

Thanet District Council Disciplinary Policy & Procedure

October 2022/Final/HR

A decorative graphic at the bottom of the page consisting of several overlapping, curved bands in various shades of blue, creating a sense of movement and depth.

Introduction	3
Scope	3
Roles & Responsibilities	3
Policy & Procedure Principles	4
Informal Action	5
Suspension	6
Investigation	7
Hearing	7
Disciplinary Sanctions	8
Disciplinary Appeals	9
Right to be accompanied	10
Retention of Disciplinary Records	10
Equality Statement	11
Appendix 1 - Examples of misconduct & gross misconduct	12
Appendix 2 - Suspension Checklist	14

Key Points:

- Managers may discuss a misconduct issue with an employee informally before taking formal action. If this fails to resolve the problem or an informal approach is inappropriate in the circumstances, the formal approach will normally be used.
- No formal disciplinary action will be taken without:
 - A timely and reasonable investigation to establish the facts;
 - A meeting at which the employee is allowed to set out their case and answer any allegations made; and
 - The right of appeal being outlined
- Employees have a statutory right to be accompanied by a trade union representative or workplace colleague at any formal meeting which could result in the issue of any disciplinary action, including appeals.
- The HR team should be contacted prior to initiating any formal process and, if necessary, for advice around the informal process.
- Confidentiality will be given the utmost importance at all stages of the procedure.
- Dismissal is only likely to be considered as an outcome in cases of gross misconduct or repetitive misconduct cases where other sanctions have already been exhausted or are no longer appropriate.

1. Introduction

We strive to ensure through our policies that staff can deliver excellence in all that they do and we try to find creative and innovative ways of working together to achieve that excellence. We will be open and accountable in all of our dealings with you and value and respect your views and contributions at all times.

This policy is for use in situations when employee conduct falls below what we would reasonably expect and addresses situations which could be deemed to constitute misconduct and/or gross misconduct whilst ensuring that employees are treated fairly and consistently.

2. Scope

- 2.1. This policy and procedure applies to all employees other than those in their probationary period, the Chief Executive, Section 151 Officer and Monitoring Officer for whom separate arrangements apply.
- 2.2. Cases which relate to a Non-Statutory Chief Officer can be considered by disciplinary and appeal panels comprising of other Non-Statutory Chief Officers, the Section 151 Officer, the Monitoring Officer and/or the Chief Executive, as appropriate and in accordance with sections 8 and 10 of this policy. In the event that there are insufficient appropriate panel members to consider an appeal process, the Council will engage an appropriate external party to act as the decision maker on its behalf.
- 2.3. This policy and procedure applies to issues relating to misconduct and gross misconduct. Where issues relate to capability, consideration needs to be given to whether these issues are believed to be attributable to a wilful refusal to work. Where that is the case, this procedure should apply.
- 2.4. Where there is a willingness to perform but employees are currently unable to perform duties in a satisfactory manner, managers should refer to the Performance & Capability Procedure.
- 2.5. When dealing with capability on the grounds of ill health, managers should refer to the Sickness Absence Management Procedure.
- 2.6. Managers can move from one procedure to another at a comparable stage in light of a change in circumstances and where it is appropriate to do so.

3. Roles & Responsibilities

Employees will:

- Strive to conduct themselves in a professional manner and deliver excellence in everything that they do;
- Cooperate fully in meetings to discuss their conduct;
- Seek clarification if they are unsure of the standards of conduct expected of them;
- Ensure they are aware of the types of behaviour which might constitute misconduct and gross misconduct.

Managers will:

- Lead by example and ensure that they and their employees act in accordance with this policy;
- Make effective use of the council's informal mechanisms to maintain standards of conduct amongst employees;
- Keep comprehensive records of the above activities and their success / failure to improve standards accordingly;
- Regard the use of the formal Disciplinary Procedure as a last resort;
- Seek guidance from the HR team as soon as they become aware of an incident which may constitute misconduct or gross misconduct;
- Make arrangements for their employees to be released from normal duties as appropriate, if involved in the conduct process;
- Make any necessary arrangements for disciplinary hearings, such as arranging note takers, booking a venue, sending meeting requests and so forth;
- Attend training on the application of this policy.

