HR Policy

P090 A4 Discipline at work policy and procedure

Contents

1	Intr	roduction	2		
2	Sco	Scope			
3	Sta	atement	2		
4	Red	quirements	3		
5		sponsibilities			
6	Advice and guidance for managers				
7	Role of the companion				
8		ocedure			
	8.1 8.2 8.3 8.4 8.5 8.6 8.7 8.8 8.9 8.10	Right to be accompanied Action against recognised trades union representatives Fact finding Outcome of the fact find Before the hearing Non-attendance by the employee at a disciplinary hearing Disciplinary hearing Disciplinary sanctions Appeals Criminal offences Privacy and data protection	5 8 9 11 12 14		
9	Su	pport and Advice	14		
10	Per	rson accountable for this document	14		
11	Ref	ferences	15		
12	Do	cument history	15		

Printed copies of this document are uncontrolled.
Page 1 of 15



1 Introduction

Transport for London (TfL) expects a high standard of personal conduct and promotes good working relationships between all employees in order to encourage a positive work environment. Employees who do not conduct themselves satisfactorily will usually be given guidance, support and a reasonable opportunity to improve before formal disciplinary action is taken.

This policy does not cover the following situations:

- Unsatisfactory attendance due to sickness absence refer to the Attendance at work policy and procedure
- Unsatisfactory performance due to lack of skill, training or supervision refer to the Performance support policy and procedure
- Newly appointed employees who have not yet completed their probationary period – refer to the Probation guidelines

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

2 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 (Paybands 1-5 and Directors) and those staff on predecessor organisations employment contracts where the individual has transferred to the employment of TfL.

3 Statement

As a high performing organisation, TfL expects employees to be aware of the standards of conduct expected within the business and the behaviour required to enable them to make a positive contribution to TfL's overall success. The TfL Code of conduct, employment policies and local departmental procedures set out the standards of conduct expected.

The majority of employees will not find it difficult to meet these standards. However, in the small number of cases where employees fail to meet them, this Discipline at work policy and procedure may need to be used. Wherever possible, managers are encouraged to deal with minor acts of misconduct informally on a case by case basis. Failure to improve, further misconduct, or more serious misconduct, may lead to formal disciplinary action being taken.

Gross misconduct occurs when an employee's misconduct is so serious that it undermines the contract of employment, causing a breakdown in the on-going relationship between employer and employee. In cases of gross misconduct, formal disciplinary action at a disciplinary hearing may lead to dismissal without notice. TfL will, in all cases, meet its obligations to investigate any allegation and carry out any dismissal in accordance with this procedure.

Transport for London

Issue No.: A4

The TfL Code of conduct, employment policies and relevant local departmental procedures may be referred to in order to provide greater clarity and/or definitions, but some examples of gross misconduct are listed below. The list is not exhaustive:

- serious breaches or negligent contravention of TfL's policies, rules or procedures
- serious or persistent harassment, bullying, discrimination or indecent behaviour
- insulting, threatening or violent behaviour towards colleagues, contractors, customers and others with whom employees come into contact
- serious failure to follow safety procedures which could affect the safety of the employee, other employees, contractors, customers or members of the public
- failure to follow rules and procedures on the handling of, or accounting for, company cash, goods, assets or the falsification of any records
- misrepresentation of previous experience, qualifications or other relevant information required on application for employment with TfL
- bringing the name of TfL into serious disrepute
- unauthorised removal or use of TfL property or deliberate damage to TfL property
- serious insubordination
- wilful neglect of duty or failure to follow local or departmental instructions which has seriously damaged or has the potential to seriously damage TfL's business or operational interests
- criminal convictions affecting the employee's duties or status whether the offence was committed inside or outside work
- serious breach of confidentiality
- sharing passwords that has the potential to lead to serious breaches of confidentiality, for example as outlined in, but not limited to, the Acceptable use of computer facilities, asset and electronic communication technologies policy
- unlawful or inappropriate use or disclosure of personal information held by TfL

4 Requirements

TfL outlines the behaviours to be demonstrated and standards that employees are expected to follow in the TfL Code of conduct, employment policies and relevant local departmental procedures.

