

HR Policy

P103 A17 TfL work life balance

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1 Introduction

Good working practices for employees are key to the success of Transport for London.

A smart working environment aims to help us provide greater efficiency and effectiveness in achieving job outcomes through a combination of accountability, flexibility, collaboration and autonomy which is supported by the use of existing technology.

Whilst individual smart working arrangements are dependent on business requirements, the smart working offering helps contribute to our attractiveness as an employer of choice as we continue to improve the work - life balance at TfL.

2 Organisational scope

This document applies to 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 organisation employment contracts where the individual has transferred to the employment of TfL.

3 Policy statement

TfL believes in helping employees achieve a better balance between work and home life and recognises there are potential benefits for individuals and the business when employees are better able to manage work and other areas of their lives. TfL is encouraging employees to adopt smart working practices and by working more efficiently it will also help to reduce our desk demand in Head Offices.

The Equality Act 2010 requires TfL to address inequalities and eliminate unlawful discrimination in the workplace.

TfL will not tolerate discrimination of any kind. The protected characteristics covered in the Equality Act are age, disability, nationality, ethnic or national origin, sex, race, religious or cultural belief, sexual orientation or transgendered status.

Discrimination on the grounds of an employee's association with another person who possesses a protected characteristic is now extended to cover age, disability, gender reassignment and sex.

Indirect discrimination against an individual applies to age, race, religion or belief, sex, sexual orientation and marriage and civil partnerships and is extended to cover disability and gender reassignment.

Smart working enables us to carry out our work from a range of work locations, subject to business needs and priorities.

Employees may request formal flexible working in line with the statutory provision and are also encouraged to agree informal flexible arrangements with their line managers to help embed smarter ways of working.

The following procedures outline TfL's intention wherever practicable to make provisions for flexibility for employees who need to adjust the balance between work and their life outside:

- Maternity, adoption, parental and paternity leave
- Family and special leave
- Formal flexible working
- Smart Working – this includes neighbourhood working, formal and informal flexible working and flexible location working (which can include home working)
- Career breaks

To support these options the following links provide information that is useful as further guidance;

- [Smart Working](#)
- [Home Working Guidance](#)
- [DSE Risk Assessment for the office and home](#)
- [DSE for mobile device users eLearning course](#)
- [Reasonable Adjustments Process](#)

4 Support and advice

Support and advice can be obtained through speaking to your line manager or contacting HR Services (Extension 1729).

5 Maternity, adoption, parental and paternity (leave and pay)

5.1 Maternity leave scheme

TfL's maternity leave scheme is open to all employees regardless of length of service. All employees will be entitled to take 26 weeks of Ordinary Maternity Leave (OML) followed by 26 weeks of Additional Maternity Leave (AML). This allows employees to take up to a maximum of 52 weeks maternity leave in total.

5.1.1 Pay scheme

Where employees have been continuously employed by TfL for 26 weeks leading into the 15th week before the expected week of childbirth (EWC) Occupational Maternity Pay (OMP) is payable at a rate equivalent to 100% of contractual salary inclusive of Statutory Maternity Pay (SMP) for the first 26 weeks. The following 13 weeks will be paid at SMP only, with the remaining 13 weeks of Additional Maternity Leave (AML) being unpaid.

OMP is based on contractual salary at the date of commencement of OML. Where applicable this includes shift allowance and overtime averaged over the previous 26

weeks. Back pay resulting from a consolidated base pay award which includes this date is also payable.

5.1.2 Statutory maternity leave and pay

Some employees may meet the qualifying period for statutory maternity leave and pay but have not been continuously employed by TfL for 26 weeks leading into the 15th week before EWC. These employees will be entitled to statutory maternity leave and pay as outlined below.

Statutory Maternity Pay (SMP) is paid for the first 6 weeks at a rate equivalent to 90% of average weekly earnings, with no upper limit. The remaining 33 weeks will be paid at whichever is the lower of either the statutory rate per week or 90% of average weekly earnings. The average weekly earnings is a fixed government rate which is reviewed every year.

The remaining 13 weeks of additional maternity leave is unpaid.

5.1.3 State maternity allowance

In circumstances where employees do not qualify for SMP/OMP as outlined above they may be entitled to State Maternity Allowance (SMA) for up to 39 weeks. To qualify they must have been employed or self employed for 26 weeks out of the 66 weeks before the expected week of childbirth and have average weekly earnings as outlined by the statutory rate. Employees who fall within this category are advised to contact their local Benefits Agency.

5.1.4 Maternity pay - claiming OMP/SMP

The earliest date from which a claim can start is 11 weeks before the baby is due.

More information on the pay scheme can be found on [Working at TfL](#) or by contacting HR Services.

5.1.5 Compulsory maternity leave

Employment legislation requires every woman to take a minimum of 2 weeks maternity leave following the birth of her baby.

5.1.6 Annual leave

Annual leave may be taken at any time up to the start of maternity leave at a mutually acceptable time. Annual leave and Bank Holidays will continue to accrue during both OML and AML. Employees are encouraged to use this leave before returning to work.

5.1.7 Miscarriage or stillbirth

Where a stillbirth or miscarriage is suffered before the end of 23 weeks of the pregnancy absence will be treated as sick leave with full entitlement to occupational sick pay/statutory sick pay.

Where this occurs from the beginning of the 24th week the employee may be entitled to maternity pay and leave as if a live birth had occurred provided they meet the service requirements as outlined above.

TfL will give as much support as possible to assist in the recovery and should additional recovery time be required after maternity leave then this should be discussed with your line manager.

5.1.8 General information

Time off for antenatal care

Expectant mothers are entitled to paid time off to attend antenatal care which may include hospital appointments, doctor and midwife appointments, health visitor clinics, relaxation and parent craft classes. Time off for antenatal care will be classed as special leave and will not be counted towards sickness absence.

Fitness to continue working

Employees who are feeling fit and well can work until their baby is born and their rights to OMP/SMP will not be affected. If an employee, their manager, or GP think there are significant health and safety risks to either the employee or their baby whilst in their current role, a risk assessment will be undertaken to determine whether the employee can continue in their role. The risk assessment will be conducted by the line manager and relevant Health and Safety advisor taking into consideration reasonable adjustments or suitable alternative work.

If an employee is absent from work with a pregnancy related illness during the four weeks before the start of expected week of childbirth, maternity leave starts automatically regardless of when the employee wants it to start. Suitable advice should be sought from Occupational Health and HR Services before confirming the start of maternity leave.

Free treatment

During pregnancy and for a year after the birth, mothers are entitled to free medical prescriptions and free NHS dental treatment. There are also a range of other benefits available. To find out what you are entitled to and how to claim contact your local benefits agency, midwife or GP for advice and guidance.

Medical evidence

Medical evidence, normally in the form of the maternity certificate (MATB1) must be provided to your line manager in order to qualify for maternity leave and pay. This is issued by a doctor or midwife approximately 14-20 weeks before the EWC. The MATB1 must be signed and stamped by the employee's doctor or have the midwife's signature or registration number on it.

Notification of return to work

TfL wishes to encourage all mothers to return to work following maternity leave as there are positive benefits to the business in retaining skilled and experienced employees. An employee does not have to notify their manager of their intention to return to work at the end of OML or AML. It is preferable however that employees inform their line manager of their intended return to work date as this will assist managers in planning work schedules. Where no return date is given it will be assumed the employee intends to take their full entitlement of OML and AML. Should an employee want to change their stated return date this must be declared in writing 8 weeks prior to returning to work.

