worsening illness/disease which is ongoing and unlikely to improve in the near future and results in significant periods of unplanned long or short-term absence. In such cases it will become apparent that the employee will not meet TfL's standards of attendance (and therefore would normally receive a warning for their sickness absence).
- In such cases it would not be appropriate to issue the warnings but the standards of attendance (triggers) should be used to monitor the employees level of attendance overall. In addition, it is important that the employee is given all practical support and reasonable adjustments are made to enable them to carry out their work and achieve an acceptable level of attendance.
- When monitoring the level of attendance, should it be clear that the employee, under normal circumstances, would have been on a Final Written Warning a review meeting will need to take place. If at this meeting the manager believes that reasonable adjustments have not resulted in an acceptable level of attendance, the employee's absences are having an adverse effect on the rest of the department and their workloads, that there is no likelihood that the pattern of absence is unlikely to improve, and that occurrences of the illness cannot be predicted, then the steps outlined in 3.6 and 3.7 of the procedure will need to be followed.

#### **3.2 First Review Meeting**

- Where an employee is expected to be away from work through continuous sickness or injury for 28 calendar days or more, the employee will be given reasonable notice by their manager of a meeting to discuss their sickness absence. The time and date of the meeting will be confirmed in writing. Depending on the reason for the sickness absence it may be appropriate to carry-out the meeting away from the work-place. If the meeting is to be held at an employee's home, then this



should only be done with the consent of the employee. In the case of home visits, the employing line manager will take a colleague and depending on the reason for the absence and views of the employee it will be appropriate to take a colleague who is the same sex as the employee.

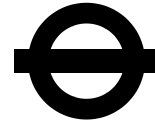
- The manager should advise a PMA Specialist that a review meeting is to take place.
- The meeting is an opportunity for both parties to discuss any interventions which may assist the employee in returning to work.
- A copy of this policy and procedure should be given to the employee
- It should be agreed with the employee as to how and whether they wish to receive any updates about TfL. These can include news updates (for example, Weekly Round Up, Team Talk and Upfront) and updates on vacancies. In the case of organisational change the manager is responsible for ensuring the employee receives the same updates as other employees
- Following the meeting the manager will write to the employee noting what was discussed and any agreed actions. The manager should consider any further interventions and/or (where appropriate), reasonable adjustments, such as reduced hours, to assist the employee in returning to work. Before implementing any reasonable adjustments it may be necessary for the employing manager to contact [Occupational Health](#) for advice.
- If after this meeting a return to work date is not yet known, a regular review process must be initiated. The frequency of these reviews will depend on the nature of the illness and advice from a PMA Specialist and/or Occupational Health may be considered.

### 3.3 Actions after the first Review Meeting

Following the first review meeting, if the employee is unable to give a return date, the line manager will normally need to seek the advice of Occupational Health. This may result in an appointment being arranged for the employee with Occupational Health. The employee should be asked to complete a [“medical consent”](#) form which will allow Occupational Health to obtain the relevant information from the GP and/or Specialist. The employing manager will have no access to the employee’s medical records. More details regarding the consent form can be found on [Source](#). Should an employee refuse to sign the medical consent form, this will be recorded and a decision on how to proceed will be made on the information that is actually available.

### 3.4 Second Review Meeting

- This should be arranged after the appointment with Occupational Health and normally within 28 days of the first review meeting. In addition to the manager and the employee, a PMA Specialist may also attend. The employee can be accompanied, where requested, by a companion who is either a workplace colleague or a trade union representative.



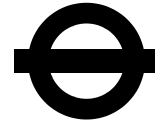
- If appropriate, a written return to work plan should be discussed. The plan when prepared, should then be followed by both parties. This will take into account any reports from the employee's GP, Specialist and/or Occupational Health. If this information is not yet available it should not prevent the plan being drafted and followed except for any actions where further medical advice is required before proceeding
- In constructing the written return to work plan the following options will be considered:
  - interventions and/or reasonable adjustments to assist the employee in getting back to work and maintaining satisfactory standards of attendance. Reasonable adjustments may also be considered as part of a phased return to work taking advice from Occupational Health.
  - the employee's ability to do an alternative job, where available on a temporary basis for up to 28 days, to assist in returning to work. Permanent alternative employment would only be considered at the second meeting if it was already clear that the employee will not be able to return to their current job. In this case see paragraph 3.6 below
  - to continue to monitor the employee where it is expected that they should be able to return to work with or without some reasonable adjustments within the foreseeable future.

When an employee has had a long term absence from work they may request to carry over up to a maximum of 10 days annual leave from one year to the next. All other annual leave accrued in the calendar year will be forfeited. The carried over annual leave should be taken by 31<sup>st</sup> March and will need to be agreed with the line manager and it will not be accumulated for carry over into subsequent years.

