



Workforce

Conduct Policy : guide to suspension

The following guide forms part of the standard for workforce policies that apply to all staff within NHSScotland regardless of which Board they are employed by.

Introduction

Suspension is an emotive term and, although it is not of itself a conduct action, it can be seen by both the individual and others as having negative connotations, including implied guilt. On that basis suspension should be a last resort after consideration of how to mitigate risk during the course of the investigation with the options below:

- Temporary redeployment to another work area or role, limiting / altering the duties of the individual
- Putting in place additional supervision of work

Before deciding to suspend an employee, the manager should assess the degree of risk involved. This would include considering whether the employee poses a risk to clinical, financial or staff governance, or is a risk to self, others, patients or the organisation.

Situations where suspension might be used

The following situations are examples of where suspension might be used, but this list is not exhaustive:

- Where a person against whom allegations have been made could be seen to either interfere with or influence an investigation if they were to remain at work
- Allegations of clinical incompetence which poses a significant risk to patient safety
- Where it is suspected that an individual is under the influence of either alcohol or drugs
- Where there is a need to remove an employee from the premises to cool down (e.g. where staff have been fighting, note it may be necessary to suspend both employees in this example)
- Where allegations are made of bullying or harassment and it is considered necessary for whatever reason that the person under investigation cannot attend work
- Where there is an allegation of abuse of patients, especially children or vulnerable adults
- Where the employee may pose a threat to themselves or others in the organisation
- In cases where this would adversely affect a contractual relationship

Designated Contact Person

The manager informing the employee of the suspension is required to provide a point of contact for employees under investigation to obtain advice on the process and progress with their case. It is the responsibility of the Designated Contact Person to make initial contact with the employee to introduce him / herself and arrange appropriate contact going forward.

It is recognised that suspension can isolate individuals from their normal organisational support mechanisms. Not all employees will be a member of a trade union / professional organisation and therefore support should always be identified for them.

Terms of Suspension

The nature of suspension means that the employee should not enter their workplace premises without prior permission except in the following circumstances:

- Urgent medical treatment is required
- The employee is requested to do so by management or their trade union / professional organisation (subject to agreement by management)

For planned appointments on workplace premises, the employee must notify the Designated Contact Person in advance to ensure that the above arrangements are not breached. In addition the employee must not contact or discuss with others the matter under investigation without prior agreement by management.

Guidelines for Suspension

The following guidelines should apply to suspension:

- Where possible, advice should be sought prior to suspension from Director of HR or nominated deputy
- The employee's line manager, or the responsible manager onsite, will normally carry out the suspension. Where practicable, another manager or HR Representative should be present to act as a witness to the suspension
- Where practicable, employees should be given reasonable notice to organise representation

Written confirmation of the suspension should be given within four calendar days. This should include:

- The reasons for the suspension
- The contact details for the Designated Contact Person
- Any particular restrictions on access to the Employer's premises
- Restrictions to accessing email and / or electronic diary information
- If required, return of laptop, mobile phone, access passes, keys, and parking permits
- Confirmation that suspension will be on full pay (i.e. pay the employee would have received if at work)
- The right to representation either by an accredited Trade Union Representative or to be accompanied by a workplace colleague throughout all stages of suspension

Suspension will always be for as short a period as is possible. In some circumstances as set out above where the purpose of the suspension is to take the heat out of the immediate situation, it may not be necessary for the individual to remain on suspension until the whole investigation is complete. Where ongoing suspension is appropriate, the investigation should be completed, and if relevant the conduct hearing held, within an agreed timescale. Ongoing suspension must be reviewed on a regular basis in accordance with the [Suspension Record](#)¹. Only in exceptional circumstances should an employee be suspended for more than four calendar weeks, and this must be discussed with the HR representative.

There must be regular communication between the employee and the Designated Contact Person regarding progress and the likely timescale for completion of the investigation. This is a shared responsibility and not solely the responsibility of the Designated Contact Person.

Where an individual is suspended and reports as being sick, (or is already sick) the terms of suspension (see section above) will remain in place. The employee will receive occupational sick pay (according to their entitlement) during the sickness absence period. The Attendance Policy will be adhered to during any periods of sickness absence.

Leave whilst on suspension

Employees who are suspended should be available to attend an interview at short notice if required during normal working hours, subject to the availability of support and taking into account pre-arranged leave.

Whilst on suspension, staff will be expected to follow the normal annual leave process and request authorisation to take annual leave via the Designated Contact Person. Requests for annual leave should be in line with the employer's annual leave policy.

Any holidays that are booked prior to the suspension will be honoured and staff should notify the Designated Contact Person of the dates that they are not available due to annual leave. The Designated Contact Person should be informed if any other types of leave have been requested.

Additional employment

Where an employee is suspended, suspension should similarly apply to other posts held with the employer and to out of hours work (e.g. bank or locum) where the risk of clinical, financial or staff governance being compromised also exists.

Suspended employees must not work for another employer during their normal working hours.

Managers who require to suspend a member of staff should follow the instructions in the Suspension Toolkit:

- [Suspension Record](#)¹
- [Suspension Checklist](#)²
- [Designated Contact Person Checklist](#)³

References

¹ Conduct Policy : suspension record template

<https://workforce.nhs.scot/supporting-documents/form/conduct-policy-suspension-record-template/>

² Conduct Policy : suspension checklist

<https://workforce.nhs.scot/supporting-documents/tool/conduct-policy-suspension-checklist/>

³ Conduct Policy : designated contact person checklist

<https://workforce.nhs.scot/supporting-documents/tool/conduct-policy-designated-contact-person-checklist/>