

EMPLOYMENT MATTERS COMMITTEE

5 SEPTEMBER 2018

STAFF SUSPENSIONS DURING THE PERIOD 1 APRIL 2012 TO 31 MARCH 2017

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Summary:

This report details the numbers of employees suspended, including the length of their suspensions and the costs involved during the period 2012/13 to 2016/17.

1. Budget and Policy Framework

- 1.1 The Council's Disciplinary Procedure sets out the processes which must be followed when there is a need to suspend a member of staff.
- 1.2 The Employee Delegation Scheme gives authority to the Chief Executive and Directors to "*discipline, suspend and dismiss employees in accordance with the Council's disciplinary procedure and capability procedure*"

2. Background

- 2.1 At the last meeting of the Committee on 13 June 2018, Members asked for a report setting out the numbers of employees suspended, including the length of their suspensions and the costs involved during the period 2012/13 to 2016/17.

3. Policy

- 3.1 The policy and process for the consideration and suspension of a member of staff is detailed in the Council's Disciplinary Procedure (an extract of the relevant section is copied at Appendix A).
- 3.2 Before a decision is made to suspend a member of staff, there is a threshold to be satisfied and an agreement has to be reached between a senior officer of the respective service area and a senior HR representative that suspension is an appropriate course of action and that alternatives to suspension have been explored and exhausted. These alternatives may include adjustments to

duties, a temporary move to another team, and/or restricting access to certain ICT systems.

- 3.3 A determination of the grounds to suspend is made following a meeting with the individual member of staff, who has the right to be represented, and a senior manager of the service area who is supported by a member of the HR team.
- 3.4 Where a member of staff is employed within Adults and Children's Services or at a school, due to the nature of the work there are very often limited options for alternatives.
- 3.5 The suspended employee is directed to CareFirst for independent support and advice, and they are assigned a Workplace Companion (an officer within the Council) who will contact the suspended employee and they will agree frequency and methodology of contact during the period of suspension.
- 3.6 The procedure requires regular review of the original grounds for suspension, as new information may have come to light, and this is initially undertaken by the HR service who will engage with the senior officer who agreed the suspension.

4. Entitlements while on suspension

- 4.1 Suspension is described as a "neutral act" and as such the member of staff will continue to receive all their respective contractual terms and conditions, including full pay, annual leave and sickness benefits.

5. Detail of the reporting period

- 5.1 A total of 51 staff were suspended during the five financial years (2012/13 – 2016/2017) covered by this report and this can be broken down into the following Directorates:

Children and Adults	27
Schools	11
Corporate	13

- 5.1.1 The number of staff suspended within schools area has reduced in line with the increased number of Medway Schools converting to Academy status.
- 5.2 The table below shows a year on year summary of the number of staff suspended during the reporting period and this shows that the number of staff suspended had decreased.

FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17
17	15	8	7	4

5.2.1 Of the total, 33 suspensions resulted in the staff member leaving the Council's employment, 10 remained but were subject to disciplinary sanction and 8 were found as no case to answer (either during the investigation or subsequent disciplinary process).

5.3 The table below shows the Council's Full Time Equivalent (FTE) staffing numbers (including schools) over the same reference period.

FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17
5273	4882	4468	4112	3718

5.3.1 When measured against the comparative FTE population for the respective financial year, there were no more than 0.37% of staff who were subject to a suspension.

5.4 The table below shows the total costs of salaries paid to staff during their period of suspension.

FY 12/13	FY 13/14	FY 14/15	FY 15/16	FY 16/17
£'000	£'000	£'000	£'000	£'000
168.8	110.8	115.1	102.3	94.9

5.4.1 The control of these salary costs are primarily dependant on how quickly an investigation any subsequent formal hearing can be concluded. This can be challenging and complex, as in some cases witnesses who need to be interviewed and then invited to a formal hearing are no longer employed by the Council and their willingness to participate and availability impacts upon the progress of the case. Subject to the nature of the allegation, it may be appropriate for a senior manager from another service area to undertake the investigation with then another senior officer acting as Chair for any formal learning; arranging these hearings around an already full diary can be difficult.

5.5 The longest single period of suspension amongst the cohort identified at 5.1 was 321 calendar days. This case was subject to a lengthy external third party criminal investigation and, due to the nature of the allegations, the Council was unable to find an alternative to suspension. Following the conclusion of the Council's own investigation and subsequent formal disciplinary process, the employee was dismissed.

6. Summary

6.1 The decision to suspend a staff member is not taken lightly and the procedure drives the Council to consider alternatives, while the staff member is on suspension there are a number of mechanisms in place to provide an appropriate level of support.

6.2 It is in the interests of all sides to close out any subsequent investigation and hearing as quickly as possible but the Council's ability to do so is bound by a number of factors some of which lay outside of its control.

7. Financial and legal implications

7.1 There are no legal implications.

7.2 The cost of salaries paid to staff during their period of suspension is summarised in the table at 5.4.

8. Risk Management

8.1 The risk implications arising from this report are detailed below:

Risk	Description	Action to avoid or mitigate risk	Risk rating
Failure to control and monitor the number of staff on suspension may lead to financial pressures, and additional work capacity issues in covering the suspended staff members duties.	From time to time, the Council has to suspend a member of staff where an allegation(s) brought against that staff member makes it untenable for that employee to continue in their role.	A formal meeting with the employee (and their representative) is held with a senior manager within the respective service area and a member of the HR team.	D3

<p>It is recognised that staff should only be on suspension for the shortest time possible as delays in progressing investigation(s) and hearings can have a detrimental effect on the well-being of the staff member.</p>	<p>The Council's overarching duty of care to the employee continues during the period of suspension.</p>	<p>A decision to suspend is taken based on the content of that meeting, and an exploration of alternatives to suspension forms part of that discussion.</p> <p>The decision to suspend is made by a senior manager within the respective service and the Head of HR. Each case is Subject to regular review by the HR Team and where either there are grounds to lift the suspension, the Head of HR engages with the respective service area to discuss the options.</p> <p>The member of staff is directed to support from CareFirst and they are allocated a workplace colleague as a further layer of support.</p>	
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9. Recommendation

9.1 That the Committee notes the report.

Lead officer contact

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Appendices:

Appendix A – Extract from the Council’s Disciplinary Procedure

Background Papers:

None