



# Work Life Balance Policy and Procedure

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This supercedes any previous policy

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Version 1	Effective 22/01/07	
Version 2	Effective 01/04/07	Changes made to reflect Work and Families Act 2006
Version 3	Effective 06/04/09	Changes made to reflect new rates of SMP, SPP, SAP and study leave amendments
Version 4	Effective 04/04/10	Changes made to reflect new rates of SMP, SPP, SAP and Politically restricted posts
Version 5	Effective 01/10/10	To reflect the Equality Act 2010
Version 6	Updated 28/03/11	Updated to reflect legislative changes re: Additional Paternity Leave and Pay Flexible Working and clarity for Overseas Adoption
Version 7	Updated 14/05/12	Updated Statutory Maternity, Paternity and Adoption pay



## Work Life Balance Policy

### 1. Introduction

Good working practices and the benefits derived for employees are key to the success of Transport for London in an increasingly competitive market. Any barriers to the employment and retention of the best people for the job are very costly and undermine efficiency, productivity and competitiveness.

### 2. Organisational Scope

Employees of TfL, Docklands Light Railway Limited, Rail for London Limited, London Bus Services Limited, London Buses Limited, Victoria Coach Station Limited who are on TfL employment contracts (Paybands 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. The Equality Act 2010 requires TfL to address inequalities and eliminate unlawful discrimination in the workplace.

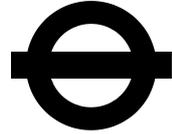
TfL will not tolerate discrimination of any kind. The protected characteristics covered in the Equality Act are age, disability, nationality, ethnic or national origin, sex, race, religious or cultural belief, sexual orientation or transgendered status.

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.

Where employees have the statutory right to apply for flexible working for the care of children and dependents, they are encouraged to apply under the flexible working options that are outlined in the policy.

The following policies and 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
- Flexible Working
- Career Breaks

#### **4. Support and Advice**

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

#### **5. Ownership and Review**

TfL Employee Relations, Engagement and HR Policy

#### **6.**

#### **7. Related documents**

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

Equality and Inclusion Policy

Code of Conduct

TfL Employment Framework



## 7. Maternity, Adoption, Parental and Paternity (Leave and Pay)

### 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 39 weeks Ordinary Maternity Leave (OML) and 13 weeks Additional Maternity Leave (AML) to be taken at the end of OML. This allows employees to take up to a maximum of 52 weeks maternity leave in total.

### Pay Scheme

Where employees have been continuously employed by TfL for 26 weeks leading into the 15<sup>th</sup> 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 pay award which includes this date is also payable.

### 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 15<sup>th</sup> 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 £134.45 per week or 90% of average weekly earnings. This is with effect from 6 April 2012. The average weekly earnings is a fixed government rate which is reviewed every year.

Additional maternity leave is unpaid.

### State Maternity Allowance (SMA)

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 of at least £30. Employees who fall within this category are advised to contact their local Benefits Agency.

### 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 Source via this link <http://source.tfl/PeopleAndDevelopment/RecognitionAndBenefits/1534.aspx> or by contacting HR Services.

## **Compulsory Maternity Leave**

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

## **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.

## **Miscarriage or Stillbirth**

Where a stillbirth or miscarriage is suffered before the end of 24 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 25<sup>th</sup> 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 on page 3.

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.

## **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 will apply.

## **Part Time Work**

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 Flexible Working Procedure provides employees with the opportunity to combine childcare responsibilities and flexible working to the mutual benefit of both parties.

Fathers may also choose to apply for flexible working with all requests given due consideration depending on business requirements. Information on flexible working can be found on page 21 of this document. Further support and advice is available through speaking to your line manager or HR Services.



## **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.

## **Adoption Scheme**

### **Adoption**

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

All employees will be entitled to take 26 weeks Ordinary Adoption Leave (OAL) and 26 weeks 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).



To qualify for TfL Adoption leave and pay employees must have at least 26 weeks continuous service leading into the week in which they are notified of being matched with a child for adoption

OAP (Ordinary Adoption Pay) is payable at a rate equivalent to 100% of contractual salary inclusive of Statutory Adoption Pay (SAP) for OAL for the first 26 weeks. The following 13 weeks OAP will be payable at SAP only, with the remaining 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.

More information on Adoption Leave and Pay can be found on Source via this link <http://source.tfl/PeopleAndDevelopment/RecognitionAndBenefits/1534.aspx> or by contacting HR Services.

## **Overseas Adoption**

To qualify for Statutory Overseas Adoption Leave the employee must:

- Be the child's adopter
- Have 26 weeks of continuous service at the time the Adoption Leave starts
- 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).

## **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.

## **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 that date on which they receive official notification and the date on which the child is expected to enter Great Britain. If the employee has 26 weeks continuous employment, then they must give notice within 28 working days of receiving official notification. If the employee does not have 26 weeks service, then they must give notice within 28 days of completing 26 weeks' service.
- 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.

