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Suspension Policy and Procedure

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Cabinet Approval: 26 April 2016

Ceredigion County Council

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1.0 Introduction

1.1 Purpose of the policy

The Council recognises that there may be occasions where it is necessary to suspend a member of staff from duty. The purpose of this policy is to identify the circumstances in which suspension should be considered and to outline the procedure to be followed in the case of suspension. Wherever possible we will seek alternatives to suspension.

The policy has been prepared in conjunction with ACAS guidelines on how to conduct workplace investigations.

1.2 Definitions

1.2.1 Suspension With Pay

Suspension is not a disciplinary measure but is a neutral act which releases the member of staff from their place of work. Suspension does not imply there has been any misconduct or that there is any suggestion of wrongdoing. Suspension with pay will be based on average earning over the previous three-month period (including enhancements).

A condition of continued payment during suspension is that the employee must be available to attend any meeting that may be convened as part of an investigation.

1.2.2 Suspension Without Pay

In cases where staff have been suspended due to an inability to attend work suspension will be without pay. This includes situations such as:

- Non-compliance with the Council's Employment Checks Policy including lapses in the; legal Right to Work in the UK, professional registration or DBS procedure.
- The period of time where professional registration has been suspended.
- Convicted of a criminal offence and given a custodial sentence of more than one month.
- On remand for over one month pending a trial.

1.2.3 Investigation

An investigation is a fair and unbiased method of investigating allegations made against a member of staff prior to any formal action being considered. The process of investigation allows the employee the opportunity to answer any issues of concern raised against them. Investigations are to be confidential with the report sent only to an assigned Human Resources Officer.

1.2.4 Contact Officer

Any member of staff, as long as they are not a potential witness in the case concerned, may be asked to be the 'Contact Officer' of a suspended member of staff.

The Contact Officer will normally be an officer who will not be involved in any associated investigation procedure, they will keep the suspended member of staff up to date with work related issues during the period of suspension. In exceptional circumstances this may be a HR Officer.

1.2.5 Suspending Officer

This Suspending Officer would normally be the Line Manager but could be a Senior Officer nominated by the Disciplining Officer. The Suspending Officer is responsible in consultation with Human Resources for the suspension procedure.

1.2.6 Disciplining Officer

As defined in Disciplinary Policy.

1.3 Scope of policy

This policy applies to members of staff employed by Ceredigion County Council. This policy does not apply to Staff employed by School Governing Bodies.

1.4 Principles

The act of suspension is a neutral act and is without prejudice. It is not a disciplinary action and does not imply there has been any misconduct and will not be seen to be a pre-determination of an outcome.

It is recognised that suspension can be stressful for the individual and may have an impact on service delivery; therefore suspension will only be applied where it is felt it is absolutely necessary and all alternatives have been considered

The period of suspension should be for as short a time as possible and the member of staff shall receive appropriate support throughout this time, including the appointment of a colleague as a Contact Officer to keep them up to date with work related issues during their suspension.

The suspended member of staff should also be given the contact details for the Council's Counselling Service.

2.0 Policy Statement

The Council recognises that there may be occasions where it is necessary to suspend a member of staff from duty.

The decision to suspend can be made for a number of reasons some of which are outlined in section 4.3, and should only occur as a last resort.

Before suspension can take place the manager should establish whether it is a safeguarding matter involving children or vulnerable adults. Please see *Safeguarding: Risk Assessment/Risk Management Guidance for Suspension: Allegations against members of staff*

If safeguarding does not apply then the manager should do an initial fact finding exercise relating to the allegations that have come to light.

Where suspension is appropriate the procedure will always be conducted in a fair and supportive manner in consultation with Human Resources.

3.0 Duties

3.1 The Chief Executive

The Chief Executive is responsible for the implementation of this policy.

3.2 The Head of Human Resources

The Head of Human Resources is responsible for ensuring the provision of Human Resources support to managers who suspend members of staff under this policy and for regularly reviewing the effectiveness of the policy.

3.3 Human Resources Team

The Human Resources Team is responsible for:

- providing professional support and guidance to managers on the application of this policy
- providing training on the policy;
- advising the Suspending Manager on the details of this policy;
- ensuring any act of suspension is conducted in a fair and equitable manner in line with the procedure outlined in the policy; and
- liaising with the member of staff's union representative where applicable.