### **3.5 Further Review Meetings**

These should be held at regular intervals. The employing manager will give the employee a reasonable time to recover and return to their job. Each case must be considered on its merits, in the light of the requirements of the business. The above options will be given further consideration together with those below:

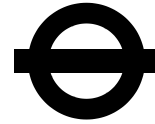
- following advice and guidance from Occupational Health, the employee's ability to do an alternative job on a permanent basis, where it is clear the employee will no longer be able to do their current job due to medical incapability. See paragraph 3.6 below
- dismissal due to medical incapability (See paragraph 3.7 below). This would be following advice and guidance from Occupational Health, not normally before 26 weeks have elapsed since the first day of sickness where:
  - adjustments cannot be made (because they are not deemed reasonable)
  - the reasonable adjustments that can be made are insufficient to enable the employee to return to work or they do not satisfactorily improve attendance



- permanent suitable alternative employment cannot be found
- the employee does not wish to consider, or unreasonably refuses reasonable adjustments or suitable alternative employment
- it is clear that the employee will not be able to return to any job in the foreseeable future.

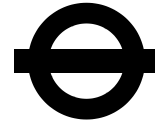
### **3.6 Suitable Alternative Employment**

- Following confirmation from Occupational Health that an employee is no longer able to do their job due to medical incapability and is unlikely to become fit again in the foreseeable future, further advice should be sought regarding the employee's ability to do a suitable alternative job.
- If the employee is able to carry-out suitable alternative employment and the manager is unable to identify a suitable alternative post within their team, the employee should be referred to the redeployment team in HR Services. They will work with the employee to match their skills to potential vacancies. If a suitable vacancy is identified, the employee will be redeployed accordingly taking on the terms and conditions (including salary) of the alternative position.
- Where an employee is covered by the Equality Act 2010 additional factors must be considered. A PMA Specialist can advise in these circumstances.
- An employee will remain in redeployment, for a period of up to 13 weeks which will include any period of sickness absence. During the 13 weeks, the employee will need to keep in contact with their employing manager and notify them of any change in their condition which may require a further review meeting.
- During their time in redeployment the employee may take up secondments or another role on a temporary basis for a specific period after which it will be reviewed. During the secondment or temporary role day to day management of the employee falls to the new manager. The employee will also be placed on the new cost code but contact with the redeployment unit should continue, ensuring ongoing assistance in finding a permanent job. At the end of the secondment or temporary role the employee will return to redeployment or their substantive post (if they are fit to carry out those duties).
- At the end of the 13 week period or on return from secondment, whichever is the longer, and if no suitable alternative job has been found, the employee will be invited to a further review meeting with their manager where dismissal due to medical incapability will be discussed. The arrangements for this meeting are detailed below in paragraph 3.7. If there is a realistic prospect of a suitable alternative job being found in the near future (e.g. there is knowledge of a specific recruitment campaign), the review period will be extended for a maximum of 4 weeks.



## 3.7 Dismissal due to medical incapability

- Where the manager considers that dismissal should now be considered, a further review meeting will be arranged with the employee (please see 3.8 for matters regarding pensions)
- The employee will be invited to the meeting in writing stating the reason why dismissal is to be considered and advised of their right to be accompanied by a workplace colleague or a trade union representative
- If the employee cannot attend due to circumstances outside their control and unforeseeable at the time the hearing was arranged, or the companion cannot attend on the proposed date, the employee can suggest an alternative time and date, so long as it is reasonable and it is not more than 7 calendar days after the original date. The chair will seek to take all reasonable steps to arrange a suitable date within 7 calendar days of the original hearing. Should it be that the chosen companion is not available then an alternative companion should be sought. This is to ensure the matter is resolved in a timely fashion. The 7 calendar days may be extended by mutual agreement.
- The meeting will be attended by the manager concerned, a PMA Specialist, the employee and their companion (if requested).
- The manager will outline the reason why it is proposed to dismiss them and to give the employee the opportunity to respond
- The companion may add their input to the employee's case, sum up the employee's case and respond on behalf of the employee to any view expressed at the meeting. They cannot answer questions on behalf of the employee that are asked directly of them
- The manager will then adjourn the meeting to consider what has been said
- The manager will advise the employee of their decision. If this is to dismiss, the manager is to confirm their decision and the reasons for it in writing. Wherever possible this should be done at the end of the meeting following the necessary adjournment. If it is not possible to confirm the decision in writing on the day, then it should be done as soon as possible. The employee will have 7 calendar days to appeal from the date of the letter. In cases where the letter is posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.
- The arrangements for the appeal and the procedure are as listed above in paragraph 2.10
- The Appeal Manager will confirm their decision in writing within 7 days of the appeal meeting. This ends the procedure.
- A note taker will attend the hearing to capture full and meaningful notes. These will normally be issued to the employee within 3 working days. Any difference in relation to the content of the notes will be kept on file.



