

Extract from the Medway Council Disciplinary Procedure

10.0 - Suspension

10.1 - Suspension should only be applied where the circumstances of the case make it unacceptable for the employee to remain in work while the facts are ascertained. Such circumstances are where there is an allegation, or potential allegation of gross misconduct, i.e. behaviour that may result in dismissal.

Suspension may also be appropriate where:

- Children / adults are at risk.
- The employee needs protection themselves.
- Where the presence of the employee at work may impede the investigation.

10.2 - Any decision to suspend will be made by the Chief Executive, a Director, Deputy Director or Assistant Director following consultation with a Human Resources representative. The Assistant Director – Transformation (or nominated representative) and Chief Executive,/Director,/Deputy Director, Assistant Director should sign a suspension form.

10.3 - In most cases, a meeting will take place with the employee, who may be accompanied by a trade union representative or workplace colleague. A meeting should not be delayed due to the unavailability of a trade union representative or workplace colleague.

10.4 - At the meeting the employee will be told of the allegations and asked for their response to the allegations. If the employee's explanation is not accepted they will immediately be suspended. The employee should also be told:

- That they will continue to receive their normal pay (unless in exceptional circumstances as set out in 10.7).
- The reason for suspension.
- The period anticipated for the suspension. The suspension will normally last until the investigation has been concluded or any resulting disciplinary hearing has been held.
- Other rules (e.g. that they must not return to the workplace, contact particular members of staff).
- That they should be available to attend any investigatory meeting or hearing during the period of suspension during their normal working hours.
- That they should notify management of any authorised annual leave.
- That they can request annual leave during the period of suspension

- That they should return upon request any particular items such as keys, laptop computer etc.

10.5 - The following support should be offered to the employee during the period of suspension:

- The name of a responsible person to act as a point of contact, to provide information as to the progress of the investigation.
- If appropriate, counselling may be offered through Care First.
- Access to information which will help them prepare their case for a formal disciplinary hearing.

10.6 - The above should be confirmed in writing to the employee within two working days.

10.7 - Suspension is not a punitive measure and is usually on full pay. In exceptional circumstances consideration will be given to suspension without pay. This is only likely to be appropriate where an employee is in prison custody, has been convicted (or is highly likely to be) of a serious criminal offence or has admitted to an offence under Police or formal caution whereby the effect of the charge or conviction has considerable impact on the employees suitability to do the job or is a conviction for crimes against the Council. Should the subsequent outcome of a disciplinary hearing or a dismissal appeal result in the person continuing to be employed by the council, then the pay for the period of suspension will be reinstated, back to the date of suspension.

10.8 - An employee can be suspended at any stage during the disciplinary process where it is considered appropriate e.g. when further information comes to light.

10.9 - In some circumstances, as an alternative to suspension, it may be appropriate to redeploy the employee to a temporary alternative location whilst the initial investigation is undertaken at no detriment to them or the Council. Alternatively, it may be necessary to place an employee on a period of additional leave to allow for an initial investigation of the facts to be undertaken. Such leave is determined by management and is a neutral position. During this period the employee will continue to receive full pay as if they were at work.