3.4 Leadership Group and Heads of Service

Leadership Group and Heads of Service are responsible for:

- the effective implementation of this policy within their Services;
- providing resources for putting this policy into practice within their Services
- ensuring that this policy is followed within their Services.

A Head of Service may be a Suspending Officer or a Disciplining Officer (for definition see 1.2.5 & 1.2.6 above; for duties see 3.6 below).

3.5 Group Managers and Service Managers

It is the responsibility of Senior Officers to seek assurance that all employees in their teams are aware of this policy.

Senior Officers should also ensure that the roles and responsibilities of all managers and supervisors relating to their involvement in suspensions under this policy are clearly understood.

Senior Officers could be Suspending Officer (for definition see 1.2.5 above; for duties see 3.6 below).

3.6 Suspending Officer

The Suspending Officer must:

- be fully conversant with this policy and linked policies;
- gather as much preliminary information as possible relating to the allegation that has come to light, liaising as appropriate with external agencies and having due regard for safeguarding.
- consult with a Human Resources Officer before suspending a member of staff
- consider the options available as an alternative to suspension;
- consider suspension as a last resort to alternative measures;
- ensure the suspension procedure is adhered to and the member of staff is supported throughout the procedure, including arranging for the appointment of a Contact Officer (see 1.2.3 above);
- review the suspension at appropriate intervals.

3.7 Suspended Staff

A member of staff who has been suspended should:

- comply with the terms of the suspension;
- not discuss the case with colleagues or other members of staff;
- contact their union representative (where applicable) to support them through the process,

- make contact with the Council's confidential counselling service for support where needed;
- utilise the support from their nominated Contact Officer;
- continue to use standard sickness absence and annual leave reporting systems in line with Council policy, throughout the period of suspension; and
- be flexible and available for meetings with the Suspending Officer or Investigating Officer.

If alternative action has been taken in preference to suspending the member of staff, e.g. redeployment or restricted duties, they should comply with the terms of such alternative action.

4.0 Procedure

4.1 Instigating the Procedure

In any cases involving the alleged abuse of a child or vulnerable adult and allegations against a staff member or volunteer, reference should be made to the Council's *Safeguarding: Risk Assessment/Risk Management Guidance for Suspension: Allegations against members of staff* as there will be a need to involve other agencies in the investigations.

If it is not a child or adult protection issue then before making any decisions regarding suspension the manager should conduct a basic fact finding exercise relating to the allegation or incident; for the purpose of defining the terms of reference of any subsequent investigation.

Human Resources and the appropriate Line Manager should be contacted prior to any action being taken to discuss whether suspension is appropriate.

4.2 Alternatives to Suspension

The decision to suspend should only be made as a last resort and alternative options must be considered in consultation with Human Resources before making a decision to suspend a member of staff. A risk assessment should be carried out to support the decision made for child and adult protection incidents please refer to the Council's *Safeguarding: Risk Assessment/Risk Management Guidance for Suspension: Allegations against members of staff*.

Alternative options to suspension may include:

- *Temporary redeployment for the duration of the investigation.* Adequate supervision and support must be in place during this deployment.
- *Restricted duties* – Consideration should be given to whether the member of staff can remain in their current role for the duration of the investigation whilst temporarily refraining from certain elements of their role.

The employee's substantive salary will remain the same for the duration of the redeployment, including an average payment for any allowances (this will be based on the previous 12 weeks salary).

Any decision made should be documented and the details confirmed in writing to the member of staff. The decision to suspend or not will have no impact on the level of warning given should a case go to a formal disciplinary hearing.

4.3 When Should Suspension Be Used?

Possible reasons for suspension are listed below; however this list is not exhaustive:

- where redeployment or restricted duties are not a practicable option; or
- where there is no other practical way of removing any identified risk.
- where the continued presence of the member of staff would constitute a risk to the health and safety of others or a risk to Council property;
- where the continued presence of the member of staff in the workplace may jeopardise the investigation;
- where for the protection of a client and/or the member of staff being investigated, the member of staff should not continue working whilst the investigation takes place;
- whilst an investigation takes place into an alleged criminal offence or other serious incident;
- whilst a member of staff is taken into custody or pending a trial on a criminal offence;
- Where applicable in accordance with the Council's Managing Employee Performance Policy.
- Where applicable in accordance with the Council's Sickness Absence Procedure.
- where the member of staff is not able to continue to carry out their duties e.g. lapse in registration, of statutory authority to continue in role, Failure to renew DBS documentation, etc and no suitable alternative work is available; this should be considered alongside the Council's Safe Recruitment Policy.