Right to return to work

All employees have the right to return to work at the end of their statutory leave period irrespective of length of service. Employees returning from OML have the right to return to the same job. Employees returning from AML have the right to return to a similar job on comparable terms and conditions. Should there be an organisational restructure or redundancy programme whilst the employee is on maternity leave then Regulation 10 of the Maternity and Parental Leave etc. Regulations 1999 will apply.

Flexible working

Some mothers may not wish to return to their full time position following maternity leave and may request a reduction or change in hours. TfL's formal flexible working procedure provides employees with the opportunity to request a change to a formal flexible working pattern or employees can consider other options under [Smart Working](#). Fathers may also choose to apply for formal flexible working in the same way as mothers. All requests from employees for formal flexible working will be given due consideration depending on business requirements. Further support and advice is available through speaking to your line manager or calling HR Services (Ext 1729).

Employees are encouraged to discuss informal flexible working arrangements with their managers as an alternative to conventional part-time working requests. As we move to smarter working environments, we are supporting employees to work more flexibly including; flexible location working, working from home and staggered hours. Your manager will be able to discuss with you the suitability of your role to participate in these working arrangements.

Time off for post-natal care

Where an employee has returned to work following maternity leave and is required to attend a post-natal clinic or receive other medical treatment after the birth of their baby, this will be treated in the same way as any other medical appointment and employees should show their line manager their appointment card. Where flexible working hours are in operation appointments may be taken as part of flexi-time arrangements.

Salary/benefits

During the period of OML employees will continue to benefit from their usual terms and conditions except pay as described previously. Where employees are eligible for performance related pay this will be assessed for the period that they are at work.

In addition to the above employees are eligible to keep their normal travel facilities for the full period of maternity leave. Spouse/dependants or other nominees will also retain Oyster pass and/or privilege facilities.

Keeping in touch

TfL will maintain reasonable contact with employees during maternity leave. Contact may include keeping employees aware of any changes happening at work, including any job vacancies or promotional opportunities that arise. Keeping in touch can help make it easier for both managers and employees when the time comes to return to work. Employees are not obliged to do any work or attend any events during

maternity leave but if both the manager and the employee agree, up to 10 days' work can be undertaken during the maternity leave period. These 'keeping in touch' days do not have to be limited to the usual work carried out by the employee and could be used for training or other events. It may be helpful for the employee to use some of the keeping in touch days to ease the return to work. The employee will be paid at their normal basic rate of pay for time spent working on a keeping in touch day and this will be inclusive of any SMP entitlement.

Pension

An employee can find out how taking maternity leave impacts upon their pension by contacting the TfL Pensions Office.

Shared parental leave

Eligible employees on maternity leave or in receipt of statutory maternity pay or maternity allowance may be able to "opt" into the shared parental leave scheme. Please refer to the shared parental leave provisions in section 6.

Unpaid antenatal appointments

Expectant fathers or the spouse, civil partner or partner (including different sex or same sex partners) have the right to unpaid time off work to attend up to 2 unpaid antenatal appointments up to a maximum of 6.5 hours with the mother pregnant with the child.

Intended parents in surrogacy have the right to unpaid time off work to accompany the woman pregnant with their child to two antenatal appointments of up to 6.5 hours each.

5.2 Adoption scheme

5.2.1 Adoption

The provision of adoption leave allows employees who have 'primary carer' responsibility full adoption leave and pay (providing they meet the criteria set out below), and their spouse or partner (secondary carer) adoption support (paternity leave and pay) providing they meet the criteria set out below. The couple must choose which partner takes adoption leave and evidence of this must be provided e.g. confirmation letter from the partner's employer.

5.2.2 Adoption leave

All employees will be entitled to take 26 weeks of Ordinary Adoption Leave (OAL) and 26 weeks of Additional Adoption Leave (AAL) to be taken at the end of OAL, provided they have been newly matched with a child for adoption by an approved adoption agency (adoption leave and pay is not available where a child is not newly matched for adoption, for example when a step parent is adopting a partner's child or children already in residence).

Adoption leave is also available to employees who are placed for adoption or to employees fostering a child under the Fostering for Adoption scheme run by Local Authorities.

For employees who enter into surrogacy arrangements in relation to babies due on or after 5 April 2015, where the intended parents meet the criteria to apply for a parental order under the Human Fertilisation and Embryology Act 2008 and they intend to apply for an order or have applied for one, they may be eligible for statutory adoption leave and pay and shared parental leave, subject to meeting the qualifying criteria (see below).

5.2.3 Pay scheme

Where employees have been continuously employed by TfL for 26 weeks leading into the week in which they are notified of being matched with a child for adoption, Occupational Adoption Pay (OAP) is payable at a rate equivalent to 100% of contractual salary inclusive of Statutory Adoption Pay (SAP) for the first 26 weeks. The following 13 weeks will be paid at SAP only, with the remaining 13 weeks of AAL being unpaid.

OAP is based on contractual salary at the date of commencement of OAL. Where applicable this includes shift allowance and overtime averaged over the previous 26 weeks. Back pay resulting from a pay award which includes this date is also payable.

5.2.4 Statutory adoption leave and pay

Some employees may meet the qualifying period for statutory adoption leave and pay but have not been continuously employed by TfL for 26 weeks leading into the week in which they are notified of being matched with a child for adoption. These employees will be entitled to statutory adoption leave and pay as outlined below.

SAP is paid for the first 6 weeks at a rate equivalent to 90% of average weekly earnings, with no upper limit. The remaining 33 weeks will be paid at whichever is the lower of either the statutory rate per week or 90% of average weekly earnings. The average weekly earnings is a fixed government rate which is reviewed every year.

The remaining 13 weeks of AAL is unpaid.

More information on adoption leave and pay can be found on [Working at TfL](#) or by contacting HR Services.

5.2.5 Adoption leave in surrogacy cases

In surrogacy cases, for children due to be born to a surrogate mother on or after 5 April 2015, the qualifying criteria for OAL are that:

- The employee is one of the child's parental order parents. A "parental order parent" means a person who, at the date of the child's birth, has applied or intends to apply **within six months**, for a parental order under section 54 of the Human Fertilisation and Embryology Act 2008, and expects to be granted the order, or a person who has already been granted such an order
- The employee has elected to be parent A (see parent A in surrogacy cases below).

The employee must notify Tfl by the end of the 15th week before the expected week of childbirth (EWC) that they intend to take OAL, and specify the EWC. Tfl may request a parental statutory declaration, which is a statutory declaration that the employee fulfils the criteria for a "parental order parent" and the employee will need to provide the parental statutory declaration within 14 days of Tfl's request. The employee will need to provide Tfl with the parental statutory declaration in order to be eligible for occupational adoption pay.

AAL in surrogacy cases

For children due to be born to a surrogate mother on or after 5 April 2015, the qualifying criteria for AAL are that:

- The employee elected to be parental order parent A
- The employee took OAL in respect of the child
- The employee's OAL did not end prematurely because the employee failed to apply for a parental order or the application for a parental order was not granted and any time limit for appeal or further application has passed, or if the child has died.

Parental order parent A in surrogacy cases

"Parent A" means the parent who has elected (with the agreement of the other parent) to be parent A and therefore qualify for adoption leave. The partner of parental order parent A may qualify for paternity leave, subject to the eligibility requirements.

