HR Policy

P086 A2 Attendance at work policy and procedure for Surface Transport operational employees

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1 Policy

1.1 Introduction

Punctual and regular attendance is essential to TfL's business and contributes towards efficient working. TfL has an obligation to consider the effect that non-attendance has on the services it provides and the impact on other employees. TfL therefore expects employees to take measures to attend work punctually and regularly in accordance with their contract of employment.

TfL is committed to employee support, health and welfare and the application of a fair, sensitive and consistent approach to managing attendance levels.

TfL understands its responsibilities under the Equality Act and the demands of the working environment. TfL will provide appropriate preventative interventions to reduce non-attendance due to sickness or injury with support from Occupational Health.

In all cases, the parties may contact HR Services to obtain guidance and/or support in using this policy and procedure.

1.2 Organisational scope

Operational employees of Surface Transport (TfL), including London Bus Services Limited (Bus Operations), London Buses Limited (ETB & DAR), Revenue Protection Inspectors and Plain Clothes Officials within CSEP, Victoria Coach Station and London River Services Limited on operational employment grades (non pay band 1-5). TfL will ensure employers of anyone engaged through a third party are made aware of this policy.

1.3 Policy statement

It is essential that employees attend work regularly to enable us to deliver the public service our customers deserve. Through its attendance procedure TfL is committed to employee health and welfare and the application of a fair, sensitive and consistent approach to managing attendance levels.

2 Procedure

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

- Lateness
- Sickness absence
- Longer term sickness absence

If an employee fails to attend work for reasons not included under Fitness at Work or fails to follow the Attendance at work policy and procedure, this may be considered as a conduct issue and action in accordance with the Discipline at work policy and procedure may be taken.

2.1 Lateness

2.1.1 Requirements and responsibilities

In the event an employee is going to be late for their duty, local guidelines must be adhered to for advising of lateness in order to minimise the negative effects of the employee's lateness on service provision. Where local guidelines do not exist, employees must notify their manager of their impending lateness PRIOR to the commencement of their shift as soon as practicable and not later than half an hour prior to shift commencement time. A follow-up discussion will normally take place between an employee and their manager on each occasion an employee reports late for work.

2.1.2 Triggers for review

Where a pattern of lateness has been identified or the employee has been late:

- 3 occasions in any 26 weeks, or
- 5 occasions in any 52 weeks

A lateness review will be held in order to determine whether any action is required. This review should take into consideration the employee's lateness record together with any other information surrounding their timekeeping before deciding how to proceed. The same process as outlined below for unsatisfactory attendance should be followed.

2.2 Sickness absence

2.2.1 Requirements and responsibilities

Prior to normal commencement of the first shift/working day of any sickness absence, employees are expected to report their sickness absence to their line manager in accordance with any local reporting procedures. Where no local procedures are in operation then contact must be made as soon as is practicable but in any case not later than thirty minutes prior to shift commencement.

At first point of contact employees must give their expected return date or agree the date when they will contact their line manager with an update. The purpose of the contact is to enable TfL to provide appropriate support for the individual and to plan cover for the employee's sickness absence. Contact arrangements must be reasonable and dependent upon individual circumstances.

Verbal contact must be made in person by the employee by telephone unless the individual has a physical incapacity. Text messages are not an acceptable way of keeping in touch whilst on sickness absence.

Where an employee fails to follow the relevant reporting requirements for sickness absence it may be necessary to stop the employee's pay.

Employees must comply with the following certification requirements:

- Employees absent from duty due to sickness for 1-7 calendar days – a self certificate which covers each day of sickness absence must be provided to the

employee's line manager within 7 calendar days of the first day of sickness and no later than the day of return to work if earlier.

- Employees absent from duty due to sickness in excess of 7 calendar days – a medical certificate (form Med 3 or Med 5) from a certified medical practitioner must be provided to the employee's line manager within 9 calendar days of the first day of sickness absence. Where sickness continues, employees must make verbal contact confirming continuing sickness absence prior to expiration of the current certificate/s, providing a copy of the continuing certificate within 2 calendar days of the previous certificate expiring.

Managers have the right to request a medical certificate and/or a medical examination by Occupational Health at any time and for any reason. This can be for any other sickness or injury where individuals have irregular or unsatisfactory attendance levels or are absent when rostered to work during bank/public holiday periods. In these cases, if the individual is charged, then reimbursement will be made on provision of appropriate documentary evidence.