HR will:

- Monitor employment legislation relating to conduct at work and support the Council to review and amend this policy as appropriate;
- Provide support, guidance and training to the Council and its employees in the interpretation and application of this policy;
- Ensure a consistent and fair approach to the application of this policy;
- Support managers to investigate claims where individuals believe that they are being treated unfairly or unreasonably under this policy.

Service Directors & the Corporate Management Team will:

- Make suitable arrangements to ensure the appropriate application of this policy;
- Encourage all employees to promote and maintain the standards of conduct expected by the council;
- Ensure that managers are acting fairly and consistently in relation to conduct matters;
- Participate, and/or encourage managers to participate in the formal Disciplinary Procedure when required, ensuring release from normal duties where appropriate, to ensure investigations are dealt with swiftly;
- Attend training on the application of this policy.

4. Policy & Procedure Principles

- 4.1. Except in cases of gross misconduct, this procedure is primarily concerned with helping and encouraging employees to improve rather than just being a way of imposing disciplinary sanctions. It aims for an outcome that is fair, reasonable and constructive.
- 4.2. Managers are responsible for informing staff of the council's expected standards of behaviour, enforcing rules and ensuring that any breaches are tackled promptly.

- 4.3. Before suspending, placing on alternative duties or taking formal action against an employee under this procedure, managers should consult the HR team.
- 4.4. The whole process must be given a high priority by the manager, the employee concerned and anyone else involved in the process and be dealt with in a timely manner.
- 4.5. A decision whether or not to take disciplinary action must be made with the minimum delay and communicated to those involved.
- 4.6. No formal disciplinary action will be taken without a prompt and appropriate investigation by a trained investigating officer to establish the facts of the case.
- 4.7. Dismissals can only be carried out by managers with the appropriate delegated authority. This applies automatically to the Chief Executive, Corporate and Service Directors. In exceptional circumstances, the Chief Executive can delegate this authority to another manager if appropriate. Managers should always check that they have the appropriate authority prior to any disciplinary hearing being arranged where dismissal is a possible outcome.
- 4.8. At every stage of the procedure, the relevant manager will decide whether disciplinary action is justified. If disciplinary action is not warranted, the manager will inform the employee of this decision at the earliest opportunity.
- 4.9. Dismissal is only likely to be considered as an outcome in cases of gross misconduct or repetitive misconduct cases where other sanctions have already been exhausted or are no longer appropriate.
- 4.10. The procedure allows for the issuing of warnings, the severity of which will depend on the seriousness of the misconduct. The hierarchy of warnings is not, therefore, intended to be sequential, but instead a judgement will be made about the level of sanction appropriate to the circumstances by the disciplinary panel.
- 4.11. In the case of employees who are trade union representatives, no disciplinary action should be taken until the circumstances have been discussed with a Regional Representative.
- 4.12. Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance or it may be appropriate to deal with both issues concurrently.
- 4.13. Audio/visual recordings of the proceedings are not acceptable at any stage of the disciplinary procedure and are not admissible within this process, unless agreed as a reasonable adjustment for an employee with a disability.

5. Informal Action

- 5.1. Wherever possible, managers should deal with minor shortcomings in conduct and/or behaviour informally in the first instance. Where appropriate this may be achieved by giving informal advice, coaching and counselling.
- 5.2. The purpose of the informal meeting is to allow the manager and the employee to discuss the issue or problem on a one to one basis for the manager to advise as to where they are not attaining the expected standard of behaviour and/or conduct, what the expected standards are and how they will be supported to achieve them.
- 5.3. This does not form part of the formal disciplinary process and any action taken does not constitute formal disciplinary action. As such, there is no right for the employee to be accompanied at these meetings. In exceptional circumstances, managers may

allow an employee to be accompanied where they believe doing so may help to facilitate a positive outcome and where it would not cause undue delay to the process.