## **Parental Leave**

Parental Leave is available to employees who have, or expect to have, parental responsibility for a child. Employees are entitled to 13 weeks unpaid Parental Leave for each child. Parents of disabled children get 18 weeks in total. 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. Parental leave can be taken up to 5 years from the date of birth or in the case of adoption up to the fifth anniversary of the date of placement (or the child's 18<sup>th</sup> birthday if that is sooner). Parents of disabled children can take Parental leave up to the child's 18th birthday.

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 Parental Leave employees must have completed at least a year's continuous service with TfL. However, special rules apply for parents of children born, or placed for adoption, before 14 December 1999. They will be eligible for parental leave if they have completed one year's continuous service with another employer between 15 December 1998 and 9 January 2002.

Parental Leave is for each child. Where there are multiple births each parent is entitled to 13 weeks for each child (18 weeks for parents of each disabled child).



More information on Adoption Leave, Paternity Leave and Parental Leave is available via this link

<http://source.tfl/PeopleAndDevelopment/RecognitionAndBenefits/1534.aspx>

or by contacting HR Services.

## **Paternity Scheme**

### **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.

### **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 15<sup>th</sup> 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).

### **Ordinary Paternity Pay (OPP)**

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

### **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.

## **Additional Paternity Leave and Pay**

Additional Paternity Leave and Pay will be available to eligible employees whose children are born/matched for adoption (or in the case of overseas adoption, enter the UK) on or after 03 April 2011.

## **Additional Paternity Leave**

In addition to OPL, eligible employees may take up to 26 weeks' Additional Paternity Leave (APL) within the first year of their child's life or, in the case of adoption, the first year of the child's placement.

APL must be taken as a single block of time. The minimum period that may be taken is 12 weeks and the maximum period is 26 weeks.

The earliest that PL can commence is 20 weeks after the date of the child's birth/placement and the latest it can end is 52 weeks after the child's birth/placement.

## **Eligibility for APL**

To be eligible for APL, an employee must:

- Meet the eligibility criteria for OPL (see Eligibility for OPL section above)
- Remain in continuous employment until the week before the first week of APL;
- Be taking the APL to care for the child

Additionally, the mother/primary adopter of the child must:

- Be entitled to receive Statutory Maternity/Adoption Leave and/or Statutory Maternity/Adoption Pay and/or Maternity Allowance; and
- Have ended his/her maternity/adoption leave period with at least two weeks of his/her statutory entitlement left untaken.

## **Additional Paternity Pay**

Any Additional Paternity Pay (APP) due will be paid at the prevailing statutory rate ([www.direct.gov.uk](http://www.direct.gov.uk)) or at a rate equivalent to 90% of the employee's average weekly earnings where this is lower than the statutory rate. Statutory Additional Paternity Pay is payable whether or not an employee intends to return to work after their APL.

## **Eligibility for APP**

APP will be payable where the following conditions are met:

- The employee's average weekly earnings are not less than the lower earnings limit for national insurance contributions;



- The mother/primary adopter is entitled to receive Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay; and
- At least two weeks of the mother/primary adopter's Statutory Maternity Pay, Maternity Allowance or Statutory Adoption Pay period remains untaken at the point they returned to work.

## **Notification Requirements**

Employees must provide eight weeks' written notice of their intention to take APL to their line manager. In submitting notice, an employee will be required to provide a written and signed declaration from both themselves and the child's mother or primary adopter confirming their eligibility for APL. The relevant Additional Paternity Leave and Pay Application Form must be used for this purpose.

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

Should an employee wish to change the start date of their APL, or cancel their leave altogether, they must advise their line manager of this in writing at least six weeks before the new start date, or the existing start date where this is earlier, or as soon as reasonably possible thereafter.

## **Annual Leave**

Accrued annual leave may be taken at a mutually convenient time up to the start of APL. Annual leave will continue to accrue during APL and employees are encouraged to use this leave before returning to work.

## **During APL**

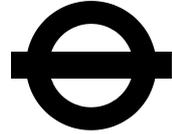
During APL an employee's contract of employment continues in force and an employee will remain entitled to receive all their contractual benefits, except for pay.

TfL reserves the right to maintain reasonable contact with employees during their APL (e.g. to discuss plans for returning to work and to provide updates on developments at work).

Whilst employees are not obliged to undertake work or attend any events during their APL, if both the line manager and the employee agree, up to 10 days' work can be undertaken during the APL period. These 'Keeping in Touch' days (KIT days) do not have to be limited to the usual work carried out by the employee and could be used for training, to attend events or to ease the employee's return to work.

## **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 ordinary or extended 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).



Employees will be expected to return to work on the working day following the last day of their APL. Should an employee wish to change their return date, this must be declared to their line manager, in writing, at least 6 weeks prior to returning to work.

If the employee is unable to return to work at the end of their APL due to sickness or injury, normal arrangements for sickness absence reporting will apply.

