

# People Framework

## Suspension Procedure



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## Tracking

<b>Policy Title</b>	Suspension Procedure		
<b>LT sign off</b>	15 November 2019		
<b>Committee</b>	HR Panel  Strategy & Resources	<b>Date approved</b>	17 December 2019 (TBC)  30 January 2020 (TBC)
<b>Review due date</b>	15 November 2021	<b>Review completed</b>	
<b>Service</b>			

## Revision History

Revision Date	Revisor	Previous Version	Description of Revision

## Document Approvals

Each revision requires the following approvals:

Sponsor Approval		Name	Date

## 1. **Suspension**

There may be instances where it is necessary to suspend an employee whilst investigations are carried out. It is important to note that suspension is a neutral act, does not constitute formal action and does not itself imply any presumption of guilt on the part of the employee.

Employees will receive their full pay and benefits during any period of suspension.

Any period of suspension will be kept as brief as possible. Suspension will be reviewed regularly to decide if it is still necessary and the employee will be kept informed of progress.

## 2. **Grounds for Suspension**

An employee may be suspended from work:

- Where they are accused of an act of gross misconduct
- Where there is a clear concern that the employee may be placed at risk by remaining in the work place.
- Where working relationships have severely broken down to the point that there is a potential significant risk to other employees, property, customers or business interests if the employee remains in the workplace
- Where it is considered possible that the employee may influence witnesses or interfere with relevant evidence.
- To ensure the health and safety of the employee and/or their colleagues on medical or safety grounds
- Where the employee is the subject of audit or criminal investigations which may affect their ability to do their job.
- Where suspension it is considered to be in the interests of the employee and/or the Council
- On medical grounds (Please see Absence Management Procedure)

Where bullying, harassment or victimisation is alleged, it will be the employee who is the subject of the complaint who is suspended or temporarily transferred to a different work location or asked to work from home where such actions are considered necessary.

## 3. **Alternatives to Suspension**

Alternatives to suspension from work, such as temporarily transferring an employee to another department or work location or facilitating working from home, will be explored and carefully considered before initiating suspension.

Where an alternative to suspension is agreed, the agreed action will be confirmed in writing to the employee. (TEMPLATE). It is the manager's responsibility to ensure that the temporary arrangements are kept under regular review.

Where these alternatives are not considered appropriate, the reasons for this will be recorded. If it is considered necessary for the employee who has raised the complaint 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 in line with the Council's Special Leave Procedure. This will not be classed as suspension.

#### **4. Decision to Suspend**

The manager will seek advice from HR and consideration will be given as to whether there are sufficient grounds to suspend.

Authority to suspend 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 until the authority to suspend is received.

#### **5. Practical Arrangements**

Where authority to suspend an employee is given, the Head of Service will discuss the practical arrangements of implementing the suspension with the manager and HR, including:

- Ensuring that the suspension meeting takes place in private
- Safeguarding of relevant documents, records and other items of Council property
- Handing over keys and other equipment, e.g. a work mobile, IT equipment, ID and access cards
- Accompanying the employee back to the workplace to collect personal belongings or arranging for these to be delivered to/collected by the employee
- Limiting or removing access to Council buildings and IT systems
- Providing guidance to the employee about contacting other employees, contractors or Councillors whilst suspended, for example, it may be necessary in some circumstances for a suspended employee to be prohibited from contact with other employees.
- Escorting the employee off the premises
- How the employee's absence from work will be communicated to internal and external colleagues and customers

HR will prepare a letter confirming the details of the suspension in advance of the suspension meeting. This letter will be signed by a Head of Service and handed to the employee at the suspension meeting. ([LINK to Suspension Notification Letter](#)).

#### **6. Suspension Meeting**

When the above arrangements are in place, the manager will convene the suspension meeting. The meeting should take place as soon as possible after the decision to suspend has been authorised.

The manager will ask the employee to attend the suspension meeting, giving a brief outline of the reasons for the meeting.

Those present at the suspension meeting will normally be:

- The manager
- The employee who is being suspended
- A HR representative

The manager will explain the reasons for the suspension and advise the employee:

- Why they are being suspended
- That the suspension is a neutral act
- That the suspension is not a formal action
- That the suspension will be on full contractual pay
- How long the suspension is likely to last
- Where applicable, that they will have a full opportunity to state their version of events, explain their conduct, and answer any allegations at a subsequent investigation interview

The employee will be given as much information as possible about the allegations or issues of concern which have led to the decision to suspend and the proposed next steps.

The manager and employee will agree what will be communicated to internal and external colleagues and customers to explain their absence from work.

At the conclusion of the suspension meeting, the manager must give the employee the pre-prepared suspension letter and any documents relevant to the suspension, including a copy of the appropriate Council Procedures.

## **7. Support during Suspension**

The manager will maintain regular contact with the employee throughout their period of suspension to:

- Discuss the employee's wellbeing and any support needed by the employee
- To update the employee regarding the progress of the investigation/next steps

The manager will ensure that the employee is provided with the details of the Council's Employee Assistance Programme.

The Council will ensure that all employment matters relating to an individual employee remain confidential.

## **8. Sickness during Suspension**

If the employee becomes unwell during their period of suspension, they are expected to comply with the sickness absence notification procedures set out in the Council's Absence Management Procedure in the same way they would if they had not been suspended from work.

Normal contractual sick pay entitlements will apply for the duration of the sickness. Therefore, the employee's pay may be affected by their sickness absence in the same way as if they had not been suspended.

HR advice will be sought and a referral made to Occupational Health if appropriate.

## **9. Leave during Suspension**

Annual leave will continue to accrue during the employee's period of suspension. The employee may request annual leave in the normal way and must obtain their manager's authority to take any leave during their period of suspension.

The terms of the employee's contract of employment will continue to apply during the period of suspension and the employee is expected to make themselves available for any meetings or interviews during their normal working hours.