- 5.4. At the end of the informal meeting the manager will check that the employee understands what needs to be done, how it will be reviewed and over what period of time. A review date or dates may be set to evaluate progress. The manager should advise the employee that if there is no improvement then the formal procedure may be initiated. Documentation confirming that the meeting took place and the outcome, will be kept for reference purposes. When the actions are reviewed, if there has been improvement as agreed then this should be acknowledged by the manager and any temporary arrangements put in place to support the improvement should be reviewed to determine whether they are still required.
- 5.5. If the informal stage does not bring about an improvement, or the misconduct is considered to be too serious to be dealt with informally, managers should seek advice from HR around instigating the formal process.

6. Suspension

- 6.1. An employee may be suspended from duty on full pay if:
 - 6.1.1. The employee's continued presence constitutes a risk to the Council, other staff or customers,
 - 6.1.2. To safeguard the employee and others by providing a 'cooling off period' for all parties involved
 - 6.1.3. To facilitate a full and proper investigation which their continued presence could prevent
- 6.2. The line manager should complete the suspension checklist at appendix 2 of this policy in conjunction with HR before seeking a decision on suspension from their Service Director or another member of the Corporate Management Team.
- 6.3. The decision to suspend can only be taken by a Service Director or member of the council's Corporate Management Team who should firstly always consider alternatives to suspension such as a temporary change to duties or transfer of workplace.
- 6.4. Where it is considered appropriate, the line manager will usually conduct the suspension meeting once agreed in accordance with 6.2. During this meeting, employees should be informed of the terms of the suspension and that, whilst it is part of the formal process, it does not constitute disciplinary action. Whilst suspended, employees must not access any work premises or contact any work colleagues without the specific permission of a designated contact.
- 6.5. Details, including the reasons for the suspension, should be confirmed in writing to the employee.
- 6.6. Whilst suspended from duty, employees are able to apply for and take annual leave, In all cases, employees should inform the designated contact of any intention to take leave. Unless employees have been prevented from taking leave whilst suspended, employees will not normally be granted the carry-over of leave from one leave year to the next due to being suspended.

- 6.7. The continued need for suspension of the employee will be kept under constant review and will be monitored by the HR team. The period of suspension should be as brief as possible.
- 6.8. On any occasion when an employee is suspended under this procedure they shall be offered the opportunity of counselling support.

7. Investigation

- 7.1. No formal disciplinary action will be taken without a timely and reasonable investigation to establish the facts.
- 7.2. Investigations will only be undertaken by a trained investigating officer.
- 7.3. In the case of a suspected financial irregularity, the manager must inform the Section 151 officer of all allegations or suspicions at the earliest opportunity.
- 7.4. The investigation may require employees and witnesses to be interviewed to establish the facts. As far as possible, all witness statements should be in the form of Q&A by the investigating officer and should be signed and dated. In some cases, it may be appropriate to take a preliminary statement from witnesses that could then be explored in more detail during the investigation.
- 7.5. Employees should be given reasonable notice of any investigation meetings/interviews and to be made aware of the nature of the allegations or concerns being expressed in writing in advance of the meeting.
- 7.6. All investigations will be concluded in a timely manner as far as is reasonably practicable. The investigating officer will seek advice from HR before determining whether formal disciplinary action is necessary, based on the findings within their report.
- 7.7. In cases where formal disciplinary action is required, the investigating officer will liaise with HR to arrange a disciplinary panel chaired by an appropriate manager.
- 7.8. In cases where it is decided that either informal action or no further action at all is recommended, the investigating officer should inform the individual and/or their line manager as soon as possible.

8. Hearing

- 8.1. Before any formal disciplinary sanction is issued, the employee shall be given the opportunity to hear the allegations and to explain their actions to the hearing panel in the form of a disciplinary hearing.
- 8.2. The panel may be chaired by the employee's manager, one of their peers or a more senior manager depending on the circumstances of the case. Another officer or manager not previously involved in the case will make up the panel. An HR representative will provide advice and guidance on policy and process, including on the appropriateness of the panel members.
- 8.3. The employee will be given reasonable written notice of no less than three working days of the disciplinary hearing detailing the nature of the allegation, any witnesses to be called and the employee's right to be accompanied by either a trade union representative or workplace colleague. A copy of the investigation report will also be supplied. In cases where dismissal could be an outcome, the employee should be informed that the hearing may result in dismissal.

