

# MANAGEMENT GUIDANCE ON SUSPENSION FROM WORK

In certain circumstances it may be considered appropriate to suspend an employee from work. It is important to note that suspension does not constitute disciplinary action and does not itself imply any presumption of guilt on the part of the employee. The employee should be advised of this.

## GROUNDINGS FOR SUSPENSION

Where alleged misconduct is sufficiently serious to be considered potential gross misconduct (or other very serious situations) the employee may be suspended from work. Examples of this include:

- Alleged gross misconduct such as:
  - Abuse or harassment of a vulnerable service user
  - Fighting or serious physical violence at work
  - Fraud or theft
  - Malicious damage to the property of colleagues, service users, the Council or public
  - Serious personal harassment or bullying (see Notes below)
  - Corrupt practice
- Where the employee is being charged with a serious criminal offence.
- Where there is a clear concern that the employee or others may be placed at risk by the employee remaining in the work place.
- Where it is considered possible that the employee may influence witnesses or interfere with relevant evidence.

Alternatives to suspension from work, such as temporary transfer to another section or work base or working from home, should be explored and carefully considered before initiating suspension.

The reasons why such alternatives to suspension are not considered appropriate should be recorded.

### **NB**

- i) In cases of personal harassment or bullying, it will be the alleged harasser who is suspended or temporarily transferred to a different work location or asked to work from home; where such actions are considered necessary.
- ii) If it is considered necessary for the harassee to take time away from work (e.g. to recover from the stress of the alleged incident) consideration will be given to granting authorised absence. This will not be classed as suspension.

# **THE SUSPENSION PROCESS**

## **Stage 1 – The decision to suspend**

In respect of any alleged misconduct, management (normally the line manager) will, where practicable, undertake immediate preliminary investigations. Preliminary investigations will normally involve a private discussion with the employee concerned to establish if there is an acceptable explanation for the alleged misconduct. Dependent upon the nature and seriousness of the allegations there may be a need to consider the immediate suspension of the employee concerned. In such circumstances the manager concerned will consider the matter with the appropriate HR Adviser.

Following this, a Strategy Meeting should be called as soon as possible. Consideration will be given at the Strategy Meeting as to whether there are sufficient grounds to suspend. If a Strategy Meeting is not possible within reasonable timescales the HR Adviser will advise on whether suspension is appropriate. If it is considered that there are sufficient grounds to suspend, authority must be obtained from, at minimum, a Head of Service.

Where a Head of Service is not available, it may be necessary for the manager at the site to require the employee to leave the place of work for the remainder of the shift or period of duty on authorised absence. Confirmation that suspension is necessary will be approved by a Head of Service as soon as possible.

## **Stage 2 - Practical arrangements**

Where, after careful consideration of alternatives to suspension, it has been agreed to proceed with suspension and following a preliminary investigation, the Head of Service should agree with the HR Adviser and the line manager the practical arrangements on how to implement the suspension to include:

- Locating suitable office space to ensure the suspension meeting takes place in private
- Safeguarding of relevant documents, records and other items of Council property
- Handing over keys and other equipment, eg a work mobile or IT equipment and where these could potentially be used inappropriately, ID and access cards
- Accompanying the employee back to the workplace to collect personal belongings if required or arranging for these to be delivered to/collected by the employee
- Limiting or removing access to IT systems (see Access to IT guidance section below)
- Guidance about contact with other employees whilst suspended, e.g. it may be necessary in some circumstances for a suspended employee to be prohibited from contact with particular named employees.
- Escorting the employee off the premises
- How the employee's absence from work will be communicated to internal and external colleagues and customers

## **Access to IT systems and networks**

When a decision to suspend has been taken managers should also consider the implications of maintaining the individuals access to their e-mail account and the Council's IT systems and networks.

A letter confirming the suspension will need to be prepared in advance of the suspension meeting (by the HR Adviser) and signed by a Head of Service. [Letter 1 Suspension Notification](#) is available. This includes:

- A statement confirming that suspension is not a disciplinary action
- The reason for suspension
- The length of the suspension and arrangements for review
- Actions that will be taken during the suspension
- Impact on pay, leave and sickness
- Contacts within the Council and fellow employees during suspension
- Support mechanisms available

### **Stage 3 – Advising the employee of suspension**

When the above arrangements are in place, the line manager should convene a suspension meeting. The meeting should take place as soon as possible after the alleged misconduct.