4.4 The Suspension Meeting

If the decision is taken to suspend, the Suspending Officer should meet with the member of staff as soon as possible to inform him/her of their decision.

Where possible this meeting should be face to face and should take place in a private area with steps taken to avoid interruptions. There may be some circumstances where this is not possible and the Suspending Manager may need to inform the member of staff via telephone or in writing. This should be considered in consultation with Human Resources.

The member of staff may be accompanied by a trade union representative to support them at the meeting (or work colleague for emotional support). If this has not been possible then the meeting should still go ahead, and the member of staff should be advised to seek representation immediately following the meeting. The suspension meeting can then be ratified in the presence of the member of staff and their union representative at a later date if requested by the member of staff.

The Suspending Officer should inform the member of staff of the allegation and their decision to suspend whilst the allegation is being investigated. As much information as possible will be disclosed to the member of staff regarding the allegation so they understand the reasons for suspension. However, if the allegation is subject to Safeguarding Vulnerable Adults or Children procedures and/or involves a police investigation or relates to bullying and/or harassment, there may be a restriction on the information that can be shared.

At this early stage the anonymity of any complainants/witnesses will be maintained and the member of staff will not have the right to see written complaints.

The Suspension Checklist, see Appendix 7.2, outlines the key information that should be communicated to the member of staff during the suspension meeting.

A copy of the suspension checklist should be signed by the Suspending Officer and the member of staff and a copy given to the member of staff for their records. After the meeting a letter confirming the details of the suspension meeting should be sent by Recorded Delivery to the member of staff's home address within two working days. (Address details should be confirmed with the member of staff during the meeting.) Alternatively, by agreement, this can be sent via email to an agreed email address. For guidance on the content of this letter please see appendix 7.3 the suspension manager should contact Human Resources for guidance. The member of staff should also be sent a copy of the Suspension Policy, the Investigation Guidelines and a copy of the 'Guidance for Members of Staff Who Have Been Suspended' (see appendix 7.4). A copy of this letter should be sent to Human Resources, and to the employee's trade union representative if this has been agreed.

4.5 Contact Officer

During the suspension meeting the member of staff should be offered a 'Contact Officer' who will keep them up to date with work related issues. This will help to keep the member of staff supported during the suspension period and prevent them from feeling isolated from the workplace. The Contact Officer will normally be a work colleague who is not involved in the investigation.

A copy of 'Guidance for Contact Officers of Members of Staff Who Have Been Suspended' (see Appendix 7.5) should be given to the 'Contact Officer' and they should be allowed access to a work telephone to maintain contact with the member of staff.

4.6 Statement

When a member of staff is suspended the Suspending Manager should discuss with their line manager an appropriate "neutral" statement advising staff and service users of the employee's absence if appropriate. This statement should be discussed with the member of staff, their trade union representative and Human Resources.

4.7 Annual Leave during the Suspension Period

As the member of staff will need to be available for meetings during the Suspension Period, members of staff who are wishing to take annual leave should request authorisation in the usual way. The line manager should consult with the Suspending Manager and Investigating Officer before authorising. The same approach applies to annual leave that has been booked in advance that falls during the suspension period.

Where annual leave is authorised during the Suspension Period this will be recorded as annual leave and the conditions of suspension will remain in place, except that the employee will not be expected to be available to attend meetings.

Annual leave will continue to be accrued during the Suspension Period. The member of staff is responsible for ensuring any outstanding annual leave is requested during the relevant annual leave year and the usual rules apply in relation to carry over of annual leave.

