

SUSPENSION PROTOCOL

Introduction

1. There may be instances where suspension from work with pay is necessary while investigations are carried out. For example, in potential gross misconduct cases, health and safety concerns or where there are risks to an employee's or the Authority's property, service users or responsibilities to other parties.
2. Exceptionally suspension may be considered where there are **reasonable** grounds for believing that evidence has been tampered with, destroyed or witnesses pressurised during the investigation process or prior to the disciplinary hearing.
3. Suspended employees should be advised that this is not considered as a disciplinary action..
4. It is in the interests of all parties to progress the investigation and disciplinary hearing (if appropriate) as quickly as possible.
5. Any suspension must be kept under review. (NB: in some cases, account will have to be taken of the requirements of professional codes and standards governing child and vulnerable adults). People Management and Performance HR Teams must be consulted before a decision to suspend is made.

Scope

6. This scheme applies to all employees of Carmarthenshire County Council excluding staff employed by locally managed schools where the governing body will determine the policy.

Grounds for suspension

7. Before deciding to suspend a member of staff, consideration will be given to the following factors:
 - a. Seriousness of the allegations relating to the individual
 - b. The need to preserve the integrity of the investigation
 - c. The best interests of the individual against whom the allegation is made.
 - d. The best interests of the Authority, other employees, members of the public or service users
 - e. Consistency with former similar allegations
8. Following these considerations the line manager must then decide whether a transfer to another area of work or team would be appropriate as an alternative to suspension.

9. Prior to taking a decision to suspend an employee who is a trade union representative. The line manager must seek advice from the People Management and Performance HR Team.
10. Prior to any suspension being implemented, the line manager must consult their Head of Service and seek advice from the People Management and Performance HR Team. (Please refer to line manager's checklist at Appendix 1)

Implementing the suspension

11. The following procedure must be followed when a decision to suspend has been agreed, the line manager must:
 - a. meet the employee and inform him/her of the reason for suspension;
 - b. clearly explain the allegation, but not enter into any other conversations;
 - c. explain what happens next (refer to the relevant policy and procedure)
 - d. advise the employee that:
 - s/he is not permitted to enter the workplace or any of the Council's premises specified by the line manager during the period of the suspension (the line manager will need to decide at the time of the suspension whether entering Council premises other than the place of work will impact on the investigation and name these in the terms of the suspension) or service users homes without prior arrangement with the Investigating Officer;
 - if s/he wishes to contact work colleagues s/he must first obtain permission of the Investigating Officer. The Investigating Officer will need to be satisfied that there are reasonable grounds for the request and that the contact will not interfere with any related investigation. Failure to comply with this process could result in further disciplinary action being taken;
 - the suspension is a neutral act and the purpose is to remove him/her from the workplace, either for his/her own protection or in the interests of service users/members of the public and other staff, in order that an investigation can be carried out;
 - s/he must be available during their normal working hours for the Investigating Officer to interview him/her. Therefore the employee should not leave the area or go abroad on holiday whilst they are suspended from duty without prior authorisation from the Investigating Officer;

- A Liaison Officer (usually a work colleague) will be asked to be the employee's main point of contact during the suspension (see para 15)
 - Finally, but most importantly the employee should be advised that should they wish to seek support from occupational health a referral can be arranged via the Liaison Officer who will be identified shortly or the line Manager.
12. Once the suspension meeting has been concluded the line manager will assist him/her to gather personal belongings and accompany the employee from the premises.

Confirmation in writing

13. The line manager must confirm the details of the suspension in writing to the employee no later than 3 working days following the suspension. A copy of this letter should be sent to the HR Team and will be retained on the employee's personnel file (See Appendix 2 – Employee Guidance, which accompanies the letter. Advice should be sought from the HR Team regarding the wording of the letter);
14. If the employee is a trade union member the line manager will send a copy of the suspension letter to the local branch office, unless the employee advises otherwise, in writing. In addition, if the employee is a trade union representative a member of the HR team must inform the full time trade union official of the allegation(s) via the local branch;

Liaison Officer

15. The line manager is responsible for identifying a Liaison Officer for the suspended employee to provide impartial support and maintain regular contact with the suspended employee at no less than fortnightly intervals. The Liaison Officer will not be involved in the investigation and should keep a record of the visits and contacts during the suspension.

Timetable for suspension

16. The Investigating Officer is responsible for planning and preparing for the investigation in line with the Investigation Policy.
17. The Investigating Officer will review the suspension decision and the terms of the suspension after key stages of the investigation. The Investigating Officer will write to the employee, usually fortnightly or at an agreed date during the investigation and confirm the progress of the investigation.
18. In some circumstances where the Police, adult/child protection or

internal/external audit are simultaneously conducting an investigation it may not be possible to progress a management investigation until evidence has been presented to the courts. However, the employee should still be kept notified of the Authority's actions during this period.

Suspension with pay

19. All employees who are suspended will be paid normal contractual pay and an explanation of how this is calculated will be confirmed in the suspension letter.

Sickness absence during suspension

20. If an employee is sick during the period of suspension the normal notification requirements of the Council's Sickness Absence Management Policy will apply. The period of sickness absence will be recorded and sick pay provisions will apply.

Maternity leave during suspension

22. If an employee commences maternity leave during the period of suspension the normal notification requirements of the Authority's Maternity Policy will apply

Annual leave

23. Annual leave will continue to be accrued while on suspension during the annual leave year. Suspended employees should continue to request annual leave in accordance with their Departmental procedure while suspended as this entitlement will not be carried forward to the following leave year.

Medical suspension

24. The line manager must ensure that in cases where there is doubt over the fitness of an employee to work that advice is sought from an Occupational Health Advisor and HR Team before a decision to suspend is made, and in line with the Sickness Absence Management Policy.
25. Before returning to work following medical suspension the employee will be referred to the Occupational Health Unit. The employee is expected to co-operate fully with any request to attend for any health assessments.

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