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| Transport for London  London Underground |  |
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MAYOR OF LONDON

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# Purpose

1.1 It is recognised that train operators can make mistakes whilst performing their duties. The purpose of this procedure is to reduce safety related mistakes whilst identifying root causes and providing appropriate support for the train operators involved. This non-punitive approach applies to train operators who carry out the correct procedures after making their original error.

# Scope

2.1 Case conferences will normally be considered after four incidents in any two-year period concerning the following, where they are attributable to the train operator;

* Signals passed at danger
* Collision with other vehicles or buffer stops
* Derailments
* Excessive speed incidents
* Station overruns that require special arrangement to be carried out
* Failure to stop at a station
* Platform train interface incidents e.g. wrong side door operation

# Guidance

## Setting up a Case Conference

3.1.1 The conference should always be conducted in a friendly atmosphere, with support and coaching providing the necessary tools to bring the train operator up to the required performance standard.

3.1.2 It is essential that all the parties involved in a case conference should fully prepare themselves prior to the meeting. All relevant documentation must be provided prior to the meeting.

3.1.3 Please be reminded that warnings are not part of this process.

3.1.4 A Case Conference will consist of:-

* The Train Operator concerned,
* Employing Manager,
* Human Resources Representative,
* Trade Union representative.

## Nature of the Discussions

3.2.1 A review of any previous Action Plans should be carried out and the Train Operator invited to give their opinion and reasons why they could not meet the standards.

The Case Conference will endeavour to identify and agree improvement actions (an action plan) with dates and clear, achievable targets. This can include extra coaching/training and support and monitoring where required. The aim will be to assist the operator to meet the required standards.

Each Case Conference will be different. The circumstances of the Train Operator and the underlying reasons why they have been unable to meet the required standard must be given detailed consideration.

3.2.2 An adversarial approach should be avoided by managers and Trades Union representatives. A consensus on resolving problems in the interest of the Train Operator and a safe customer service is the desired outcome.

## Output from the discussion

3.3.1 It is impossible to produce a definitive list of all the outcomes for the individual train operator concerned, however these are some examples which may assist you;

* Extra training and monitoring.
* Retraining in agreed areas of weakness and an agreed action plan and monitoring process. (Re-examination or re-qualification is not an option).
* A period of practical coaching with an I.O.
* A period of extra theoretical training, DVD’s, C.D’s, etc
* A period of leave
* Sufficient time off with full pay, to deal with outside problems affecting the operator’s concentration.
* Temporary redeployment to another grade whilst retaining their licence and T/op rate of pay to deal with outside distractions.
* Reduced hours working/flexible working to deal with outside problems on full pay on a short-term basis.
* Offering counselling and support via LUOH.
* Looking into possible alternative locations (in consultation with the movements committee), if there are specific identifiable problems associated with a depot or the line. (Only by agreement with the train operator concerned).

The case conference should try to ascertain whether the train operator has successfully met the required standard in the past and what has changed at work or in their personal circumstances that has affected their performance.

The case conference should produce an agreed written action plan tailored to the individual’s needs.

Where the Train Operator agrees that a further action plan is inappropriate, suitable alternative employment should be considered with the agreed protection of earnings package. The redeployment package must be fully explained to the Train Operator concerned, with due regard to a grade with a similar salary scale.

## Protection of Earnings Package

***The difference between the contractual earnings of the train operator and the contractual earnings of their new grade calculated at the time of transfer.***

3.2.2 **Year 1 - 100%**

**Year 2 - 100%**

**Year 3 - 66%**

**Year 4 - 33%**

This will apply only where staff have come forward voluntarily under the procedure and have fully participated in a case conference.

The protection of earnings package is not a *lump sum* payment, it forms part of the employee’s salary and is fully pensionable. The protected payment will be for pension purposes only and any enhanceable payments such as overtime etc. will be based on the revised salary.

Should further counselling or training be inappropriate and the Train Operator refuses voluntarily to accept the possibility of suitable redeployment, they will be referred to a disciplinary hearing charged with “unsatisfactory performance of duty”

The Train Operator will have the right of appeal against any decision of a case conference. The appeal must be made, in writing, to the Performance Manager within 14 days. The appeal must be heard by their Performance Manager.

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# Agreed by Trains Functional Council 10th February 2012

# Subject Matter Expert

| **Subject Matter Expert** |
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| Tom Morris, ER Manager |

# Document history

| **Issue no** | **Date** | **Changes** | **Author** |
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| R1 | Month Year | Brief description of the change | Name |