- 8.4. Any documentary evidence to be used and details of any witnesses to be called at the time of the disciplinary hearing by the employee in their defence should be submitted to the panel at least twenty four hours prior to the hearing.
- 8.5. The investigating officer will present the case at the hearing but will not be part of the decision making process.
- 8.6. New allegations are not normally introduced at the hearing, and if any new matters come to light in the course of the hearing that cannot be dealt with then it may be necessary to adjourn the hearing for further investigation to take place.
- 8.7. Once all evidence has been considered, the hearing should be adjourned to allow the panel to consider the information put before them. Once a decision has been reached, the hearing should be reconvened or a letter written to the employee to inform them of the outcome.
- 8.8. The potential outcome of the hearing could be no action, action deemed reasonable and appropriate outside of the disciplinary procedure (e.g. training, demotion), first written warning, final written warning or dismissal.
- 8.9. Following the hearing, the employee should be sent written confirmation within five working days, detailing the outcome of the hearing and their right to appeal.

9. Disciplinary Sanctions

- 9.1. The level of sanction applied will take account of all relevant factors; in particular the seriousness of the employee's alleged misconduct.

9.2. First Written Warning

- 9.2.1. A first written warning will be appropriate when issues previously addressed have not been resolved or in more serious breaches of rules or standards of conduct whether or not they have been addressed previously.
- 9.2.2. It will be live on file for a period of 6 months but disregarded for disciplinary purposes after this time.
- 9.2.3. This warning will be taken into account if any further acts of misconduct or failure to satisfactorily improve occur during this period.

9.3. Final Written Warning

- 9.3.1. A final written warning will be appropriate where misconduct of a more serious nature arises but on the merits of the case it is decided that dismissal is not appropriate or where issues that have previously been addressed have not been resolved.
- 9.3.2. It will be live on file for a period of 12 months but disregarded for disciplinary purposes after this period of time.
- 9.3.3. In exceptional circumstances, it may remain live on file for a longer period and this will be advised at the outcome.

9.4. Dismissal/Demotion/Re-deployment

- 9.4.1. Dismissal will be appropriate where there has been an instance of misconduct of any kind in situations where a Final Written Warning is still live.
- 9.4.2. An employee dismissed in this way is entitled to be paid in lieu of the appropriate period of notice as set out in their contract of employment.

- 9.4.3. Other options such as demotion or redeployment will be explored prior to a decision to dismiss being made, if this is deemed appropriate.

9.5. Gross Misconduct/Summary Dismissal

- 9.5.1. Summary dismissal will usually be appropriate in cases which constitute gross misconduct, examples of which are detailed at Appendix 1, although this list is not exhaustive.

10. Disciplinary Appeals

- 10.1. If the employee wishes to appeal against the outcome of a disciplinary hearing, they should do so in writing to HR stating the reasons for their appeal no later than five working days after the outcome letter is received.
- 10.2. An appeal is not a re-hearing of the original case but instead should be based upon one or more of the following principles:
 - 10.2.1. The level of disciplinary sanction imposed is disproportionate to the offence or inconsistent with sanctions imposed on other employees in similar circumstances
 - 10.2.2. New evidence has come to light since the original hearing which needs to be considered
 - 10.2.3. The council has failed to follow its disciplinary policy and procedure
- 10.3. The appeal hearing will be chaired by a manager of the same level or above to the chair of the disciplinary hearing, depending on the circumstances of the case. Another officer or manager not previously involved in the case will make up the panel. An HR representative will provide advice and guidance on policy and process, including on the appropriateness of the panel members.
- 10.4. The appeal hearing will be arranged in a timely and reasonable manner.
- 10.5. The employee will be given reasonable notice in writing of no less than three working days of the appeal hearing detailing who will be conducting the hearing, arrangements in relation to any documents to be forwarded prior to the hearing (if not already enclosed) and the employee's right to be accompanied by either a trade union representative or workplace colleague.
- 10.6. At the hearing, the employee will be asked to give their reasons for appealing, referring to any relevant evidence and the chair of the disciplinary panel may be asked to attend the hearing to explain the rationale for their decision.
- 10.7. Once all evidence has been considered, the hearing should be adjourned to allow the panel to consider the information put before them. If the panel requires further information or clarification prior to making a decision, this should be sought as a matter of urgency and the employee advised that there will be a delay in reaching an outcome.
- 10.8. Once a decision has been reached, the hearing should be reconvened or a letter written to the employee to inform them of the outcome.
- 10.9. The outcome of the appeal could be that the appeal is upheld or it is not upheld. This will be confirmed in writing within five working days of the hearing unless there has been a delay due to additional evidence or clarification being sought.
- 10.10. The decision of the appeal hearing is final and there is no further right of appeal.
- 10.11. If the employee is appealing against a decision to dismiss them, their dismissal date will be effective from the date in their dismissal letter, unless their appeal is upheld.