4.8 Sickness during the Suspension Period

The same reporting procedures apply during the Suspension Period as outlined in the Council's Sickness Absence Management Policy. If a member of staff is sick during the Suspension Period this will be recorded as Sickness Absence. A referral

to Occupational Health will be made by the investigating officer to seek advice as to whether the employee can continue with the investigatory meetings throughout the period of their sickness absence.

During any period of sickness absence, the conditions of suspension will remain in place.

4.9 Informing Payroll

Payroll must be advised if there is any change to normal pay arrangements.

4.10 Review of Suspension

Any suspension from work will be for as short a period as possible required for an investigation to be completed. The Disciplining Officer should review whether any new information has come to light which may change the initial decision to suspend. The review must occur within 20 working days and every 20 working days thereafter and, after each review, the member of staff will be written to informing them whether their suspension will continue (see Appendix 7.6).

In addition to these letters there should be continued communication with the member of staff through their Contact Officer and the Investigating Officer.

4.11 Returning to Work following Suspension

The member of staff may be anxious about returning to work, especially if they have been absent for some time. The member of staff's manager is responsible for ensuring their return to work is carefully planned and supported. This may be assisted by liaising with the Human Resources Team, the member of staff's union representative if applicable. The member of staff should receive a letter confirming the end of the suspension period and their return to work (see Appendix 7.7 for a template if no action to be taken or individual letter if appropriate).

It may be appropriate for the member of staff to have a one to one meeting with their manager prior to their return to the workplace.

Payroll and any other appropriate service area must be advised that the member of staff has returned to the workplace.

5.0 Dissemination and Implementation of Policy

This policy will be circulated to all staff through the HR Newsletter and also available via Cerinet, the HR intranet. New staff will be made aware of the policy at their induction. Paper copies will be made available to managers of staff without access to computers.

6.0 Cross Reference

- Disciplinary Policy
- Recording of Child/Adult Protection Allegations Procedure
- DBS Safe Recruitment Policy
- Sickness Absence Policy

7.0 Appendices

7.1 Suspension Meeting Checklist

7.2 Letter Confirming Suspension

7.3 Guidance for Members of Staff Who Have Been Suspended

7.4 Guidance for Contact Officers.

7.5 Letter Confirming Continuation of Suspension

7.6 Letter Confirming No Action to Be Taken and End of Suspension

Note

Please note that the Appendices attached to this policy and procedure do not form part of the policy and procedure and may be amended without prior consultation with Trade Unions and Professional Organisations.

Suspension Meeting Notes

Member of staff:.....

Service and Location:...../.....

Position:.....
...

Union Representative / Work Colleague Present:
.....

Union Representative / Work Colleague Tel. No.:
.....

Suspending Manager's Name:.....

Advise the member of staff of:

The details of the allegation:.....
.....
.....

Confirm the Investigating Officer:
.....

- Advise if the allegation could potentially be considered Gross Misconduct.
- Confirm that they will have an opportunity to make a full statement and the Investigating Officer will be in touch to arrange the meeting in due course.
- Confirm the suspension is with immediate effect and the member of staff will remain on full pay (including regular enhancements).
- Confirm the suspension is without prejudice and is not disciplinary action in itself.
- Advise the suspension will be reviewed in writing after 20 working days and every 20 days thereafter.
- Advise not to enter their usual place/s of work without the express permission of the Suspending Manager. Exceptions could be agreed when appropriate e.g for meetings with their trade union representative.
- Advise them not to contact other members of staff, unless they are their union representative or nominated Contact Officer.
- The 'Contact Officer' will keep them up to date with work related issues

Contact Officer name:

.....

Contact Officers contact number:

.....

- Give the member of staff the number for the Counselling Service for confidential advice and support.
- Encourage union representation if not at the meeting.
- Discuss the methods of communication whilst the member of staff is suspended.
- Advise the member of staff that they should remain available for meetings during the Suspension Period.
- Advise the member of staff that usual procedures apply for annual leave/other leave and sickness absence. e.g. Leave requests/ Fit notes must be submitted in the normal way.
- Advise the member of staff that their professional body may need to be informed (if appropriate).
- Confirm the suspension will be confirmed in writing and sent by Recorded Delivery to home address

Confirm current home

address:.....

.....

Confirm current contact number:.....

Email Address.....

Agreed Neutral Statement regarding absence from workplace.