5 Responsibilities

All employees should:

- comply with the arrangements set out in this policy and procedure
- make themselves familiar with the TfL Code of conduct, TfL employment policies and relevant local departmental procedures

Printed copies of this document are uncontrolled. Page 3 of 15



- be professional and courteous at all times
- assist with and comply with the application of this policy and procedure when required to do so

All managers and employees with a leadership or supervisory role should:

- make employees aware of the code of conduct, TfL employment policies and relevant local departmental procedures
- ensure that instructions and local departmental procedures are as clear as possible and communicated to all employees
- act fairly and consistently in the application of this policy and procedure
- allow the employee reasonable paid time off before and after the hearing to meet with their companion.

6 Advice and guidance for managers

Line managers can receive impartial advice and guidance from an appropriate HR representative. In the first instance, line managers should contact HR Operations (by calling 1729, ext. 0800 0155 071) in relation to any new cases, in order to be directed to the relevant team, depending on the nature of the matter.

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

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

7 Role of the companion

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

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

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

Transport for London

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

8 Procedure

8.1 Right to be accompanied

Informal discussions where advice and guidance is given, or coaching/training is arranged, do not attract the right to be accompanied. Employees have the right to be accompanied by a trades union representative or a fellow employee (companion) at any formal disciplinary hearing, held in accordance with the procedure as set out below.

As the character and sole purpose of a fact find meeting is to establish the facts of a case and it is therefore not a disciplinary hearing where a sanction is potentially an outcome, the employee does not have the right to be accompanied by a trades union representative or fellow employee (companion) at the meeting. However, employees can seek the advice and guidance from a trades union representative or fellow employee prior to and/or following the meeting.

It is, however, recognised that in cases of investigatory suspension and/or in cases of bullying and harassment where the named individual is likely to face a charge of gross misconduct, it can be a difficult time for the employee. Therefore, in these circumstances, the employee may be supported by a trades union representative or fellow employee (companion). The companion is not permitted to answer questions on behalf of the employee or call adjournments.

8.2 Action against recognised trades union representatives

No formal action will be taken against a recognised trades union representative until a full time trades union officer of the trades unions concerned has been contacted and informed of the circumstances. Trades union representatives are entitled to carry out trades union duties as outlined within this policy and the TfL Framework for Consultation and Collective Bargaining. Action taken against a trades union representative solely for carrying out their duties as a trades union representative will be considered as victimisation.

8.3 Fact finding

This will normally commence within 7 calendar days of the line manager knowing about an incident or an alleged breach of rules, policies or procedures and will be completed before any disciplinary action is considered. The fact finding is confined to ascertaining the relevant facts and it is crucial that events are investigated.

8.3.1 Fact finder

The line manager, or another individual at the appropriate level, should conduct the fact finding. They may be from within or outside the department concerned, depending on the circumstances of each case. The manager will not have a vested

Printed copies of this document are uncontrolled.
Page 5 of 15



interest and will not have been involved in the matter under investigation. This individual is known as the fact finder.

8.3.2 Initial fact finding

The fact finder needs to gain an understanding of the basic facts. They should normally meet with the employee first and inform them of the facts to hand and provide full details of the matter causing concern or the allegation. This will assist in ensuring there is clarity surrounding the basic facts, and may allow for the matter to be resolved or dealt with informally. If this is not possible, then it will assist in identifying the next steps.

8.3.3 Suspension from work/alternative duties during the fact finding

Where there appears to be potentially gross misconduct, a risk to property, a risk to other people or where the fact finding might be hindered, consideration will be given by the line manager to a short period of suspension from work with pay (including any contractual shift pay or rostered earnings), whilst the fact finding is conducted. Suspension will only occur after careful consideration and will be reviewed regularly. Suspension in these circumstances is not disciplinary action and does not involve any prejudgement. The line manager should contact a HR representative before suspending an employee.

The line manager must write to the employee on the same day confirming why they have been suspended. The letter will also confirm that fact finding is taking place, the time and date the employee is to report and the conditions relating to the suspension. If the employee fails to attend, at the stated time, then, unless in exceptional emergency situations where it has not been reasonably possible to attend, they will be booked absent and pay stopped. The period of suspension should be regularly reviewed and the employee kept informed in writing.

Where the circumstances do not warrant suspension from work but it is considered appropriate that the employee does not carry out their normal duties, the employee will be notified, in writing of any reasonable alterations to normal reporting arrangements, details of duties to be performed, or any restrictions applied. Employees will only be asked to carry out duties for which they are competent (and qualified where necessary).