The employee's employment will not continue whilst a decision regarding their appeal is reached. If the appeal is upheld, the employee will be reinstated with no break in their continuous service and their pay will be backdated to the date of dismissal.

11. Right to be accompanied

- 11.1. You have the right to be accompanied by a fellow worker or trade union representative at any formal meeting or subsequent appeal during this process. A formal meeting for the purpose of this policy is a hearing at which a disciplinary sanction could be issued or a subsequent appeal hearing.
- 11.2. The automatic right to be accompanied does not apply at any informal stage of this procedure but if requested then it will be allowed, provided that it does not cause any delay to the process. An informal meeting for the purpose of this policy could be a 121 with a manager, an investigation meeting or a suspension meeting.
- 11.3. The council reserves the right to refuse accompaniment by a person who is deemed to be unsuitable by the HR team. Examples of unsuitability would include someone who has a vested interest in the outcome of the disciplinary or a conflict of interest and anyone who has previously behaved inappropriately during a hearing.
- 11.4. If the employee's trade union representative or workplace colleague is not available at the time arranged for the hearing, the employee may request an alternative hearing date provided that it is within a reasonable timeframe, which will be determined by the chair of the panel. A postponement will normally also be granted where, to do otherwise would seriously prejudice the ability of either party to present their case. A disciplinary hearing will normally only be rearranged once and the chair of the hearing may determine an outcome on the evidence available without the employee being present if they are unable to attend a hearing that has already been rearranged.
- 11.5. Employees who are interviewed as witnesses during a disciplinary investigation do not have a statutory right to be accompanied. They may, however, request a colleague or trade union representative to accompany them at the investigatory meeting and it will be for the manager considering the case to determine whether or not it is appropriate. If the employee is allowed to be accompanied, the role of their companion will be to provide moral support and not to speak on behalf of the employee.

12. Retention of Disciplinary Records

- 12.1. A full confidential record of all notes, evidence and letters relating to the formal Disciplinary Procedure must be kept.
- 12.2. Where the investigation shows that there is no case to answer, all documentation relating to the case should be destroyed with the exception of the following scenarios:
 - Where documents are required to support the informal procedure, should this subsequently be followed or,

- if it is relevant to another process involving the same employee where it would be deemed reasonable to hold this information for an extended period of time.
- 12.3. Lapsed disciplinary warnings will not be taken into consideration in any subsequent related acts of misconduct. However, they may be referred to, in order to:
- Refute evidence by the employee that they did not know that such conduct amounted to a disciplinary offence;
 - Refute representations by the employee about their previous service which are inconsistent with their disciplinary record.
- 12.4. In line with the Children Act 2004, any disciplinary investigation conducted with reference to an allegation of abuse against a child (whether a disciplinary sanction is imposed or not) all records pertaining to the investigation and the sanction (if applicable) will be kept indefinitely and will be available for consideration should further misconduct of a similar nature occur. The Council is obliged under the Act to share relevant information with future employers on request.

13. Equality Statement

The Council is committed to promoting equality, valuing diversity and combating unfair treatment. The Council will endeavour to ensure equal access to its policies and procedures and will combat discrimination or less favourable treatment on the grounds of any irrelevant consideration, in accordance with the Equality Act 2010.