Employees who fall ill whilst travelling abroad

If an employee falls ill outside of the UK whilst on annual or special leave, they are required to produce acceptable documentation signed by an accredited medical practitioner, together with the employee's contact address and telephone number abroad. This documentation must be provided as soon as practicable stating:

- Date of commencement of the illness;
- Nature of the illness; and
- Whether the employee is fit to travel to the UK.

If the employee is declared unfit to travel, the certificate must give an indication of the date the employee is likely to be fit to travel, if this is after the last day of the authorised period of leave. Employees who are sick but fit to travel must, at the end of their leave period, return to the UK and submit a medical certificate in English signed by their UK general medical practitioner, within seven days of returning to the UK.

Returning to work

Employees should give their manager as much notice as possible of their fitness to resume work and local arrangements will apply.

Return to work interview

A return to work interview will take place wherever possible on the first day after returning to work or as soon as possible thereafter for any sickness absence. The interview will be used to consider general fitness and any medication taken or being taken, the employee's general fitness to carry out their duties, the likelihood of recurrence of the sickness or injury and any steps which could be taken to prevent future sickness absence.

2.2.2 Triggers for review

TfL recognises that most employees conscientiously attend work and only stay away when they are genuinely unwell. However, there may be occasions where it has been found that standards of satisfactory attendance have not been met, or there is a pattern of sickness absence that is causing concern. If this is the case the manager will review the employee's attendance.

An attendance review will be triggered if:

- In any 13 weeks there are 2 or more items of sickness absence
- In any 26 weeks there are 2 or more items of sickness absence totalling 5 or more shifts/working days.

A pattern of sickness absence may have developed over a period of time that is a cause for 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 the sickness absence at any time.

As the meeting is purely to review attendance levels there is no right of accompaniment by a Trade Union (TU) representative or work place colleague.

Employees with unsatisfactory levels of sickness absence will be treated in a sensitive and consistent way. Employees will be counselled and reminded of attendance requirements with the aim of improving attendance.

Where employees fall short of the standards of satisfactory attendance required, or an employee continues to have a pattern of non-attendance that is giving cause for concern despite previous guidance and/or warning, the process outlined below must be followed.

2.3 Process for managing lateness and attendance

2.3.1 Stage 1

The manager will arrange an informal lateness/attendance review meeting to discuss the employee's attendance as per the triggers outlined in the sections above. This review meeting is informal hence there is no right of accompaniment. The meeting should investigate reasons for poor attendance/time-keeping with the main objective being to help the employee overcome the cause by counselling or advice.

Following the review meeting the manager should confirm in writing the main points of the discussion and any agreed actions. There are two possible outcomes at stage 1:

i. A decision to take no further action in which case any subsequent meetings relating to the employee would re-commence at stage 1

ii. A decision to maintain the employee at stage 1, with any subsequent meetings resulting in progression to stage 2

Regardless of the outcome, managers must remind the employee of required attendance levels that are expected. In the instance (ii), a letter should be provided

to the employee warning them that any future unsatisfactory levels of sickness/absence in the next 26 weeks may result in formal action.

2.3.2 Stage 2

If despite the stage 1 outcome there is still unsatisfactory attendance (refer to triggers), there will be a formal attendance review meeting. At this meeting the manager will consider any points raised by the employee and decide whether formal action under the Discipline at work policy and procedure is required. If formal action is required the meeting will be adjourned and the employee will be invited to attend a disciplinary hearing as outlined in the Discipline at work policy and procedure, and will be allowed representation by a Trade Union representative or work place colleague. At this stage, if attendance is found to be unsatisfactory, the chair of the discipline hearing may consider giving a written warning or if sickness absence/time-keeping is extremely poor a final written warning. See Discipline at work policy and procedure for full details.

2.3.3 Stage 3

If despite the stage 2 outcome there is still unsatisfactory attendance (refer to triggers), there will be a further formal attendance review meeting. The manager should take the same action as outlined above in stage 2. If attendance is found to be unsatisfactory and a disciplinary hearing arranged, the chair of the disciplinary hearing may consider issuing a final written warning (unless final written warning was given in stage 2 in which case stage 4 becomes applicable). In particularly serious cases, a manager may determine it appropriate to begin the process at stage 3. See Discipline at work policy and procedure for full details.