8.3.4 Fact finding

No decision will be taken with regard to any disciplinary action until the fact finding of the alleged misconduct has been completed.

The fact finder will be advised, as necessary, by a HR representative and if required by Internal Audit.

All employees who are directly involved are required to co-operate with any fact finding investigation. Employees who refuse to attend, participate or disclose any requested information without good reason, may be subject to disciplinary action and informed that the organisation will proceed with the fact finding. Any decision to take disciplinary action will be based on any facts that have been collected to date.

Printed copies of this document are uncontrolled.
Page 6 of 15



At a fact finding interview the manager will not ask leading questions, hypothetical questions, or continually repeat the same questions in a confrontational or aggressive manner. A summary note of the meeting will be captured to include key points and follow up actions will be given to the employee within 2 working days. If they want to note any differences in the summary note, these must be provided within 2 working days of receipt.

It may be necessary to meet with an individual more than once to carry out any further fact finding that is considered necessary.

Witnesses should be aware that any notes of meetings will be provided to the employee accused of an offence if a disciplinary hearing takes place. In rare cases witnesses may require anonymity. In such circumstances, supporting information would need to be sought.

Witnesses may have further involvement should there be a need for clarification regarding the facts or additional information coming to light, but they will not be required to attend any subsequent disciplinary hearing in person. Character witnesses are not appropriate and therefore will not be permitted to attend a disciplinary hearing.

Employees who are interviewed or contacted as part of the fact find should not discuss the case prior to, during, or following any fact finding interview or disciplinary hearing with those involved in the case. Employees are reminded of the confidential nature of a case but may, in exceptional circumstances, talk with people not involved in the case should they have a need for support. Disclosure of confidential information or the contacting of witnesses will be considered a serious breach of this policy and may result in disciplinary action being taken.

8.4 Outcome of the fact find

On the completion of the fact find, one of the following will take place.

8.4.1 No action to be taken

In cases where there is no substance to the allegation, the employee who is the subject of the fact finding will be informed as soon as possible. They will be advised that no action under the Discipline at work policy and procedure will follow and the matter is closed, unless new evidence comes to hand. This will be confirmed in writing and sent to all relevant parties. Where the line manager does not undertake the fact finding, they will be informed of this decision first and may, instead of the fact finder, inform the employee of the outcome.

8.4.2 Informal advice and guidance

If the fact finder is the line manager, they may consider that it is appropriate to give advice or guidance reminding the employee of any appropriate rule, policy or procedure. Where the line manager has not conducted the fact finding they will be contacted so they can understand the case and, as the employing manager, arrange for any advice, guidance and training where appropriate, to be given. Any such advice or training is not a formal warning. The line manager will confirm any such decision and the advice and guidance in writing to the employee. The confirmation will also indicate the consequences of failing to meet the required standard.

Printed copies of this document are uncontrolled.
Page 7 of 15



8.4.3 Formal action

If the fact finder believes there is substance to the allegation, they will collate the information and compile a summary report. This report will:

- summarise the facts to hand, what the incident was, referring to the meetings held to gather the facts, notes of which should be attached as appendices
- state what policy/procedure or standard (attach a copy if applicable) has been breached, including when and how, if applicable
- if appropriate, refer to any previous guidance, coaching and/or training which would demonstrate that the employee was aware of the policy or standard. If appropriate, refer to previous valid disciplinary warnings which are in date relating to other relevant misconduct (copy of the warning to be attached)
- include a summary of all relevant circumstances, including any relevant mitigating circumstances that have been brought to the attention of the fact finder and make reference to what the individual has said during the fact finding.

This ends the involvement of the fact finder, unless clarification is required of any aspects of the fact finding by the chair of the hearing.

8.5 Before the hearing

The employee will be written to instructing them to attend a disciplinary hearing, ensuring that:

- 7 calendar days notice is given of the hearing, confirming the date, time and location, reminding the employee of their right to be accompanied by a trades union representative or workplace colleague
- a copy of the full fact finding report and any other documents to be used is attached, including all relevant policy documents
- the allegation(s) is stated, including all relevant previous disciplinary warnings (they must be in date and appropriate)
- the most serious possible consequences are stated if the allegation is found (including dismissal where appropriate)
- the contact details of the manager chairing the hearing.

