

Employee Conduct - Guidance for Employees Who Have Been Suspended

When it is decided to suspend a member of staff it can be a traumatic experience for all those involved. This guidance information has been prepared to ensure that an employee who has been suspended fully understands:

1. Events relating to the suspension as laid down in the Carmarthenshire County Council Disciplinary Procedure;
2. What the employment status and rights of the employee are during suspension;
3. What is expected of the employee by their manager during the period of suspension;
4. What assistance the employee may wish to seek during their period of suspension.

1. Events relating to the suspension.

The following is an extract from Carmarthenshire County Council's Disciplinary Procedure:

"Suspension from work with pay should be considered only as a last resort and the suspended employee advised that this is not considered disciplinary action and how pay will be calculated during this period. It is in the interests of all parties to progress the investigation and disciplinary hearing (if appropriate) as quickly as possible. Any suspension should be kept under review and the employee informed of the progress of the investigation at regular intervals. (Please note: in some cases, account will have to be taken of the requirements of professional Codes and Standards governing child and vulnerable adult abuse). The People Management and Performance HR Team must be consulted before a decision to suspend is made."

2. Employment Status and Rights during Suspension.

Q. How will I be informed that I have been suspended?

A. The circumstances which have prompted the decision to suspend and whether or not you are at work at the time that the decision is taken is likely to affect the way in which you are informed. However, suspension will always be confirmed in writing and the reason for suspension will be given as far as is possible. Normally you will be notified by your line manager (or other nominated manager):

- verbally if it is practical or possible for you to be informed in this way; or
- by telephone if it is not possible for your manager to meet with you in person; or
- by letter if it is not possible to meet with you or contact you by telephone.

In both the first two instances the decision will be confirmed to you in writing.

Q. Will I be paid if I have been suspended?

A. You will normally continue to receive contractual pay during your suspension. However, if you are certified as unfit to attend for work, owing to ill-health or you are on maternity leave, your payments will be made in accordance with your conditions of service.

Q. Will continuous service be affected by suspension?

A. Suspension does not affect your employment rights. For the purposes of calculating continuous service in relation to benefits such as sickness, maternity, redundancy, pensions etc. the period of suspension counts as normal employment.

3. What is expected of the employee during their period of suspension?

Q. Do I have to stay at home during my normal working hours in case I am called back to work?

A. You are required to make yourself available to your employer at reasonable notice (e.g. for a meeting or interview). Normally this would mean you should be prepared to report to work on the day following the request for you to report to work. However, you could be asked to return on the same day as the request is made, which would not be unreasonable if the request was made early in the day for an afternoon meeting and a representative was also available.

Q. What happens if I wish to make a trip away from home during the period of suspension?

A. Annual leave arrangements still apply during suspension therefore if you wish to make a trip away from home, which would make you unavailable to attend work as described above, you will need to book this as annual leave. Given that suspension is not a disciplinary penalty, annual leave which has been arranged prior to suspension will be honoured other than in exceptional circumstances, where the matter will be discussed with you. You will need to clear any request in advance, including confirming pre-arranged leave, with your nominated Liaison Officer. Requests for leave will be looked at sympathetically. Your nominated Liaison Officer will need to consider the likelihood of your being required to attend work during the time requested.

Q. Am I allowed access to my workplace and colleagues during suspension?

A. The Council does not wish to impede you in preparing your case. If you wish to visit your workplace during the suspension period you must first obtain the permission of your line manager or other nominated manager. S/he will need to

be satisfied that there are reasonable grounds for your request and that your visit will not interfere with any related investigation.

The Authority, obviously, cannot prevent you from meeting with colleagues outside normal working hours. However, any breaches to the confidentiality of the investigation will be dealt with in accordance with the Disciplinary Policy. Should Disciplinary action be taken you will not be prevented from preparing your case and any contact that you may require in order to do this will need to be approved via your nominated liaison officer beforehand.

4. Assistance An Employee Can Seek During Their Period of Suspension.

Q. How can I collect evidence to answer allegations arising from an investigation if I am not allowed access to my workplace or colleagues?

A. You will normally be allowed access for this purpose. Please contact your nominated liaison Officer to arrange. Also if you are a member of a trade union your trade union representative will be able to help in the collection of evidence where access cannot be reasonably granted.

Q. Where can I go for further advice whilst I am suspended?

A. If you are a member of a trade union you are advised to seek advice from your trade union representative.

Your nominated Liaison Officer will also keep in contact with you to both advise you of progress regarding the investigation and keep you updated with developments in connection with your job, section, department, etc. Your nominated Liaison Officer can arrange a referral to occupational health if you feel you would like to access additional support. You are strongly advised to take up any support that is available through the authority's occupational health service or your own GP.

Depending upon the nature of the investigation you may feel it appropriate to approach other outside agencies, e.g. Citizen's Advice Bureau, Legal Aid Scheme, etc.

Q. How long can the suspension last?

A. There are no specified time limits. However, suspension will be for as short a period as possible. Where a suspended employee is the subject of external investigations, police enquiries or charged with a criminal offence, the length of the suspension may be prolonged pending the outcome of police enquiries or legal proceedings. Where the investigation is subject to a delay the Investigating Officer will write to inform you of the delay and the reason for it.

Q. How will I know when the suspension has ended?

A. Normally, suspension ends when, following the completion of the investigation, a decision is taken. This decision may be:

- take no action and end the suspension;
- to proceed with formal disciplinary action;
- to take some other form of action.

In any event you will be notified in writing of the decision. Where disciplinary action is taken, the suspension will normally continue until the hearing takes place, and management will decide at the hearing whether the suspension will end. You will remain suspended until informed otherwise by your line manager.

As stated in the extract from the Disciplinary Procedure in Section 1, suspension is not a disciplinary penalty.