### **3.8 Applications for a pension in cases of termination on medical grounds**

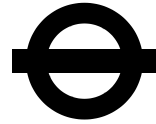
In cases where employees are dismissed on grounds of medical incapacity they are entitled to apply for and possibly receive an ill-health pension benefit. It is the decision of the Pension Fund on whether an ill-health pension benefit will be awarded, NOT the employer (TfL). If it looks as though an employee is likely to be dismissed on grounds of medical incapacity, the line manager should contact the TfL Pension Fund as soon as possible and certainly in advance of dismissing the employee. The TfL Pension Fund has dedicated resources to provide advice for TfL Pension Fund, Local Government Pension Scheme and Principal Civil Service Pension Scheme members. They can advise on whether any specific steps, relating to the application of an ill-health pension, should be taken prior to the dismissal taking place. (TfL MUST obtain a superannuation Medical Certificate from the Scheme Medical Adviser (Capita Health Solutions) prior to a PCSPS member leaving service) –The TfL Pension Fund can be contacted on 020 7918 3733 and more information can be found on the respective pension at

<http://www.tfl.gov.uk/pensionfund>

<http://www.lgps.org.uk/>

<http://www.civilservice-pensions.gov.uk/>

TfL will assist with the application of an ill-health pension as appropriate and deemed necessary by the Pension Fund, but the reason to dismiss will, following advice and guidance from Occupational Health, be based on whether the employee is no longer able to do their substantive role or an suitable alternative job on a permanent basis; not on whether the Pension Fund will award an ill-health pension.



## 4 Non-sickness related absence

Any absence from work including absence due to an unexpected domestic emergency must be reported in accordance with paragraph 1.1 as soon as possible. In cases of a domestic emergency then special leave may be granted as outlined in the Work-life Balance Policy.

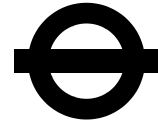
### 4.1 Unauthorised absence from work

- Disciplinary action may be taken, in accordance with the [Discipline at Work Policy and Procedure](#) where employees:
  - fail to attend work for a whole working day and fail to make contact
  - fail to complete a working day or shift without authority
- Where the manager becomes aware that the employee is in police custody the manager should discuss the situation with a PMA Specialist before taking any action.

### 4.2 The Write Off Process

- Where the absence continues beyond 7 calendar days, the employee has failed to make contact and no information is received as to their whereabouts then pay will be stopped from the first day of absence and the [Write Off](#) process will commence
- Managers should advise a PMA Specialist before proceeding
- Appropriate disciplinary action in accordance with the Discipline at Work Policy and Procedure may be taken where employees make contact and/or return to work after the [Write Off](#) process has commenced but before it is completed.





## 5 Time keeping – Lateness

It is important to note that there are different local arrangements and operational needs in TfL. In some areas, flexible start and finish times may be agreed. In other areas, attendance at work at a specific time is critical. However, it is important that all employees attend work punctually and at their agreed start times.

- Lateness will be considered separately to unauthorised absence and sickness absence. Should an employee be more than 2 hours late then this will be treated as failure to complete a working day or shift without authority, and will be dealt with as described under 4.1
- Where a pattern of lateness has been identified or the employee has been late on:
  - 3 occasions in any 26 weeks, or
  - 5 occasions in any 52 weeks

[The Discipline at Work Policy and Procedure](#) will be followed for such lateness.

It may be appropriate to disregard lateness on days where industrial action occurs or when there are widespread transport operating difficulties that affect the chosen route to work. In other cases, employees should seek to ensure that they allow suitable time for travelling to work.



## 6 Support and advice

Support and advice can be obtained through speaking to your line manager or contacting HR Services

## 7 Ownership and Review

TfL Group Employee Relations and Engagement.

Version 1	Effective 03/03/08	
Version 2	Effective 01/10/10	To take account of Equality Act 2010

## 8 Related Documentation

Employees are encouraged to look at this policy in conjunction with:

[Code of Conduct](#)

TfL Employment Framework

## 9 Retention and disclosure of Records

Any reports and interview notes will be disclosed as outlined within the procedure of this policy. To protect the legal rights of all individuals involved in the investigation and fulfil TfL's duty of care as an employer, and comply with the Data Protection Act, TfL may need to remove information that may lead to the identification of employees and/or members of the public.

Any letters, reports and interview notes will be retained for 7 years from the date the matter was formally closed. Only live warnings will be disclosed or considered when deciding upon any appropriate sanction.