The employee should inform the manager chairing the hearing, no later than 3 calendar days prior to the hearing, the name of the companion. Where the employee has confirmed the name of their companion they will be copied into any correspondence and provided with an additional copy of the above.

• If the employee cannot attend due to circumstances outside their control and unforeseeable at the time the hearing was arranged, or the companion cannot attend on the proposed date, the employee can suggest an alternative time and date, so long as it is reasonable and it is not more than 7 calendar days after the original date. The chair will seek to take all reasonable steps to arrange a suitable date within 7 calendar days of the original hearing. Should it be that the chosen companion is not available then an alternative companion should be

Printed copies of this document are uncontrolled.

Page 8 of 15



Title: Discipline at work policy and procedure Document No.: P090

Issue No.: A4

sought. This is to ensure the matter is resolved in a timely fashion. The 7 calendar days may be extended by mutual agreement.

- The employee will suffer no loss of pay when attending a hearing unless pay has already been stopped. It should normally be arranged within their normal working day where practical. Should the hearing extend beyond normal working hours, the employee will receive either basic pay or time off in lieu. Where it is necessary to change a shift of the employee to attend a hearing, payment must be based on the original shift
- Any additional documents the employee or their companion wish to use during the hearing should normally be submitted to the manager chairing the hearing 3 calendar days before the hearing
- The employee will normally be required to attend work prior to and/or after the hearing, unless they have been suspended pending the outcome of a fact find. However, reasonable paid time off will be given by the manager concerned before and after the hearing for the employee to consult with their companion.

8.6 Non-attendance by the employee at a disciplinary hearing

If an employee does not attend the hearing and there is no prior contact, on the first occasion the manager should postpone the hearing and arrange an alternative date. If the employee fails to attend the re-arranged hearing it may continue in their absence

If the employee is off sick for more than 7 calendar days the advice of Occupational Health should be sought. A medical certificate is required in accordance with the Attendance at work policy and procedure, explaining why it is not possible for the employee to attend the disciplinary hearing.

8.7 Disciplinary hearing

8.7.1 **Purpose**

The purpose of the hearing is to ensure the facts of the case have been established as fully as they can be in the circumstances and decide whether the allegation is found. If deciding to take action, it should be reasonable and appropriate in the circumstances.

8.7.2 **Present**

- A disciplining manager (chair) who is equal in grade to or more senior than the fact finder, and has not previously been involved in the case
- The employee concerned and where requested, their companion
- In cases where it is likely that a written warning or final written warning may be issued, a HR representative may attend if requested by the employee and agreed by the chair, or if the chair requires their attendance. In cases where dismissal is a possibility, a HR representative will attend.

A summary note of the meeting will be captured to include key points and any follow up actions will be given to the employee within 3 working days. If they want to note

> Printed copies of this document are uncontrolled. Page 9 of 15



any differences in the summary note, these must be provided within 3 working days of receipt.

8.7.3 Conduct of the hearing

- The chair is responsible for conducting the hearing, ensuring the information supplied to the hearing is correct and relevant, deciding whether the allegation is found and what appropriate action should be taken. The chair will ensure that the hearing is fair and conducted in a professional and impartial manner.
- The chair will introduce those present, remind the employee of the allegation(s)
 against them and summarise the information that the fact finding has gathered.
 The chair will explain how the hearing will be conducted and how the outcome
 will be conveyed to the employee and how long this will take.
- The employee will then be given an opportunity to respond to the allegations.
 They may ask questions, outline any additional evidence provided and raise
 points about any other information. If the employee has new evidence they wish
 to provide, they must give an acceptable reason why it was not provided before
 the hearing.
- The chair may ask questions to clarify matters or adjourn the hearing to review the information in more detail. The employee or companion may also request a brief adjournment to confer.