Appendix 1 - Examples of misconduct & gross misconduct

Failure to comply with the Council's policies, procedures, rules or working practices including, but not limited to:

Code of Conduct
Dignity at Work Policy
Health & Safety Policy
Email & Internet Usage

May constitute either misconduct or gross misconduct, depending upon the circumstances.

The following are examples of misconduct and gross misconduct. These lists are not exhaustive and it is likely that there will be incidents which do not fit within a specific category detailed within them but this does not preclude them from being deemed an act of misconduct or gross misconduct. This will be determined during the investigation and/or formal disciplinary process.

Misconduct

- Unauthorised and/or unreasonable absence or consistently poor timekeeping.
- Failure to comply with the Council's sickness notification and certification procedures.
- Dishonesty.
- Breach of Data Protection Legislation
- Misuse of the Council's network, email, internet and telephone systems, for example, excessive private usage or usage for inappropriate purposes.
- Negligence or irresponsibility in carrying out duties, including failure to follow reasonable management instructions.
- Damage to property belonging to the Council, colleagues, employees or members of the Council or members of the public.
- Ongoing or unreasonably negative attitude or behaviour to management or colleagues.

Gross misconduct

- Theft, fraud or dishonesty associated with place of work or job being undertaken such as falsification of timesheets/expenses/work record or falsification of any information given on an application form.
- Deliberate and continued refusal to carry out a reasonable, lawful and safe instruction or the normal agreed defined duties of the post.
- Any form of harassment, discrimination or incitement to discriminate, including sexual and racial harassment or bullying of employees or members of the Council, colleagues or members of the public.
- Non compliance with the law whilst carrying out the agreed duties of the post.

- Gross negligence in failing to attend work, to carry out the agreed duties of the post, or to follow a reasonable management instruction.
- Wilfully ignoring responsibilities/instruction thus placing yourself or others in danger, e.g., ignoring safety regulations.
- Being unfit to perform duties associated with the post as a result of taking alcohol or drugs (other than in accordance with medical advice) or other substances such as psychoactive legal highs.
- Misuse of computer facilities, including significant misuse of the Council's email, internet and other electronic communications systems, in contravention of the Data Protection Act.
- Deliberate or significant breach or breaches of Data Protection Legislation
- Willful dishonesty in complying with the requirements of the Freedom of Information Act 2000 or Environmental Information Regulations 2004 process, including knowingly withholding, destroying or modifying information to deceitfully misrepresent the Council's activities.
- Wilful unauthorised use or disclosure of information classified as confidential, including those who, in the course of their duties, have access to such information which by its release, could be harmful to the Council, members of the public, other staff or elected members.
- Acts or attempted acts of violence, abusive behaviour or vandalism in the course of employment with the Council such as malicious damage to Council property or physical violence and or abusive behaviour towards members/employees/members of the public.
- Abusive or offensive language or behaviour towards employees or members of the Council, colleagues or members of the public.
- Failure to declare all criminal offences or cautions (without prejudice to the employee's rights under the Rehabilitation of Offenders Act 1974).
- Persistent or substantial failure to follow the Council's policies, procedures and regulations.
- Breaking statutory provisions that would render the Council liable to prosecution.
- Any serious breach of health and safety rules and or procedures.
- Serious or persistent acts of harassment/victimisation/bullying of other employees.
- Offering, promising, requesting, accepting or agreeing to receive a bribe to or from any person or company, or acting in any other manner which constitutes an offence under the Bribery Act 2010.
- Any actions which the employee knows or ought reasonably to know are likely to bring the Council into disrepute.
- A serious breach of the rules of any authority which regulates the Council's business.
- Conviction of a criminal offence arising from or related to the employee's work for the Council.
- Conviction of a criminal offence committed outside working hours which in the opinion of the Council adversely affects the Council's business or reputation, or affects the employee's suitability for the type of work which he or she performs or affects their acceptability to other employees.
- Wilfully failing to disclose a medical condition (whether or not a formal diagnosis has been made) or symptoms, which the employee ought reasonably to know may have an impact on his or her ability to perform the role for which they are employed.
- Being absent from work without leave ("AWOL"). In most cases this is normally a more extended period of unauthorised absence when an employee is unexpectedly absent without authorisation and does not respond when contacted.