5.2.6 Overseas adoption

To qualify for statutory overseas adoption leave the employee must:

- Be the child's adopter
- Have received official notification confirming the central authority has, or is prepared to, issue a certificate confirming the employee is eligible to adopt and has been assessed and approved as a suitable adoptive parent.

If the employee qualifies, the employee can take 52 weeks of statutory adoption leave (26 weeks Ordinary Adoption Leave and 26 weeks Additional Adoption Leave).

5.2.7 Commencement of adoption leave

An employee can start the adoption leave either:

- On the date on which the child enters Great Britain or
- Another date, which is no more than 28 days after the date on which the child enters Great Britain.

Adoption leave can start on any day of the week.

5.2.8 The notification requirements

The employee must provide the following to Tfl:

- The right notice of when they want to start adoption leave and pay
- Evidence to confirm their entitlement and
- This notice in writing if the employer asks for it.

There are three stages to the notice that must be given:

- The employee must inform TfL the date on which they receive official notification and the date on which the child is expected to enter Great Britain
- The employee must also give at least 28 days notice of the actual date that they want to start ordinary adoption leave and ordinary adoption pay. This notice can be given at stage one if the employee knows the date at that stage. Adoption leave and pay cannot start before the child enters Great Britain. The employee can change their mind about the start for the leave but must tell TfL at least 28 days before the new date. If this is not possible the employee must inform TfL as soon as is reasonably practical
- The employee must inform TfL of the date the child actually enters Great Britain. This must be done within 28 days of the child's date of entry. If the employee is also claiming statutory adoption pay, they need to give evidence of the child's entry date. This could be a copy of a passport stamp or visa. Where requested by TfL, the employee must also provide a copy of the official notification.

5.2.9 Time off for appointments

The main (primary) adopter can take paid time off for up to five adoption appointments. The secondary adopter will be entitled to take unpaid time off for up to two appointments. An employee is able to take a maximum of 6.5 hours unpaid time off for each of these visits.

Intended parents in a surrogacy arrangement also have the right to unpaid time off work to accompany the woman pregnant with their child to two antenatal appointments of up to 6.5 hours each.

5.2.10 Shared parental leave

Employees who qualify for statutory adoption leave or pay may be able to opt into the new shared parental leave scheme. Please refer to the shared parental leave provisions in section 6.

5.2.11 Pensions

An employee can find out how taking adoption leave impacts upon their pension by contacting the TfL Pensions Office.

5.3 Unpaid parental leave

Unpaid parental leave is available to employees who have, or expect to have, parental responsibility for a child. Employees are entitled to 18 weeks of unpaid parental leave for each child up until the child's 18th birthday. A maximum of four weeks leave per year can be taken in respect of each child which must be taken in blocks of one or more weeks. Parents of disabled children can take leave in blocks



of one or more weeks or multiples of one day and for longer periods if required. Unpaid parental leave can be taken up until the child's 18th birthday.

Unpaid parental leave is a right for parents to take time off to look after a child or make arrangements for the child's welfare. Parents can use parental leave to spend more time with children and strike a better balance between their work and family commitments.

To qualify for unpaid parental leave employees must have completed at least a year's continuous service with TfL.

Unpaid parental leave is for each child. Where there are multiple births each parent is entitled to 18 weeks for each child.

More information on adoption leave, paternity leave and unpaid parental leave is available on [Working at TfL](#) or by contacting HR Services.

5.4 Paternity scheme

5.4.1 Ordinary paternity leave and pay

Ordinary Paternity Leave (OPL) gives eligible employees the option to take paid time off to care for their child or support the child's mother/primary adopter following the birth or adoption of a child.

5.4.2 Eligibility for OPL

To be eligible for OPL, with full pay, an employee must:

- Be the child's father or the husband, partner or civil partner of the child's mother (in the case of a birth child) or be named on the adoption matching certificate (in the case of a child placed for adoption other than for overseas adoptions where there is only a need for the primary adopter to be on the matching certificate)
- Have 26 weeks' or more continuous employment with TfL at the 15th week before the baby is due (in the case of a birth child) or have 26 weeks' or more continuous employment with TfL at the date of being notified of being matched with a child for adoption/the date of the child entering the UK in the case of overseas adoption
- Have, or expect to have, responsibility for the child's upbringing
- Be taking the time off to care for the child or to support the child's mother/primary adopter.

Eligible employees can choose to take one continuous period of OPL of either one full week or two full weeks which can start from any day of the week. Only one period of leave is available irrespective of whether more than one child is born as a result of the same pregnancy/placed for adoption. OPL must be completed within 56 days of the actual date of birth or placement (or within 56 days of the expected date of birth where the child is born early).

5.4.3 Paternity pay

During a period of OPL, employees will be entitled to receive their full contractual salary inclusive of statutory paternity pay.

5.4.4 Notification requirements

Employees must notify their line manager in writing of their intention to take OPL at least 15 weeks before the baby is due, or in the case of adoption, no later than seven days after being notified of being matched with a child. The ordinary paternity leave and pay application form must be used for this purpose. The employee should also provide a copy of the birth/matching certificate to their line manager as soon as it is available. Only one period of leave is available irrespective of whether more than one child is born as the result of the same pregnancy. Should an employee wish to change the start date of their OPL, or cancel their leave altogether, they must advise their line manager of this in writing at least 28 days before the new start date, or the existing start date where this is earlier, or as soon as reasonably possible thereafter.

HR Services will respond in writing within five days of receipt of the application form, confirming the relevant start and end dates for OPL.

5.4.5 Returning to work

Should there be an organisational restructure or redundancy programme whilst the employee is on paternity leave TfL is obliged under employment legislation to offer any suitable alternative vacancy that exists within TfL to any employees on paternity leave. This means they will be offered any suitable vacancy before all other colleagues involved in an assessment and selection process (and/or when vacancies arise).

6 Shared parental leave scheme

6.1 Introduction

Shared parental leave gives eligible employees the option to take shared parental leave (SPL) in connection with the birth of a child, or placement of an adopted child, on or after 5 April 2015.

SPL enables eligible parents to share the care of their child during the first year after birth or adoption. It allows a mother and her partner or primary adopter and their partner to share the responsibility of working and caring for their child.

6.2 Entitlement

Eligible parents will be able to share up to 50 weeks of SPL and 37 weeks of shared parental pay within the first year after the child's birth or adoption, for the purposes of providing care.

Partners are not required to work for TfL in order to benefit from SPL, but they must satisfy the minimum employment and earnings criteria (see below).

6.3 Eligibility

In order to be eligible for SPL an employee must be:

- The child's mother or primary adopter
- The child's father or
- The mother's or primary adopter's partner
- Parental order parent A in the case of surrogacy
- Parental order parent A's partner.

In addition, the employee must share the main responsibility for the care of the child with the mother, father or a partner, as appropriate.

The following conditions must also be satisfied:

- The employee must have 26 weeks' continuous service with TfL at 15 weeks before the expected week of childbirth or being notified of being matched with an adoptive child and still be employed by TfL in the week before leave is taken
- The other parent must, in the 66 weeks leading up to the due date/matching date, have worked for at least 26 weeks and earned the average statutory requirement in any 13 of those weeks (either in an employed or self employed capacity) and
- The employee and the other parent must have satisfied the correct notification requirements (outlined below).