2.3.4 Stage 4

A manager should take the same action as outlined above in stage 2 and stage 3. At this point the chair of the disciplinary hearing may consider dismissing the employee for failing to maintain satisfactory attendance levels despite previous warnings. See Discipline at work policy and procedure.

In cases where an employee is suffering from an ongoing condition or is covered by the Equality Act due consideration must be given. If formal action is taken in such cases the manager or disciplinary chair must provide evidence of what consideration was given and why the decision was made.

2.4 Longer term absence

Where an employee is expected to be off work through continuous sickness or injury for 28 calendar days or more, the employee will be given reasonable notice by their manager of a case review to discuss their sickness absence. The time and date of the case review will be confirmed in writing and the employee will be informed of their right to bring a Trade Union representative or work place colleague.

The case review will be an opportunity for both parties to discuss any interventions which may be required to assist the employee in returning to work with the emphasis on assisting the employee.

It will normally comprise of:

- The employee concerned and employee's representative if requested
- The manager
- A member of Human Resource Services, at the discretion of the chair

The case review will look for positive outcomes and will involve discussion and subsequent production of a written action plan that must be adhered to by all parties. The employee's case will continue to be monitored through further case reviews as appropriate until it is deemed no longer necessary to do so. Prior to finalising any written action plan it may be appropriate to wait on reports from the employee's GP or specialist and Occupational Health. However, this information being unavailable should not prevent the case review from taking place.

2.5 Process for managing longer term absence

The case review will follow the stages outlined below.

2.5.1 Stage one

Interventions and/or (where appropriate) reasonable adjustments to assist the employee in getting back to work and maintaining satisfactory standards of attendance.

2.5.2 Stage two

Consideration will be given to the employee's ability to do an alternative job with suggestions for deliberation from Occupational Health.

2.5.3 Stage three

In the absence of viable alternatives, termination of employment on medical grounds following advice and guidance from Occupational Health. Employment may be terminated before entitlement to sick pay has been exhausted. Employment may also be terminated within the contractual sick pay period if an employee unreasonably refuses reasonable adjustments or alternative employment.

With regard to any case reviews with the employee to consider reasonable adjustments, suitable alternative employment or termination of employment on medical grounds, the employee has the right to be accompanied by a Trade Union representative/companion. Where the meeting is to discuss termination of employment on medical grounds the employee must be informed of this in writing prior to the meeting.

2.6 Medical appointments

Employees are encouraged to attend to personal affairs, including appointments of a non-urgent nature (e.g. hospital, doctors and dentists) outside of their normal working hours, whenever possible.

However, where it is not possible to arrange these appointments outside of normal working hours, and only part of the shift is required, managers may consider requests for appropriate paid special leave. If a whole shift/day is required and the employee has not been able to make appropriate time up, it will be at the manager's discretion in deciding if any time should be with pay.

If the employee has a condition/illness which is covered by the Equality Act, they should be encouraged to arrange appointments of a non-urgent nature outside of their working hours. If this is not possible, the employee must be granted special leave with pay under the conditions of the Equality Act. Such absence must not be classified as an item of sickness.

3 Privacy and data protection

TfL will comply with privacy and data protection legislation relating to the processing of your personal data.

TfL will process your data primarily to enable us to perform our contract with you (including to perform this policy), and to enable TfL to comply with our legal obligations.

3.1 Disclosure of records

Any reports and interview notes will be disclosed as outlined within the policy above. 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 data protection and privacy legislation, TfL may need to remove information that may lead to the identification of employees and/or members of the public.

3.2 Retention periods

Any letters, reports and interview notes will be retained for seven years from the date the matter was formally closed. When deciding upon any appropriate sanction, only warnings that are live will be disclosed or considered.

For further details, please refer to the TfL website.

4 Monitoring

This document will be regularly monitored to ensure that it is working in practice, being applied equally to all employees, and is updated where appropriate.

5 Person accountable for this document

Name	Job title
Anand Nandha	Senior Operational Manager - Head of TPH Compliance

6 References

Document no.	Title or URL
P078	TfL Code of Conduct
P089	Discipline at Work Policy and Procedure for Surface Transport Operational Employees
P094	Grievance Policy and Procedure for Surface Transport Operational Employees
TfL website	Privacy and cookies - employment

7 Document history

Issue no.	Date	Changes	Author

A1	October 2010	New document	
A2	May 2018	Document re-templated and updated to reflect introduction of GDPR CR-10320	Jo Page