

Appendix 10

Guidelines on the management of suspensions

Introduction

The following provides guidance in regards to suspending members of staff. It is intended to supplement the guidance included in the Disciplinary Policy, paragraphs 7.32 – 7.38.

When to suspend

Suspension should generally only be considered when there is a possibility that an employee may be dismissed from duty i.e. in cases of potential gross misconduct or when someone has received previous warnings under the Disciplinary Policy and following further allegations dismissal is now a possibility. Suspension may also be considered in other circumstances e.g. when it is believed that the employee's presence at work may inhibit an investigation.

Who can suspend

The disciplinary policy (paragraphs 7.32 – 7.38) sets out those staff with the right to suspend. In addition the senior manager on site is able to stand an employee down e.g. to allow a 'cooling off' period for up to two working days.

When possible, a senior trade union representative should be present at the point of suspension, this however should not significantly delay the suspension of the employee. If a senior TU representative is not available, then, if practicable, a more junior representative should be asked to attend. The senior TU representative should subsequently be informed that the individual has been suspended.

Length of suspensions

Employees should be suspended for the shortest possible period. Suspensions should be reviewed every 14 days. Pending the conclusion of the investigation and any disciplinary hearing, consideration may be given at any stage to ending the period of suspension and instructing the employee to return to work. Depending upon the circumstances of the case, the employee may be required to undertake alternative duties pending any disciplinary hearing. The final decision on continued employment will be made at the hearing.

The suspension meeting

The suspending officer must inform the employee of the following:

- The reason for suspension and on whose authority the decision to suspend is being made.
- Advise that suspension is not a disciplinary sanction and is designed to enable a rapid conclusion to the investigative process.
- The process that will be followed i.e. what arrangements are in place for the investigation
- Inform who the Staff Liaison Officer is and briefly explain their role.

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- Confirm that services such as occupational health are available as usual, and that the employee may also wish to contact their HR Officer if they wish.
- That the employee should not work for another employer during their period of suspension and must make themselves available for interviews as requested.
- During this period of suspension the employee may not enter any Trust premises, except in the case of emergency, without management permission or by request of the investigations officer. If the employee wishes to meet with their representative on Trust premises then they should first receive the permission of their manager.
- During the period of suspension the employee will receive normal pay, calculated in the same way as holiday pay.
- That the investigation will be carried out as quickly as possible. That the employee will be informed when the investigation is complete.
- Inform the employee that he/she should not discuss this matter and/or any particulars relating to the allegation with anyone outside those involved in the investigative process.
- Confirm that employee will be able to discuss matters with her/his chosen union representative. Confirm also that LAS will also be keeping all matters confidential and not sharing information with anyone not involved in the investigatory process.
- Check whether the employee has any questions.
- Check that the employee feels able to get home.

The above points will be confirmed in writing to the employee.

Disciplinary hearings

It is the Trust's responsibility, and is in best interests of the employee's health, that any Disciplinary hearing takes place as soon as possible. To this end, all parties – including management, the employee, and his or her representatives - have a responsibility to ensure that any investigation, and any subsequent hearing to consider any allegations, takes place in a timely manner.

Investigation officer

One of the responsibilities of the investigation officer to keep the employee and the Staff Liaison Officer informed of the progress of the investigation.

Staff Liaison officer

A Staff Liaison Officer (SLO) will be appointed for all suspended employees as a contact point in the organisation. Their role is also to keep the employee informed on the progress of the investigation.

On initially contacting the suspended employee, the following should be confirmed:

- Contact details and the method of communication that the person would wish to use e.g. landline, mobile, letter and/or email;
- The frequency and timing of contact;

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- And, the type of contact e.g. personal visit or by phone.

The SLO should ensure that the employee has been offered appropriate support whilst suspended. Examples of this may include the Occupational Health Department, the Human Resource Officer, the Employee Assistance Programme, Counselling Service, Linc worker or Trade Union representative. The SLO, if necessary, should advise the employee regarding how he or she may access such services.

The SLO should also check whether the employee needs any further information or support.

These arrangements should be confirmed in writing to the suspended employee, with a copy of the letter signed, and returned to the SLO.

Other SLO responsibilities include:

- To keep the line manager informed of the employee's welfare
- To ensure that the member of staff receives appropriate bulletins/Rib/LAS News and other relevant items such as his or her payslip – and that the arrangements for the sending of these are agreed with the HR Officer.

All contact by the SLO with the employee should be recorded on a contact sheet.

Staffside Secretary

Human Resources will undertake to provide a listing to the Staffside Secretary of suspended staff on a regular basis.

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