6.4 SPL available

The maximum amount of SPL available to an employee is 50 weeks. This amount will be reduced by the number of weeks spent by the child's mother on maternity leave, or by the primary adopter on adoption leave (other than the first two weeks of compulsory leave). If the child's mother/primary adopter is not entitled to maternity leave or adoption leave, the maximum amount will be reduced by the weeks in which the mother /adopter is in receipt of statutory maternity pay, statutory adoption pay or maternity allowance.

The first two weeks of maternity leave or adoption leave do not count for the purposes of calculating the amount of SPL available. SPL must end no later than one year after the birth of the child or the child's date of placement for adoption.

6.5 How to take SPL

For the mother or primary adopter: if the employee meets the eligibility criteria above and they or their partner wish to take SPL, the employee must give notice to end their maternity or adoption leave early and opt in to SPL. Once the employee has given binding notice to end their maternity/adoption leave early, they cannot revert back to it except in specific circumstances, for example either the employee or their partner is not eligible for SPL. An employee cannot start SPL until after the compulsory maternity leave period (two weeks after birth). SPL can start any time after that but see the comments on paternity leave below.

For the father/partner: the employee will only be able to take SPL if the mother has given notice to end her maternity or adoption leave early and opts into SPL. The



employee should consider using their two weeks' paternity leave before taking SPL as they will not be able to take it once they start SPL and any untaken paternity leave entitlement will be lost.

For an employee to give notice to end their maternity/adoption leave and opt into SPL they must give TfL **notice to opt into SPL**. The employee should complete the [Form 1: Curtailment and Opt in Notice](#). It should be noted that once binding notice has been given, the other parent is able to commence SPL (subject to correct notice being given on their part to their employer). It is not necessary to wait until the maternity/adoption leave has ceased.

6.6 Taking periods of SPL: notification requirements

Once an employee has opted into the SPL system, if they want to take a period of leave, they will need to complete [Form 2: Notice to take Shared Parental Leave](#).

Provided that both parents qualify for SPL, the employee can choose to take leave at the same time as their partner, or the employee can take it separately. SPL must be taken in blocks of complete weeks. It can be taken as one continuous block or in multiples of complete weeks.

A period of leave notice (form 2) must be submitted before a request can be considered. An employee may submit up to three period of leave notices in total.

If the employee requests a single continuous block of leave, their request will be automatically granted.

If the employee requests a pattern of multiple blocks of leave which is discontinuous, TfL will enter into a **two week discussion period** with the employee, at the end of which TfL will:

- Agree to the employee's request
- Decline the employee's request or
- Propose an alternative pattern.

During the **two week discussion period**, the employee's line manager and/or PMA may seek to arrange an informal meeting with the employee to discuss their intentions and how they currently expect to use their SPL entitlement. The discussion may also include whether or how any request for discontinuous leave might be approved.

The employee will be informed in writing of the decision within **two weeks** of submitting their period of leave notice (form 2). If no agreement has been reached, the employee can choose to take all of the leave in a continuous block starting on the date given in their notice. For example, if the employee requested three separate discontinuous leave periods of four weeks, they will be entitled to one 12 week period of leave which will begin on the original start date. Alternatively, the employee can, within five days of the end of the two week discussion period, choose a new start date (which must be at least eight weeks after the employee's original period of leave notice (form 2) was given) or the employee can withdraw their period of leave notice (form 2) (within fifteen calendar days of the original notice), in which case it

will not be counted and the employee can submit a new period of leave notice (form 2).

Each request for SPL will be considered on a case-by-case basis: TfL agreeing to one request will not set a precedent or create the right for another employee to be granted a similar pattern of SPL.

Form 2 must be used to apply for SPL. The employee will also need to provide a signed declaration from them and a signed declaration from their partner. Those declarations are set out on the period of leave notice (form 1).

If requested by TfL within 14 days of the notice of SPL entitlement (form 1) being given, the employee must produce within 14 days of TfL's request the name and business address of the partner's employer (or a declaration that they have no employer) and a copy of the birth certificate or documentary evidence of the adoption from the adoption agency.

6.7 Varying or cancelling leave

An employee can change or cancel a period of leave by notifying TfL with the form linked to below. This form must be submitted at least eight weeks before the leave is due to start. A notice to cancel or change will count as one of the employee's three period of leave notices. Any new start date cannot be sooner than eight weeks from the date of the variation request. A notice to vary or cancel a period of leave will count as one of the employee's three leave notices unless:

- The variation is as a result of the child being born earlier or later than the expected week of childbirth
- The variation is in response to a request from TfL or
- TfL has agreed to accept more than three period of leave notices.

To vary or cancel leave, an employee must complete [Form 3: Notice to cancel or vary a period of SPL](#).

6.8 Pay during SPL

Eligible employees may be entitled to take up to 37 weeks of statutory shared parental pay (ShPP). The number of paid weeks available will depend on the number by which the mother/adopter reduced their statutory maternity/ adoption pay or maternity allowance period. In order to be eligible for statutory ShPP, the employee (or their partner) must have been eligible for statutory maternity or adoption pay or maternity allowance, the employee must remain in continuous employment until the first week of ShPP has begun and have followed the proper notice requirements.

Statutory ShPP is currently paid at a statutory rate per week or 90% of the employee's average weekly earnings, whichever is lower. This rate is amended from time to time by the Government.

Where employees have been continuously employed by TfL for 26 weeks leading into the 15th week before the expected week of childbirth or being notified of being matched with an adoptive child, occupational shared parental pay is payable at a

rate equivalent to 100% contractual salary inclusive of statutory ShPP for the first two weeks. This entitlement is additional to any pay the employee has received during maternity, adoption or paternity leave. The following weeks will be paid at statutory ShPP only or will be unpaid depending upon whether the 37 weeks of ShPP have been exhausted.

6.9 Keeping in touch

TfL will maintain reasonable contact with employees during SPL. Contact may include keeping employees aware of any changes happening at work, including any job vacancies or promotional opportunities that arise. Keeping in touch can help make it easier for both managers and employees when the time comes to return to work.

Employees are not obliged to do any work or attend any events during SPL but if both the line manager and the employee agree, the employee can take up to 20 shared parental leave in touch (SPLIT) days without bringing the period of the employee's SPL and ShPP to an end. This is in addition to the 10 keeping in touch (KIT) days that are available during maternity/adoption leave. These SPLIT days do not have to be limited to the usual work carried out by the employee and could be used for training or other events. Any work carried out on a day shall constitute a day's work for these purposes. It may be helpful for the employee to use some of the SPLIT days to ease the return to work. The employee will be paid at their normal basic rate of pay for time spent working on a SPLIT day and this will be inclusive of any ShPP entitlement.

SPLIT days and KIT days must be taken with the prior approval of the employee's line manager.

SPLIT days and KIT days do not extend the period of SPL.

6.10 Returning to work

An employee must give their line manager eight weeks' notice in writing if they want to end a period of SPL early. Returning parents can ask to discuss with their line manager smarter ways of working as part of any return to work.

If an employee would like to extend their SPL, the employee must submit a new period of leave notice at least eight weeks before the date the employee is due to return to work, assuming the employee still has SPL entitlement remaining and has not already submitted three period of leave notices. If the employee is unable to request more SPL, the employee may be able to request annual leave or ordinary (unpaid) parental leave, which will be subject to business need.

All employees have the right to return to the same job if they have been on SPL and/or any other type of maternity, adoption or paternity leave for 26 weeks or less.

If an employee has been on leave for more than 26 weeks, the employee has the right to return to the same job unless this is not reasonably practicable. In that case, the employee has the right to return to another job that is suitable and appropriate and on terms and conditions no less favourable.