Check with the member of staff whether they have any personal belongings to collect

Member of staff's Signature: Date

.....

Representative's Signature: Date

.....

Suspending Manager's Signature: Date

.....

Letter Confirming Suspension

Date

Strictly Private & Confidential – Recorded Delivery

Name

Home Address

Dear (Name),

Suspension from Work

Following our meeting of (date) at (location), which was also attended by (Names of those present), I am writing to formally confirm that with effect from (date) you have been suspended from work. During your period of suspension you will remain on full pay. Your suspension is pending an investigation and is without prejudice to the outcome of the case. The allegation made against you as stated at our meeting is:

Insert allegation/s here.....

(Delete if not applicable) If founded this allegation could potentially be considered (insert allegation from policy) which is considered Gross Misconduct within the Council's Disciplinary Policy and Procedure which may result in dismissal.

Please note that this suspension is a neutral act which does not itself constitute disciplinary action and is carried out without prejudice.

The suspension is in accordance with the Council's Suspension Policy, a copy of which I have enclosed with this letter.

During your period of suspension you are requested not to discuss the case with any of your colleagues or clients/service users. You should also not attempt to enter ...(name building/area)..... premises without the express written permission of myself. Whilst your suspension is in force I must ask that you do not undertake any other work for the Council. (Delete if not applicable)

May I remind you that you are subject to the normal terms and conditions of your employment during your suspension.

Your Contact Officer is (Name), you can contact him/her on..... If he/she is not immediately available you should leave a message for him/her to contact you.

You were also given details of the Council's Counselling Service and can contact them directly on 01239 615757.

The suspension will be reviewed after twenty working days and every twenty days thereafter. It will be confirmed in writing to you whether it is necessary for you to remain suspended or not.

The investigation is being carried out by (***name***) who will be contacting you to arrange an interview. This will give you the opportunity to make a full statement in response to the allegation. This statement may be used as part of a formal hearing if the investigation leads to formal action being taken.

I have also enclosed the guidance notes for members of staff who have been suspended and please refer to the suspension meeting notes.

If you have not already done so, I would encourage you to seek support from your union representative. **(Delete if not applicable)**

Once the investigation has been completed, you will be notified, in writing, as to whether or not a disciplinary hearing will be convened.

Yours sincerely,

Suspending Manager's Signature

cc Human Resources
Trade Union Representative (if applicable)

Guidance for Members of Staff Who Have Been Suspended

The Council recognises that suspension may be a stressful experience. It is important to remember that suspension is regarded as a neutral act and is not regarded as disciplinary action.

The decision to suspend can be made for a number of reasons e.g.

- Where the continued presence of the member of staff would constitute a risk to the health and safety of others or a risk to Council property;
- Where the continued presence of the member of staff in the workplace may jeopardise the investigation;
- Where for the protection of a client and/or the member of staff being investigated, the member of staff should not continue working whilst the investigation takes place;
- Whilst an investigation takes place into an alleged criminal offence or other serious incident;
- Whilst a member of staff is held in custody or pending a trial on a criminal offence;
- Where the member of staff is not able to continue to carry out their duties (e.g. lapse in registration or loss of statutory authority to continue in role) and no alternative work that can legally be done is available; (this should be considered alongside the Council's Employment Checks Policy);
- Where there is no other practical way of removing any identified risk; or
- Where redeployment or restricted duties are not a practicable option.

What to do if you have been suspended

The Council recognises that suspension may be stressful time for individuals and seeks to handle all cases of suspension with understanding and in line with the Council's Suspension Policy.

Establish the allegations against you

Wherever possible, you will have been advised of the allegations made against you in a meeting with your manager and/or the Suspending Officer.

Contact your Trade Union Representative (if applicable) and maintain regular contact

Trade Union representatives within the Council can offer you guidance and support. It is important that you make contact with your appropriate Trade Union representative as soon as possible in order that they can advise you and offer support. It is important to maintain regular contact with your representative so that they can advise you on progress.

You must not enter your normal workplace without the express written permission of the Suspending Officer.

Contact the Counselling Service for support

The Council offers a free and confidential employee Counselling Service. You can contact West Wales Counselling and Psychology Services directly on 01239 615757.