The employee has a right of representation at the suspension meeting. However, the unavailability of a representative must not delay convening the meeting or the suspension itself.

Under normal circumstances, the line manager should ask the employee to attend a suspension meeting, giving a brief outline of the reasons for the meeting; advising the employee that they have the right to have a Council work colleague or recognised trade union officer/representative present.

### **Stage 4 - The Suspension Meeting**

Those present in the suspension meeting would normally be:

- Line Manager and a second manager
- HR Adviser (exceptionally, if required)
- The employee being suspended
- A Council work colleague of the employee or recognised trade union officer/representative

The line manager will explain the reasons for the suspension; reminding the employee that suspension is not a disciplinary action and does not itself imply any presumption of guilt on the part of the employee. The employee should also be advised that suspension is on contractual pay. The employee should be advised that notes of the meeting will be made.

Where the meeting takes place without an employee representative present, the line manager should inform the employee why the suspension is proceeding without such representation. The line manager should note these reasons for the record.

Where the employee decides not to have a Council work colleague or recognised trade union officer/representative present at the suspension meeting, this will also be noted by the line manager for the record.

The line manager should also inform the employee what will be communicated to internal and external colleagues and customers to explain their absence from work, and how the Council will respond to any enquiries from the media about the employee's absence from work.

During the suspension meeting, the line manager should allow the employee the opportunity to comment on the alleged misconduct and the decision to suspend. Any comments made by the employee will be noted for the record.

At the conclusion of the suspension meeting, the manager must give the employee the pre-prepared letter of notification and associated documents, including a copy of the Council's Disciplinary Policy and Procedure document. If it is decided not to proceed with the suspension, eg as an alternative it is decided to temporarily transfer the employee to another work base or section or have him/her work from home, then the pre-prepared documentation will be destroyed and a revised letter, confirming the action taken, prepared and issued.

If the employee being suspended is a member of a recognised trade union, a copy of the suspension letter will be forwarded to the employee's trade union representative unless the employee requests otherwise.

The manager will inform People Services of the employee's suspension to ensure that the employee record is up dated.

Managers need to be sensitive to reactions from the employee including shock, stress or distress and may need to consider offering the employee support either to their home or a place of safety.

### **Suspension Reviews**

The manager and HR Adviser should review the suspension (or temporary transfer) every 2 weeks whilst the investigation is carried out and will keep a written record of each review. The manager will ensure the relevant Head of Service is kept up to date. The review should address whether the conditions for suspension (or temporary transfer) continue to be met, giving due consideration to the suspension (or temporary transfer) being lifted and the employee being allowed to return to work in their substantive post, or, possibly after full discussion and agreement with the employee, in a different location or capacity.

The manager is responsible for keeping the employee informed of each review and its outcome. Suspension records will be forwarded to the HR Adviser when the suspension is lifted or a Disciplinary Hearing arranged.

### **Support during Suspension**

Throughout all stages of the suspension process the employee will be given as much information as possible about the allegations or issues of concern, subject only to protecting the interests of any other party.

The manager should ensure:

- \* A Support Officer is identified and that this person maintains regular contact with the employee. The suspended employee will be asked to confirm the acceptability of the identified person as a Support Officer.

- \* The Support Officer is provided with a copy of the [Guidance on the Role of the Support Officer](#) and that they understand the role.

The manager will also make the employee aware of the availability of the Employee Support and Counselling Service.

Although suspension from work should not lead to social isolation it may be necessary in some circumstances for a suspended employee to be prohibited from contact with particular named employees. This should be made clear to the suspended employee.

The Council will ensure that all employment matters relating to an individual employee remain confidential. Should there be a press enquiry or other request for a statement regarding the position of any employee, the Council should inform the individual employee of this enquiry immediately via their line manager. In such circumstances, the [Protocol for Dealing with the Media on Employment Issues](#) should be referred to.

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