TfL wishes to encourage all employees to return to work following SPL as there are positive benefits to the business in retaining skilled and experienced employees and

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smarter ways of working will allow an improved work-life balance. However, if the employee decides they do not want to return to work, they should speak to their line manager about their notice of resignation in line with their contract of employment.

6.11 Salary and benefits

During SPL, an employee's contract of employment continues in force and they continue to benefit from their usual terms and conditions of employment with the exception of pay as described above.

Where employees are eligible for performance related pay this will be assessed for the period that they are at work.

In addition to the above, employees are eligible to keep their normal travel facilities for the full period of SPL. Spouse/dependants or other nominees will also retain Oyster pass and/or privilege facilities.

6.12 Pensions

An employee can find out how taking SPL impacts upon their pension by contacting the TfL Pensions Office.

6.13 Annual leave

Annual leave may be taken at any time up to the start of SPL at a mutually acceptable time. Entitlement to annual leave and Bank Holidays will continue to accrue during SPL. Employees are encouraged to use this leave before returning to work but are not required to do so.

6.14 Flexible working

If an employee wishes to change their hours or other working arrangements on return from SPL, they should consult the flexible working part of this policy in section 12 as they may wish to make a formal flexible working application.

7 Family leave

7.1 Family leave – time off for dependents

A 'dependant' is defined, for these purposes as a partner, spouse, child or parent of the employee, or any other person who lives in the same household as the employee other than by reason of being his/her employee, tenant, lodger or boarder. In some instances this definition can be widened to include anybody who can reasonably be said to rely on the employee for assistance.

Employees are entitled to reasonable time off work, with pay, in order to deal with certain unexpected or sudden emergencies and to make any necessary longer term arrangements.

An emergency would normally be classed as when someone who depends on you:

- Is ill, needs help or dies
- Is involved in an accident or assaulted



- Needs you to arrange their longer term care
- Needs you to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up
- Goes into labour.

Up to 5 days emergency leave per year may be granted to deal with the above incidents (but not usually more than two days) at a time. The purpose of emergency leave is to address the emergency on the day (or days of the incident). Any additional leave required would be taken as annual leave.

In addition to the above reasons an employee may take emergency leave where undue hardship may otherwise occur, such as dealing with a flood or storm damage. This leave will only be granted where there is an emergency or unforeseen circumstances and is therefore not available in cases of planned maintenance etc.

This leave will only be given due to an emergency and therefore a notice period is not always possible. The employee must tell their line manager the reason for the absence, preferably in advance but in any event no later than the normal absence reporting arrangements. The employee must state how long they expect to be absent from work to enable the manager to determine the amount of special leave. Advice can be sought from HR Services.

More information on family leave is available on [Working at TfL](#) or by contacting HR Services.

7.2 Illness/death and funeral leave

Managers may grant up to 2 days leave with pay to deal with the illness or death of a dependant or near relative. In the event of the death of a dependent or close family relation a further 2 days funeral leave with pay may be granted. This may be extended to a maximum of 5 working days depending on whether travel, funeral arrangements or administration of the estate is involved.

8 Special leave

The range of special leave provisions, which are in addition to annual leave, are outlined in the table below but employees are advised to also read the criteria on the following page. In some cases it is also advisable to contact HR Services for further advice.

Where dates on which special leave is required are within the control of the employee, local operational needs will be taken into account when applications are considered.

Part-time workers' entitlement to special leave schemes over 1 day will be allocated on a pro-rata basis.

Special leave should be formally requested on SAP via the Your TfL portal – Your leave tile. Where employees do not have access to SAP this will be booked by their manager.



Managers should ensure that where employees make use of the provision of family leave and special leave, reporting arrangements are correctly applied. This includes SAP recording.

Special leave scheme	Leave allocation
Moving house	1 days paid leave (not normally granted more than once in two years)
Religious circumstances	Unpaid leave at line manager's discretion
Assistance (guide) dog training	15 paid days per year
Time off for exams	Days on which employees are required to sit examinations will be given as paid special leave. Employees are entitled to one day of study leave per exam taken, which will also be given as special paid leave. Any additional study leave required must be taken as annual leave. TfL will give special paid leave for any exam re-sits but only for the actual days of the exams. Leave for study in these circumstances must be taken as annual leave.
Pre-retirement leave	5 days paid leave subject to 20 years service. 3 days paid leave for less than 20 years service
Banked leave	10 days per year – for some groups this may not be possible i.e. rostered staff and should be discussed with line managers
Unpaid leave	Up to 4 weeks unpaid leave per year

8.1 Moving house

Employees may make application for special leave when they are moving house. One days leave with pay on the day of the move may be granted at the line manager's discretion. The employee should give reasonable notice of the request for leave to the line manager. Leave for this purpose will not normally be granted more than once in two years.

8.2 Religious circumstances

TfL values the diversity that exists within its workforce. Time off for religious events should be requested in advance and normally taken as annual leave. However, leave without pay may be granted at the discretion of the line manager who will take account of local operational needs. This leave will not be unreasonably refused where reasonable notice is given.

For guidance on religious observance in the workplace please read the [religious observance guidelines](#).

8.3 Assistance guide dog training for those with a visual or hearing impairment

Up to 15 days leave with pay per year will be granted for this purpose.

8.4 Time off for exams

TfL supports employees by allowing a range of paid time off and/or funding options for approved job related courses. Employees are entitled to 1 day paid leave per



exam day together with 1 day paid study leave for each exam day. In certain circumstances time off for exams will be granted to individuals who are self sponsoring if the course is relevant to the business.

8.5 Time off for exams/study for young persons

Employees who are aged 16 or 17 (18 if they began study or training leading to a relevant qualification before attaining that age), and who have not attained certain standards of achievement are legally entitled to take time off with pay to undertake study leave or training leading to a relevant qualification. The amount of leave given should be reasonable taking account of the training and/or study requirements of the employee and the operational needs of the business.

8.6 Pre-retirement leave

Employees aged 55 years or over with at least 20 years total service who are retiring will be granted 5 days pre-retirement leave with pay in their final year of service. Pre-retirement leave must be taken and will not be paid in lieu. Employees are also entitled to attend the 2 day pre-retirement seminar. Employees aged 55 years or over with less than 20 years service who are retiring will be entitled to 3 days pre-retirement leave with pay.

8.7 Banked leave (for specific purposes)

Employees may request to carry over up to 10 days annual leave from any one year to the next in order to 'bank' or accumulate leave in order to have a long holiday or sabbatical. Banked leave may not be accumulated for carry over into subsequent years. This facility is not the same as carrying over outstanding annual leave at the end of an annual leave year. Banked leave must be for a specified purpose that has been planned in advance. Considerations to carry over banked leave will be subject to business requirements and line manager approval.

8.8 Unpaid leave

Unpaid leave is not an automatic entitlement and may be granted at management discretion after carefully considering the implications. With the exception of employees who are members of a Local Authority (see section 9.3) up to 4 weeks unpaid leave may be granted in any one year.

9 Public duties

TfL are committed to supporting those employees involved in public duties and this section should be read in accordance with politically restricted posts guidance (section 11).

9.1 School governors

School governing bodies are expected to meet at least once a term with some governors being required to serve on at least one committee. With these requirements in mind up to 5 days leave with pay will be granted each leave year. Leave may be taken as either full or half days.