Contact Officer

At the suspension meeting the Suspending Manager will have arranged for you to have a 'Contact Officer', normally a work colleague to keep you updated with workplace information. Make use of the 'Contact Officer' to keep in touch with what is happening in the workplace. This will lessen any feelings of isolation and ensure your return to the workplace is smooth.

Seek the support of family/friends

Suspension can be a very isolating experience and it may be important to you that you have the support of the people who know you best whilst being mindful of confidentiality.

Timeline

Everyone will want to conclude the investigation as speedily as possible to ensure normality is resumed. Where possible the investigation should be concluded within 4 – 6 weeks, if not sooner and a decision will be made as to whether a disciplinary hearing will be held.

If you require further information or support please contact your Trade Union representative or the designated member of the Human Resources Team.

Guidance for Contact Officers of Employees Who Have Been Suspended

You have been appointed as a 'Contact Officer' to an employee who has been suspended. It is important to remember that when an employee is suspended it is always without prejudice and can be for a number of reasons. The employee will have been made aware of the reason for their suspension.

Role of the Contact Officer

You should be clear about your role. When someone is away from the workplace for any length of time they can lose touch with what is happening and can feel isolated. This often makes their return to the workplace stressful and difficult. Your role is to keep your colleague up to date with work issues or work related news so that their return to the workplace can be as smooth as possible. It is not appropriate for you to discuss the investigation or the reason for suspension as this is a matter for them and their union representative if they have one.

- Be understanding.
- Arrange a time to call once a week to support your colleague. Agree the time/date in advance and make sure you stick to the agreed time.
- Make the call during work time, from an office or somewhere private.
- Recommend the Counselling Service if appropriate.
- REMEMBER CONFIDENTIALITY.

The sorts of things you may wish to advise the employee of are as follows:

- any Council news;
- feedback from workplace meetings; and
- any new working practices.

If you experience difficulties acting as a 'Contact Officer' please refer to the manager who approached you in the first instance.

Letter Confirming Continuation of Suspension

Strictly Private & Confidential – Recorded Delivery

Date

Name

Home Address

Dear

CONTINUATION OF SUSPENSION FROM WORK

Further to my letter to you of the ***(date of suspension letter or latest review letter)***, I am writing to inform you that your suspension from work was reviewed this week and was extended for a further a twenty working days from ***(date of review)*** to allow for further investigations to be undertaken.

May I remind you that during your suspension you should not enter any of the Council's premises without express permission from me, nor should you try to make contact with your colleagues.

The suspension will be reviewed again in twenty working days.

Once investigations have been completed, you will be notified as to whether or not a disciplinary hearing is to be conducted. If it is decided to convene a formal disciplinary hearing, the arrangements will be communicated to you in writing.

Please note that this suspension does not itself constitute disciplinary action.

Yours sincerely

Suspending Manager

cc HR Representative
Union Representative

Letter Confirming No Action to Be Taken and End of Suspension

Strictly Private & Confidential – Recorded Delivery

Name

Home Address

Date

Dear *(Name)*,

Suspension

Further to my letter of *(date of last correspondence)* I am writing to advise you of the outcome of the investigation into the following *(state allegation)*. The investigation was carried out and you have been given the opportunity to give your statement.

The full report was submitted to me and I have had an opportunity to fully consider the contents. On the basis of the report received I have decided that you will not be required to attend a formal disciplinary hearing in this matter.

I am therefore keen for you to resume your duties at the earliest opportunity and would like to meet with you *(state date, time and venue)* to discuss how and when this is to happen, ensuring your return to work is supported and handled in a positive manner.

You have the right to be accompanied at this meeting by a union representative, or work colleague for emotional support, should you wish to do so.

We fully recognise that this has been a difficult time for you and returning to work may be a daunting challenge. I assure you that every effort is being made to acknowledge this and support you to ensure you feel positive about returning to your post and continue to fulfil your responsibilities.

Please confirm your attendance at the meeting by telephoning me on *(insert contact number)* **within three days of receipt of this letter.**

I realise that this has probably been a stressful period of time for you and I thank you for your co-operation in the investigation. I look forward to welcoming you back to the workplace.

Yours sincerely

Disciplining Officer

cc HR Representative
Trade Union Representative