8.7.4 Outcome of the hearing

- The chair will adjourn the hearing to consider the case. The chair will decide whether the allegation(s) is found and then consider whether or not disciplinary action is justified and if so, which of the sanctions listed below is appropriate.
- The chair will take into account the employee's general record, action taken in any previous similar cases, the explanations given by the employee, any mitigating circumstances, and whether the intended disciplinary action is reasonable in the circumstances.
- Should the chair feel that further investigation is required before a decision can be made, then the chair must inform the employee, including timescales, which should be kept to a minimum and would not normally be longer than 7 calendar days. The hearing would then be re-convened to advise the employee of any additional information obtained. Where new evidence is obtained this should be sent to the employee and companion at least one day in advance of the reconvened hearing. Where evidence has been clarified, this does not need to be provided in advance of the reconvened hearing. The opportunity will be given to the employee to comment on the information imparted. Following this, the chair will deliver the decision, unless the employee confirms they do not wish to attend and requests the decision to be communicated in writing only.
- The chair is required to confirm their decision and the reasons for it in writing. Wherever possible this should be done at the end of the hearing following the necessary adjournment. If it is not possible to confirm the decision in writing on the day, then it should be done as soon as possible. The employee will have 7 calendar days to appeal from the date of the letter. In cases where the letter is

Printed copies of this document are uncontrolled.
Page 10 of 15



posted and there is a delay in receipt of the letter, the appeal period may be reasonably extended by mutual agreement.

8.8 Disciplinary sanctions

8.8.1 Written warning

A written warning may be given where:

- no formal action has previously been taken and the matter is not sufficiently serious to warrant a final written warning or dismissal
- there has been a repetition of misconduct, for which the employee has already been given a written warning, but the chair does not consider it appropriate to progress to a final written warning at this time

A written warning will remain live on the employee's file for 52 weeks from the date of the disciplinary decision and not from the date of the incident. The warning must contain details of what improvement (or change in conduct) is required, plus a statement that any further misconduct within the next 52 weeks may result in further disciplinary action, where a more serious view may be taken, which may ultimately lead to dismissal.

8.8.2 Final written warning

A final written warning should only be given in cases where the employee has already received a written warning (which is still live/current) or the offence itself is sufficiently serious to warrant a final written warning but does not justify dismissal.

A final written warning will remain live on the employee's file for 104 weeks, effective from the date of the disciplinary decision. Only in cases where the investigation has taken longer than 3 months to complete from when the incident or an alleged breach of rules, policies or procedures was known will the warning be from the date of the incident. Any delays caused by sickness absence will not count towards this 3 month period.

The final written warning must contain details of what improvement is required plus a statement that any further misconduct, within the next 104 weeks, may result in further disciplinary action which may result in dismissal.

8.8.3 Additional conditions

A manager may decide to add other relevant conditions to any of the above warnings, such as a restriction on working in a certain area (temporarily or permanently), a requirement for training, or withdrawal of benefits (temporarily or permanently) where there has been misuse.

In cases of bullying and harassment consideration must be given, (where the employee is not dismissed), to training or the suitability of returning them to their original post and/or location. In such circumstances, mediation may be an option as part of a planned return to the substantive post.

Printed copies of this document are uncontrolled.

Page 11 of 15



8.8.4 Dismissal

If the employee is already on a final written warning, then dismissal is the likely outcome.

Dismissal will normally be with notice or be paid in lieu of notice (which will be subject to the appropriate tax rules at that point in time), except for cases of gross misconduct where summary dismissal will be effected with no payment in lieu.

In misconduct cases following previous warnings, where it is considered that dismissal is the appropriate action, the chair may then consider whether the alternative step of demotion (within the terms/conditions and salary of the alternative post) and/or transfer would be appropriate. However this should only be in exceptional circumstances. This will depend on the mitigating circumstances, likelihood of re-offending and whether there are any suitable alternative posts vacant at that time.

In gross misconduct cases, dismissal is the normal outcome. However, in cases where there are exceptional mitigating circumstances, the chair of the hearing should consider whether an alternative to dismissal, such as demotion, is appropriate as stated above.

8.9 Appeals

8.9.1 Before the appeal hearing

An employee who wishes to appeal the outcome of the formal disciplinary hearing may appeal to the person specified in the letter confirming the decision. The grounds for an appeal are:

- the employee considers the severity of the sanction was not proportionate to the incident
- new evidence has now come to light
- the employee considers the disciplinary procedure was not correctly followed
- misdirection, i.e. the initial evidence was incomplete or positioned in a particular way which may have mislead the chair of the hearing.

Employees must submit their appeal in writing clearly stating the basis on which the appeal is made.