9.2 Lord Mayor, Mayor, Chairman or Deputy Mayor of a Local Authority

Employees performing any of these roles will be granted special leave as necessary to enable fulfilment of their civic duties. The employee concerned may be entitled to receive some payment from the local authority under the relevant legislation. If necessary, TfL will make up this payment to contractual salary.

9.3 Member of local authority

Members of local authorities (or certain other public bodies), other than those mentioned above, may be granted a maximum of 40 days per annum (of which 7 days will be paid and 33 unpaid) in order to fulfil their duties. It should be noted that members of local authorities and of other bodies specified in the Local Government Act 1972 are entitled to receive payment from public funds, as provided for in legislation.

9.4 Magistrate duties

A maximum of 18 days special leave with pay per annum in either whole or half days as necessary will be granted for the performance of magisterial duties, including appropriate training. Any fees received in respect of duties performed up to the amount of contractual salary paid during absence must be paid over to TfL.

9.5 Statutory tribunals or statutory committees

Where employees are proposed by TfL to serve on statutory tribunals or statutory committees, such as reinstatement committees, special leave with pay will be granted as necessary. Any fees received in respect of duties performed up to the amount of contractual salary paid during absence must be paid over to TfL.

Employees nominated by an outside body to serve on statutory tribunals or statutory committees will be granted special leave without pay as required.

9.6 Parliamentary representatives

Employees nominated as parliamentary candidates or European parliamentary candidates will be eligible for a maximum of 6 weeks special leave (of which 10 days will be with pay and remainder unpaid) during the conduct of the election.

Employees who are successfully elected to serve as parliamentary or European parliamentary representatives will be granted special leave without pay as required.

9.7 Jury service

Where employees are required to perform jury service special leave will be granted at contractual salary minus any compensation payable by the courts. It is the responsibility of the employee to claim any compensation. If there is a break in the case for a day or half day employees will be expected to return to work. Line managers should complete the loss of earnings form or by contacting HR Services. The original should be returned to the employee with a copy sent to HR Services for recording. Leave for jury service must be booked on SAP.

9.8 Attendance at judicial proceedings (other than jury service)

Employees will be granted special leave without pay to attend judicial proceedings in one of the following circumstances:

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- Subpoena or witness summons
- Appearance as plaintiff/defendant/petitioner
- Respondent, or in any similar capacity.

Any pay lost should, in the first instance, be recovered from the party requesting the attendance or from the court where witnesses are paid from public funds.

Special leave with pay will apply where employees are attending as a witness or in any other capacity for TfL. Where the court makes payment in respect of the witness attending on behalf of TfL (other than for subsistence), this must be paid over to TfL. All expenses must be claimed via Payrolls/BACS transfer using the expense claim form on SAP.

10 Call up of reservists

TfL recognises that individuals may be called up for military duties, which could include call ups for non-fighting purposes such as peacekeeping, humanitarian and disaster relief operations. TfL will treat the period of absence due to military duties as special leave without pay, and service will be deemed to be continuous.

Reservists on active service are paid by the Ministry of Defence in line with forces pay scales. In the event that the forces pay does not equate to contractual earnings pay, the employee should contact HR Services. In cases of particular financial hardship, line managers may put a special case to their director for consideration. Staff travel facilities are retained during the period of call-up.

Employees must notify their line manager that they have been called up. The line manager should obtain a copy of the call up papers and send these to HR Services with a covering letter advising them of the situation. A copy of the letter and enclosures should also be forwarded to the relevant pension provider. The employee should be advised to contact their provider regarding pension arrangements.

HR Services must be advised each period of the number of shifts/days of special leave without pay to be deducted. In the event it is agreed the company will make up any difference between service pay and the employees' contractual earnings, HR Services will arrange for an annual rate to be paid on a normal pay period basis.

Posts left vacant by employees called up for active service will where possible be filled by temporary means. This will help facilitate the return of the reservists to their own job on completion of active service. On returning to work from active service the same principles will apply regarding fitness for duty, retraining and salary arrangements that apply to employees returning from career breaks.

The Ministry of Defence may provide paid demobilisation leave. If so, any such leave will be taken into account when calculating holiday entitlements. In general, reservists will not be left worse off than if they had not been called up for service. Total paid leave entitlement (i.e. TfL plus MoD) should not be less than the normal total annual leave entitlement of the substantive post.



10.1 Annual training

An auxiliary force volunteer is required to undergo 2 weeks annual mandatory training which will be taken as special leave with pay. Employees should complete part 1 of the application form to attend annual training (available from the Ministry of Defence). Part 2 should be completed by the commanding officer of the unit and part 3 should be completed by the employee after training has been completed. The form should then be forwarded to HR Services. The form is available on [Working at TfL](#).

Where employees are called up for national service in their country of origin employees must notify their line manager and provide relevant documentation. The period of national service will be taken as an unpaid career break.

More information on call up of reservists can be found on [Working at TfL](#).

11 Politically restricted posts – guidance note

Under the terms of the GLA Act, Transport for London (TfL) is covered by the sections of the Local Government and Housing Act 1989 (LGHA) which place restrictions on the political activities that some employees can undertake.

This section serves as a guidance note and should be read in conjunction with the sections on family leave/special leave.

Certain employees will be affected by political restrictions, preventing them from participating in public duties as part of their employment contract.

The public has a right to expect that those holding higher-level government office are politically impartial. To help satisfy that expectation, local authorities (which for these purposes includes TfL), must maintain a list of politically restricted posts.

The effect of including a post on the list of politically restricted posts is to prevent individuals employed in those posts from having any active political role either in or outside the workplace.

The rules for politically restricted employees are legal requirements implied in individuals' employment contracts or letters of appointment. They cannot be 'contracted out' of. As a result directors or managers may not agree any arrangements, such as secondment or unpaid leave that allows politically restricted employees to remain in TfL employment and at the same time to engage in any restricted activities in their private time. If the holder of a politically restricted post wishes to do anything that is a restricted activity, he/she must resign.

In practice, this means that an employee employed in a politically restricted post may be a member of a political party but may not take any active participation in the activities of the party.

In general terms an employee who is deemed to be politically restricted:

- Cannot become or remain a member of a local authority
- Cannot stand for office (or announce or permit anybody else to announce that they intend to stand for office) as a local councillor, an MP, an MEP, a Member

of the Welsh Assembly or a Member of the Scottish Parliament, the European Parliament or a local authority

- Cannot be an officer or a member of any committee or sub committee of a political party (or branch of a party) if their duties would be likely to require them to take part in the general management of the party or branch, or to act on behalf of the party or branch in dealings with persons other than members of the party or another political party associated with the party
- Cannot speak to the public at large or to sections of the public, give interviews or publish or permit the publication of any written or artistic work (this includes letters to the press) of which they are the author (or co-author) or editor (or co-editor) with the apparent intention of eliciting public support for a political party. The law specifically states that this does not preclude public speaking or publishing work that is necessary for the proper performance of official duties and
- Cannot act as an election agent or sub-agent nor canvass on behalf of a political party or a person who is or seeks to be a candidate for election as a local councillor, an MP, an MEP, a Member of the Welsh Assembly or a Member of the Scottish Parliament.

Politically restricted posts fall into three categories:

- Specified posts
- Posts paid at or above the set level and
- Sensitive posts.

Specified posts

Certain posts are specified in the legislation as being politically restricted posts. These include statutory chief officers, non-statutory chief officers, deputy chief officers and the chief finance officer.

All these posts are politically restricted and there is no obligation to include these posts on the list of politically restricted posts.