If an employee decides not to return to work after APL, they must give notice of resignation as soon as possible and in accordance with the terms of their contract of employment.



## 8. Family Leave

Family Leave – Time off for Dependants:

**\*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:

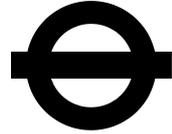
- is ill, needs help or dies
- is involved in an accident or assaulted
- needs you to arrange their longer term care
- needs you to deal with an unexpected disruption or breakdown in care, such as a childminder or nurse failing to turn up
- goes into labour

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. An e-form should be completed and handed to the line manager with any supporting documentation.

More information on Family Leave is available on Source via this link <http://source.tfl/PeopleAndDevelopment/RecognitionAndBenefits/1534.aspx> or by contacting HR Services.

**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.



## 9. 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 Me at Work. Where employees do not have access to Source 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 ie rostered staff and should be discussed with line managers.
Unpaid leave	Up to 4 weeks unpaid leave per year



## **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.

## **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 refer to Religious Observance in the Workplace guidelines available on Source via this link [http://source.tfl/pdfs/Religious\\_Belief-Guidelines\\_Feb\\_2007.pdf](http://source.tfl/pdfs/Religious_Belief-Guidelines_Feb_2007.pdf)

## **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.

## **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.

## **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.

## **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.



## **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.

## **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 page 15) up to 4 weeks unpaid leave may be granted in any one year.



## 10. 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 (page 19)

### **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.

### **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.

### **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.

### **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.

### **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.

### **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.



## **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, available on Source 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

## **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:

- 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 located on Source.



## 11. 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.

### **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 Source under Time Off and Flexible Working.



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 Source via this link <http://source.tfl/pdfs/pdf15200.pdf>



## 12. 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 document serves as a guidance note and should be read in conjunction with the Work life balance document section 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
- 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

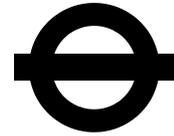
This definition is contained within section 2(3) of the Local Government and Housing Act 1989 and is key to the issue of exemption (see below).

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).

## **Procedure**

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.



## 13. 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. All employees may wish to consider reduced hours, job sharing or staggered hours (including varied start and finish times). All reasonable options will be considered by line managers based on business requirements.

In addition to the above employees who have a child age 17 and under, or under 18 in the case of a disabled child have the right to apply for flexible working. Carers of certain adults also have the statutory right to request flexible working. Certain adults are classed as those who:

- are married to, or the partner or civil partner of the carer; or
- is a near relative (which includes parents, parents-in-law, adult children, adopted adult children, siblings, siblings-in-law, uncles, aunts, grandparents or step-relatives) of the carer; or
- falls into neither category but lives at the same address as the carer

Requests will be given due consideration with decisions being based on business requirements.

### Requirements

In order to apply employees must:

- Have been in continuous employment for a period of at least 26 weeks at the date the application is made
- Make a written request for flexible working setting out the working pattern requested and how this might be accommodated within the department
- Have a child 17 years or under, or under 18 years in the case of a disabled child
- Have caring responsibilities for an adult
- Be either the child's mother, father, adopter, guardian or foster parent, or, married to the partner of the child's mother, father, adopter, guardian or foster parent
- Have, or expect to have responsibility for the child's upbringing
- Be making the application to enable them to care for the child
- Make the application no later than two weeks before the child's 17<sup>th</sup> birthday or 18<sup>th</sup> birthday in the case of a disabled child
- Not have made another application to work flexibly under this right during the past twelve months

All reasonable options will be considered and there are currently in place the following arrangements;

- Reduced hours
- Job sharing



- Career break
- Staggered hours

## **Procedure**

Upon receiving the request the line manager should contact HR Services for advice and guidance. Within 28 days of receiving the request the line manager will arrange to meet with 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 manager beforehand.

Within 14 days after the date 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.

Time periods can be extended where both the line manager and the employee agree. Any extensions will be recorded in writing by the line manager and copied to the employee.

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

## **Appeal Process**

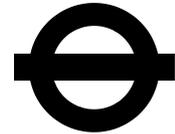
The appeal process is designed to be in keeping with the overall aim of encouraging both employer and employee to reach a satisfactory outcome.

Employees must appeal in writing within 14 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 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. 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 within 14 days after the date of the hearing.



More information on Flexible Working can be found on Source via this link <http://source.tfl/PeopleAndDevelopment/RecognitionAndBenefits/1534.aspx> or by contacting HR Services.



## Career Break Policy and Procedure

### 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 Recruitment and Selection Policy and Procedure.

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

### 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.

## **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 Organisational Change Policy will apply to the employee as if they were in their substantive role at work.

## **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 be also be required to complete a medical questionnaire to determine fitness for work and whether any reasonable adjustments need to be made.

## **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.**

## **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 Source via this link

<http://source.tfl/pdfs/pdf15101.pdf>

or by contacting HR Services.