

## Handout 2

### **Suspension from duty pending disciplinary investigation:**

#### **Information for employees**

##### **Introduction**

The County Council operates a formal disciplinary procedure which has been fully negotiated with recognised trade unions. A copy of the disciplinary procedure was supplied to you when you were appointed. A further copy is attached to this information sheet.

The Council's disciplinary process includes provision for suspension from duty on full pay pending investigation.

##### **Definitions**

Suspension from duty pending investigation, whilst no longer considered 'a neutral act', does not constitute part of the formal disciplinary process itself and makes no implication of guilt.

##### **An employee may be suspended in any of the following circumstances:**

- a) Where an investigation is being undertaken and could be impaired by the employee's continued presence in the workplace;
- b) Where the employer has grounds to suspect that the employee may be guilty of gross misconduct;
- c) Where the employer has grounds to suspect that the employee may seriously damage documents, property or systems or presents a potential risk/danger to the Council and its reputation, service users, other employees or him/herself if allowed to remain in the workplace;

##### **Procedure**

1. Suspension from duty must be personally authorised by the Director or a member of the Department's Senior Management Team;

2. As far as is reasonably practicable, notification of suspension from duty will be given orally to the employee and confirmed subsequently in writing. All suspended employees will receive written confirmation of the effective date of - and reasons for - suspension;
3. When the suspension is lifted, the employee will be so notified in writing.

### **An employee's rights during suspension from duty**

- 1 During the period of suspension, the employee will receive 'normal' pay. This will enhanced rates of pay or unsociable hours payments falling within their standard contract e.g. unsocial hours enhancements and allowances where they are included on a rota e.g. sleep-in payments.
- 2 If during the period of suspension the employee falls sick, they must notify the Department and submit doctor's certificates in the normal way. Sickness payments will be made in accordance with normal procedures.
- 3 Annual leave may also be taken in accordance with departmental practices.
- 4 The employee must remain available for work during their normal contracted hours during the period of suspension – i.e. they must not undertake additional employment covering those normal contracted hours.
- 5 The employee is required to make themselves contactable during normal working hours so that it will be possible for management to contact them should they need to do so.
- 6 The employee is required to co-operate with a disciplinary investigation.
- 7 The employee must not return to their place of work or seek to enter any other establishment in connection with their work during the period of suspension without obtaining prior approval from their line manager. Neither should they seek to communicate with any work colleague or service user nor use Council equipment (including IT equipment) provided in connection with their employment without permission. All contact should be made through the person who has been nominated as a contact point.
- 8 Failure to co-operate with the terms of the suspension procedures may, of itself, result in disciplinary action being taken.

### **The employer's responsibilities in suspension**

1. At the point when the possibility of the need for suspension first arises, consideration should be given to alternatives to suspension from duty.

2. To notify the employee in writing of the effective date of the suspension from duty, the reasons for the suspension from duty and of their rights / responsibilities during the period of that suspension.
3. To take reasonable steps to ensure that the suspended employee is prevented from undertaking their normal duties during a period of suspension (e.g. freezing password access to Council IT systems and retaining the employee's ID badge).
4. To undertake an investigation in accordance with the Council's disciplinary procedures and to arrange a formal disciplinary interview as soon as is reasonably practicable.
5. To ensure that there is regular communication with the suspended employee during the period of suspension and that they receive formal notification of all stages of the disciplinary procedure in good time.
6. To actively seek to ensure that the period of suspension from duty is minimised and is reviewed initially within 5 working days from the date of suspension and thereafter at least every 4 weeks – the employee being advised of the results of each review.
7. To offer to the suspended employee the opportunity of having a named contact point during the period of suspension.
8. To offer appropriate welfare support both during the period of suspension / disciplinary process and upon any subsequent return of the employee to the workplace.

### **Termination of the period of suspension**

A period of suspension from duty may be lifted at any time, at the employer's discretion. This should be confirmed to the employee in writing.