Consequently the political restrictions now apply to those persons who undertake one or both of the following:

- Gives advice on a regular basis to the authority itself, to any committee or sub-committee of the authority or to any joint committee on which the authority are represented or, where the authority are operating executive arrangements, or to any member of that executive who is also a member of the authority and/or
- Speaks on behalf of the authority on a regular basis to journalists or broadcasters.



This definition is contained within section 2(3) of the Local Government and Housing Act 1989 and is key to the issue of exemption (see below).

The LGHA enables some employees to apply to an independent adjudicator for an exemption from political restriction (except if they hold one of the specifically politically restricted posts).

11.1 Obtaining exemption

Exemptions from the statutory scheme relating to politically restricted posts are made to the person appointed by the Secretary of State under section 3(1) of the LGHA, which is the Independent Adjudicator.

There is no appeal for specified posts but an appeal process does exist if the post is politically restricted because it is a sensitive post.

To apply for an exemption the following information must be provided and forwarded to HR Services, who will certify whether the job description meets (or not) the criteria set out above:

- A letter of application for exemption
- A job description
- Details of how often, if at all, the individual has spoken on behalf of the organisation to journalists or broadcasters.

In the event of any doubt regarding exemption HR Services will contact the independent adjudicator for confirmation.

Employees who meet the criteria for a politically restricted post and who already are a member of one of the restricted activities will be disqualified from being a member of these restricted activities. It is the responsibility of the employee to either apply for an extension to the activity or resign from their post.

For avoidance of doubt this applies to employees who work part time and those on fixed term contracts.

12 Formal flexible working policy and procedure

It is the overall policy of TfL to have flexible working practices whenever possible. However, it is recognised that the ability to support flexible working practices will vary across departments according to business needs. Legislation allows all employees to have the right to request formal flexible working and TfL has a duty to consider all requests in a reasonable manner.

There are many forms of flexible working. It can describe a change to an employee's place of work or a variation on full time work such as part-time work and job sharing.

If the request impacts your contractual hours, pay or annual leave provision (e.g. reduced working hours), you must make a formal flexible working request as HR Services will need to adjust the records.



12.1 Requirements- Formal Flexible Working

All requests from employees will be carefully considered with the outcome being based on business requirements. The business will consider whether agreeing to the request for change will have any adverse business impact.

The legislation recognises that there will always be circumstances where, due to the needs of the business, the business will be unable to grant a particular request. The business may reject a request under one of the following business reasons:

- The burden of additional costs
- A detrimental effect on ability to meet customer demand
- An inability to reorganise work
- An inability to recruit additional staff
- A detrimental impact on quality
- A detrimental impact on performance
- Insufficiency of work during periods the employee proposes to work
- A planned structural change to the business.

In order to apply for formal flexible working, employees must have been in continuous employment for a period of at least 26 weeks at the date the application is made. Also, employees must not have made another formal application to work flexibly during the previous twelve months of making the application. The application form is available on [Working at TfL](#) as an eform and paper form.

Employees should complete the application form as follows:

- Complete the statutory request for formal flexible working and the working pattern requested and how this might be accommodated within the area/department
- Outline what effect if any they think the requested change would have on the area/department and how, in their opinion, any such effect might be dealt with
- Confirm they have not made a previous application for formal flexible working in the previous 12 months
- The date of the application
- State when the employee would like the change to come into effect and
- Confirm that the application is a statutory request for flexible working.

A disabled employee who is making their formal flexible working request in relation to the Equality Act 2010, for example, as a reasonable adjustment for their disability, may wish to consider using the [reasonable adjustment](#) process on Working at TfL.

All reasonable options will be considered and outlined below are some of the arrangements that may be available:

- Reduced hours
- Job sharing
- Part time working
- Home working
- Career breaks
- Staggered hours (start and finish times).

12.2 Procedure

Upon receiving the request the line manager can contact HR Services for advice. Further guidance is available on [Working at TfL](#) including [Guidance on home working](#).

The line manager must acknowledge the receipt of the request. The line manager will arrange to meet with the employee, normally within 28 calendar days of receiving the request from the employee, to explore the proposed work pattern and discuss how best this can be accommodated. The meeting is also an opportunity to consider other alternative working patterns outlined in the employee's application. The employee can, if they wish, bring with them a work colleague or a TU representative. The employee is responsible for arranging this and must inform the line manager beforehand.

After the date of the meeting (normally within 14 calendar days of the meeting) the line manager will write to the employee to either agree to a new work pattern and a start date; or provide clear business grounds as to why the application cannot be accepted and the reasoning behind the decision. The line manager will also set out the appeal procedure should the employee choose to appeal against the decision.

All successful applications for formal flexible working under the right to request procedure will be considered as a permanent change to the contract of employment unless specifically stated otherwise.

If required, a trial period of up to 3 months may be agreed between the employee and the line manager.

12.3 Appeal process

The appeal process is designed to be in keeping with the overall aim of encouraging both employer and employee to reach a satisfactory outcome.

Employees must appeal in writing within 14 calendar days of being notified of the line managers' decision. When appealing against a refused request the employee must set out the grounds for making the appeal and ensure the appeal letter is dated. There are no constraints on the grounds under which an employee can appeal. It may be that they wish to bring to the managers' attention something the manager was not aware of when rejecting the application.



The appeal meeting must be held within 14 calendar days of the line manager receiving the written appeal. The appeal should be heard by a manager more senior to the one who dealt with the original request.

Employees can bring either a local TU representative or other fellow worker employed by TfL to the meeting. The timing of the meeting should be convenient to all parties.

The manager hearing the appeal will inform the employee and HR Services of the outcome and this will be within 14 calendar days after the date of the hearing.

TfL will consider and decide upon all requests, including any appeals, within a period of three months from first receipt, unless the employee and TfL agree to extend this period for example, to accommodate a trial period.

More information on [flexible working](#), including guidance on home working, and completing a self risk assessment can be found on 'Working at TfL' or by contacting HR Services for advice (ext 1729)

Smart Working

TfL is encouraging employees to adopt smart working practices, so we can continue to work more efficiently and deliver effective services to our customers.

As part of this approach, informal flexible working can help improve the balance between your work and home life. This can include:

- Flexible location working, which could be across different TfL offices
- Working from home
- Staggered hours (start and finish times)

It can be agreed for an ongoing period or for shorter periods for a particular requirement. To request informal flexible working please discuss this with your line manager. Your manager will consider your request against business need, the approach to smart working adopted in your team and the requirements within the team. There is no right of appeal if the request is refused. If the request impacts your contractual pay or annual leave provision (e.g. reduced working hours) you must make a formal flexible working request.

[Home Working Guidance](#) is available and a [DSE Risk Assessment](#) is provided to support you for fixed location working in the office and before you start working at home.

In addition [DSE for mobile device users e-learning course](#) is available for when you work from a flexible location (e.g. a different head office)

Further information about smart working is available on Source to help you with your DSE requirements and the [Reasonable Adjustments Process](#) if it is required.

Practical tips can be found on the [Smart Working area](#) on Source.



13 Career break policy and procedure

13.1 Requirements

Career breaks are a discretionary benefit and are unpaid. All applications will be subject to operational requirements and business needs. Employees may make an application to take a career break for the following reasons:

- Primary childcare – employees must have the main responsibility for looking after their own or adopted children
- Primary care for an elderly and/or sick person – employees must be the prime carer for the person concerned who would normally be related to them
- Course of study – employees must be intending to undertake a course which works towards a recognised qualification or skill relevant to the employees' work
- Period of extended travel – employees intending to undertake a period of extended travel, normally abroad, in order to attend to family affairs or to broaden their personal experience.

