

SLOUGH BOROUGH COUNCIL

REPORT TO: Employment & Appeals Committee **DATE:** 24th January 2013

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WARD(S): All

PART I **For Information**

Use of Suspensions

1 **Purpose of Report**

The purpose of this is to update the Employment and Appeals Committee on how the suspension process is applied in disciplinary cases.

2 **Recommendation(s)/Proposed Action**

The Committee is requested to note the report.

3 **Other Implications**

(a) **Financial**

There are no financial implications associated with this report.

(b) **Human Rights Act and Other Legal Implications**

There are no Human Rights and other Legal Implications.

(c) **Equalities Impact Assessment**

The suspension process is contained within the disciplinary Policy and Procedure. The Policy had an Equality Impact Assessment undertaken when it was reviewed.

It is considered that there are no disproportionate impacts on any specific groups of staff. When an allegation of misconduct occurs which is deemed to be gross / serious misconduct then consideration is given to suspending the employee in relation to the nature of the allegation.

(d) **Workforce**

The provision of the suspension process promotes and supports the Council's wishes to protect the employee and the organisation in cases where there are allegations of gross / serious misconduct whilst a formal investigation is being undertaken.

4 **Supporting Information**

4.1 **Background**

4.2 Suspension, or the temporary removal from work is used in the Council where allegations of serious misconduct are made against an employee, and it is considered that in the best interests of the investigation, or the employee, that the employee should be away from the workplace while the matter is being investigated. Further it will be used if one or more of the following are believed to apply if the employee continued to work normally:

- (a) Other employees may be persuaded or coerced into making false statements.
- (b) Other employees may feel constrained from co-operating fully with inquiries.
- (c) Further thefts or misdemeanours may be committed.
- (d) Evidence may be destroyed or tampered with.
- (e) It will not be possible to conduct a full and fair investigation.

4.3 Suspensions are used in cases where allegations which, if proven, will constitute serious misconduct and potentially lead to dismissal. It should be noted that employees can be dismissed for a first offence (if proven as gross misconduct) and a failure to suspend may imply (e.g. to an Employment Tribunal) that the alleged offence had not been treated with sufficient seriousness in its early stages, making the penalty unreasonable and unfair.

4.4 At Slough where an incident has occurred or an allegation has been made a preliminary investigation is undertaken. This preliminary investigation is used to identify whether a formal investigation is required. If this is required then suspension is considered using the above mentioned factors.

4.5 During the discussions of whether to suspend an employee or not, managers are also required to see whether there is a viable alternative to the suspension e.g. a temporary transfer to another location or post. However, this will depend on the seriousness and nature of the incident. A decision to suspend must be approved by a Strategic Director or their nominated deputy.

4.6 A suspension from work is therefore a precautionary measure (or neutral act) and does not imply guilt. For this reason employees are suspended on full pay inclusive of contractual allowances. The only occasion where this may not be the case is where an employee has refused suitable alternative employment within the Council as a viable alternative.

4.7 Employees are informed in writing of the reasons for suspension and the nature of the allegations. It is agreed with the employee what will be communicated to the employee's colleagues regarding the reason for the absence from the workplace.

4.8 A Contact Officer is nominated who will undertake contact with the suspended employee during the period of suspension. This is a neutral role and the Contact

Officer may be asked to pass on information regarding the progress of the investigation, as well as any update on team or organisational changes.

- 4.9 All suspensions are regularly reviewed, and if they need to continue beyond the period of the investigation, the employee is informed.
- 4.10 The length of any suspensions is dependent on the nature of the allegations and the complexity of the investigation required. Suspensions should be for the minimum period necessary and are kept under review for this reason. In cases where the police are also involved their investigation has primacy and this can lead to an extended period of suspension, whilst the criminal proceedings are concluded.
- 4.11 Two of the lengthiest suspension cases involved Safeguarding allegations that required investigation by external agencies. In these circumstances the council often has to await the outcome of an external investigation before it could begin its own internal proceedings.
- 4.12 In the 12 months to Jan 13 a total of 10 employees have been suspended. The average length of suspension was 16 weeks. The shortest suspension period was 4 weeks and the longest was for 41 weeks.
- 4.13 Suspension Outcomes

Number of Staff	Outcome
1	Final written warning
2	Verbal warning
2	Awaiting Disciplinary Hearing
2	Reinstated before Disciplinary Hearing
2	Current Investigation
1	External Investigation

- 4.14 All the suspensions in the last 12 months have met one or more of the bullet points listed in Para 4.2. In all cases consideration was given to whether viable alternative to the suspension could be made.

5. **Background Papers**

None.

6. **Appendices**

Appendix 1 - Disciplinary Policy and Procedure.