The appeal hearing should be arranged if possible within 7 calendar days of the appeal being received or as soon as practical thereafter. The same right to be accompanied and rights where the companion cannot attend on the proposed date apply. If not already done so a copy of the summary notes produced at the disciplinary hearing will be given to the employee as soon as possible and at least 3 days ahead of the appeal hearing.

The individual chairing the appeal hearing will, wherever possible, be senior to the manager who chaired the hearing or an individual who has the authority to, if appropriate, override the original decision. They should not have had any previous involvement in the case. In cases whereby the employee is appealing against an

Printed copies of this document are uncontrolled.

Page 12 of 15



Title: Discipline at work policy and procedure Document No.: P090

Issue No.: A4

allegation of bullying or harassment, the chair will be from outside of the line management chain, but normally from within the same directorate.

In cases where a written warning or final written warning is being appealed, a HR representative may attend if requested by the employee and agreed by the chair, or if the chair requires their attendance. In cases where a dismissal is being appealed a HR representative will attend.

A summary note of the meeting will be captured to include key points and any follow up actions and these will be given to the employee within 3 working days. If they want to note any differences in the summary note, these must be provided within 3 working days of receipt.

8.9.2 Conduct of the appeal hearing

- The appeal manager will introduce those present and explain how the meeting will be conducted, how the outcome will be conveyed to the employee, and how long this will take. They will confirm the original decision from the disciplinary hearing and the grounds given for appeal.
- The appeal manager will consider the employee's grounds of appeal as set out by the employee and/or their companion.
- The appeal manager may ask questions to clarify matters. The appeal is not a re-hearing of the case, however in exceptional circumstances a manager may decide to carry out further investigations if they deem it necessary.
- Having heard the appeal the manager will adjourn the hearing to consider the decision.

8.9.3 Outcome of the appeal

The appeal manager can:

- uphold the decision made at the disciplinary hearing and any sanction awarded
- reduce the disciplinary sanction
- remove the disciplinary sanction

In cases where there are multiple charges or various elements of the discipline, the chair may amend the decision or sanction of each element.

Should the appeal manager consider that further investigation is required before a decision can be made, they will adjourn the hearing and inform the employee accordingly, including timescales, and this would normally not be longer than 7 calendar days. The hearing would then be re-convened to advise the employee of any additional information obtained and provide the employee or their companion with an opportunity for comment.

Following this, the appeal manager will deliver the decision and reasons for it to the employee unless the employee confirms that they do not wish to attend and require the decision in writing only.

> Printed copies of this document are uncontrolled. Page 13 of 15



The above decision and reasons for it will be confirmed in writing. As part of this, the appeal manager will confirm the original allegation, the decision and action taken at the original disciplinary hearing.

The decision made by the appeal manager is final and ends the internal procedure.

In circumstances where a dismissal is overturned on appeal and alternative action taken, this will be valid from the date the original disciplinary decision was taken.

8.10 Criminal offences

Where an employee has been charged or is about to be charged with a criminal offence or is detained by the Police, this procedure should still be followed. It should not be delayed pending any subsequent action by the Police. Any action taken by TfL will be dependent on whether the employee has breached TfL's policies or brought TfL into disrepute, and is not necessarily dependent on whether the Police/CPS have decided to prosecute.

In cases where an employee has been found guilty of a criminal offence the above applies.

8.11 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.

Disclosure of records

Any reports and summary 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.

Retention periods

Any letters, reports and summary 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.

9 Support and Advice

Support and advice can be obtained by speaking to your manager or online via Working at TfL.

10 Person accountable for this document

Name	Job title
Martin Boots	Head of Employee Relations

Printed copies of this document are uncontrolled.
Page 14 of 15



11 References

Document no.	Title or URL
P085	Attendance at work policy and procedure
P098	Performance support policy and procedure
G2171	Probation guidelines
P078	TfL code of conduct
P049	Acceptable use of computer facilities, asset and electronic
	communication technologies policy
	TfL Recognition Framework

12 Document history

Issue no.	Date	Changes	Author
A1	March 2008	First issue	
A2	May 2018	Document re-templated and updated for GDPR requirements CR-10320.	Jo Page
A3	May 2019	Updated to reflect changes in ER's operating model following Transformation CR-11453	Rob Woolf
A4	January 2023	Updated reference to P098 Performance support policy and procedure following title change as per CR-17050.	Jen lorfa

Printed copies of this document are uncontrolled.
Page 15 of 15