Employees are not permitted to take a career break to obtain employment with another organisation. Should it be found that an employee has taken alternative employment in their career break then they would have breached the conditions of this policy.

In cases where outside employment is agreed as a secondment (i.e. not career break) please refer to the [Resourcing policy](#).

In order to be eligible for a career break an employee must have:

- At least three years continuous service at the time the career break starts
- Have a satisfactory level of both performance and attendance. However, should the reason for the career break (such as care for a dependant) have contributed to the previously poor performance and/or attendance levels then this will be taken into account
- Not have taken another career break in the last 5 years of employment.

13.2 Career breaks less than 6 months

Normally a career break will not be less than three months. An approved career break of six months or less will be taken as unpaid special leave and the employee will return to their substantive post. Although the career break is unpaid, the contract of employment will continue to apply. During the period of the career break all contractual terms and conditions and eligibility for benefits will continue to apply, including travel facilities. Annual leave will accrue during the period of the break but only 5 days leave, subject to prior approval, may be carried over into the next calendar year.

Employees must contact their line manager four weeks prior to the end of the career break to confirm the date that they intend to return. Should an employee wish to return from a career break early then four weeks notice must be given.

13.3 Extending the career break

In extenuating circumstances such as continued illness of a relative, it may be possible to extend a career break for a further 4 weeks. The employee should give at least 4 weeks notice where possible of this to their line manager, providing reasons and supporting evidence. However any further extensions to this period will be classed as a career break over 6 months and the employee will be required to resign.

In cases where there is organisational change during the employee's career break they will be contacted and the [Restructuring and staff reductions policy](#) will apply to the employee as if they were in their substantive role at work.

13.4 Career breaks over 6 months

An approved career break of longer than six months will require the employee to resign from their employment with TfL and they will be removed from the payroll for the duration of the career break. A P45 will be issued and employees are advised to contact their tax office for advice on any possible tax rebates.

The employee will not be entitled to retain their travel privileges or benefits during the career break and annual leave will not accrue. The line manager, in liaison with HR Services, must advise Payroll Services, the pension provider and Staff Travel that the reason for the resignation is a career break.

The period of the career break will be non-pensionable. On returning to service following a career break, the line manager through HR Services must advise the appropriate pensions office so that membership and contributions will commence again. Membership will be as a new entrant.

At the end of the extended career break the employee may apply to return to work. Every attempt will be made to provide a post at the same grade and, where possible, in the same location or area. However, re-employment with TfL cannot be guaranteed.

A career break will contribute towards continuous service provided that the employee returns to work within TfL, and has not taken up other paid employment. Employees may be required to provide proof that other paid employment has not been undertaken.

Employees must contact their line manager three months prior to the end of the career break to confirm the date they would like to return. Employment cannot be guaranteed however the line manager will consider whether there are any appropriate positions available within their area of responsibility with the normal recruitment and selection process applying.

Employees may also be required to undertake refresher training which will be organised by the line manager in consultation with HR Learning and Development, and carried out before the employee resumes full duties. Employees will also be required to complete a medical questionnaire to determine fitness for work and whether any reasonable adjustments need to be made.



13.5 Communication during a career break

The line manager will remain responsible for the employee during the career break and will need to meet the employee prior to the commencement of the break. Agreement should be reached on levels and method of communication during the career break. The extent and method of communication will depend on the reason and length of the career break. For example, when an employee is taking a career break to travel this will limit the methods and frequency of communication.

Note: For members of the TfL Pension Fund only – on resuming service, the Pensions Office will regard the full period of employment, including the career break, as continuous for determining pension arrangements on leaving service. Members of other funds need to check with their fund as to the appropriate arrangements that apply.

13.6 Procedure

Applications for a career break must be made in writing to the employees' line manager giving as much notice as possible. It is expected that as a minimum three months notice would be given, but in cases where care for a dependant is the reason for the career break due consideration will be given to requests made at shorter notice. The request must include the expected duration and anticipated date of return to work.

Upon receiving the request the line manager should contact HR Services for advice and guidance. A meeting should be arranged with the employee to discuss the request.

Following the meeting the manager should confirm in writing whether the employee can take the career break. HR Services should be informed of the decision so the necessary amendments to payroll can be made. Should a request for a career break be declined then there is no right of appeal.

More information on [career breaks](#) can be found on Working at TfL or by contacting HR Services.

14 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.

For further details, please refer to the [TfL website](#).

Retention Periods

Relevant data, including special categories of data, will be retained for the periods set out in TfL's information and records disposal schedule which can be found on [Working at TfL](#).

15 Person accountable for this document

Name	Job title
Martin Boots	Head of Employee Relations

16 Abbreviations

Abbreviation	Meaning
AAL	Additional adoption leave
AML	Additional maternity leave
EWC	Expected week of childbirth
OAL	Ordinary adoption leave
OAP	Occupational adoption pay
OML	Ordinary maternity leave
OMP	Occupational maternity pay
OPL	Ordinary paternity leave
SAP	Statutory adoption pay
ShPP	Statutory shared parental pay
SMA	State maternity allowance
SMP	Statutory maternity pay
SPL	Shared parental leave
SPLIT	Shared parental leave in touch days

17 References

Document no.	Title or URL
P092	Equality and inclusion policy
P078	TfL code of conduct
P045	Resourcing policy
P099	Restructuring and staff reductions policy
Working at TfL	Time off and flexible working (including DSE Risk Assessment)
Working at TfL	Reasonable adjustments
Working at TfL	Disposing of information
G3180	Guidance on home working
G1375	Religious observance guidelines
F9202	Form 1: Curtailment and opt in notice
F9203	Form 2: Notice to take a period of shared parental leave
F9204	Form 3: Notice to cancel or vary shared parental leave

18 Document history

Issue no.	Date	Changes	Author
A1	Jan 2007		
A2	April 2007	Changes made to reflect Work and Families Act 2006	
A3	April 2009	Changes made to reflect new rates of SMP, SPP, SAP and study leave amendments	
A4	April 2010	Changes made to reflect new rates of SMP, SPP, SAP and Politically restricted	

		posts	
A5	Oct 2010	To reflect the Equality Act 2010	
A6	March 2011	Updated to reflect legislative changes: <ul style="list-style-type: none"> • Additional Paternity Leave and Pay • Flexible Working and clarity for Overseas Adoption 	
A7	May 2012	Updated Statutory Maternity, Paternity and Adoption pay	
A8	March 2013	Updated to reflect change in parental leave allowance	
A9	March 2013	Update Statutory Maternity, Paternity and Adoption pay	
A10	May 2014	Update Statutory Maternity, Paternity and Adoption pay	
A11	June 2014	Updated for Flexible Working Legislation	
A12	Oct 2014	Updated for Ante-natal Legislation	
A13	April 2015	Updated for new legislation	
A14	July 2015	Remove reference to redundant eForm in Section 9 Family leave. time off for dependents	
A15	November 2017	Removed values for statutory rates, removed additional paternity leave, document retemplated and links updated	Jo Page
A16	May 2018	Updated for GDPR requirements CR-10320.	Jo Page
A17	December 2018	Updated for SMART Working and Working from Home, as per Change Proposal CR-11080	Jo Page