Appendix 2 - Suspension Checklist

Suspension checklist for manager

Prior to suspending an employee, please contact HR.

Any suspension must be authorised by the manager's Service Director or another member of the Corporate Management Team in consultation with HR.

Employee Name:

Department:

Date:

	Suspension	Comments
1	Why are you considering suspension? i.e has there been a critical incident and/or serious allegations made?	
2	Is the presence of the employee likely to hinder the investigation?	
3	Is there a risk of harm to self/others if the employee remains at work? Ensure that support is offered to the employee where there is a risk that they could harm themselves. Consider the impact of suspension on the employee.	
4	Is there a likelihood of further serious or gross misconduct whilst the investigation is taking place?	
5	Is there a workable alternative to suspension? i.e. redeployment to another work area, work from home, restriction of work duties, temporary change in line manager etc?	
6	If restriction of duties is to be considered, have you considered what duties you are intending to restrict?	

7	Is a different role an alternative to suspension? If so, does the individual have the skills and experience for that role?	
8	Suspension should only be considered if all other alternatives have been exhausted. Have you ascertained details that lead you to think that suspension is the only reasonable course of action?	
9	Is your course of action realistic and reasonable in all of the circumstances?	
10	Who else needs to be made aware of your course of action (suspension, deployment, restriction of duties)? i.e manager, professional lead ect	
11	Does the nature of the incident warrant the Director of Communications being consulted? Has internal communication of the issue been discussed and agreed? Has external communication of the issue been discussed and agreed (if applicable)?	
12	Is the employee an accredited union rep (so that, if any action is taken, the regional officer can be notified)?	
13	Have you identified an investigating officer who will be able to give priority to the initial investigation? If not, who will progress this?	
14	Have you identified a *manager to provide support to the staff member throughout the investigation *Manager must be independent of the investigation and contact frequency should be weekly	
15	Is the staff member on annual leave or sick leave? If so, do not wait for the staff member to return from leave before suspending. Suspension takes place immediately	
16	Has a completed change form to HR notifying them of the suspension been sent, including paying average enhancements where applicable?	
17	If the employee is not being suspended but placed on restricted duties, has the manager completed a change form to notify HR to protect average pay enhancements where applicable?	
18	If suspended & where applicable, has ICT been notified to temporarily lock the account, retain all	

	information and not to delete the account and confirmed that this has been actioned?	
19	Has a timeframe been agreed regarding review of the suspension/restriction and feedback to the employee?	
20	Has a formal suspension letter been drafted in consultation with HR to be sent out if the suspension is agreed	

Where a serious incident has occurred which involves employees and/or members of the public the checklist below must also be completed

	SAFEGUARDING CHECKLIST	COMMENTS
1	Is this a safeguarding issue?	
2	Has the safeguarding lead (Community Manager) been informed?	
3	Has the manager informed the police?	
4	Has the employee been allocated a named contact for support and follow up?	
5	Do other employees need to be contacted? If so, who will lead on this process? How will staff be notified?	

At the suspension meeting, let the employee know;

- Reason for suspension
- Which policy/code may have been considered to be contravened
- That suspension is a neutral act to allow investigation, pay will continue and the suspension will be as brief as possible
- Not to contact other staff/contractors to discuss the issues under investigation
- Not to access their work email account or system
- Not to enter Council premises without prior agreement with the suspending manager or HR
- Investigation meetings will take place and if the employee is called they must make themselves available
- The employee must not undertake any other paid work during contracted hours whilst on suspension
- It may be appropriate to ask the employee to give you any work mobiles, keys, etc prior to suspension
- Check their home address to ensure we can send correspondence and any email address that can be used

- Confirm telephone contact details
- Inform the employee that the EAP service is available should they feel this would be helpful to them
- Confirm to the employee that they should follow the normal sickness reporting procedure and annual leave booking procedures
- Confirm who their point of contact will be

Line manager:

Print name:

CMT authorisation:

Print name:

Date:

End of Suspension

When ending a suspension please contact HR to discuss and agree actions required

	SUSPENSION ENDING CHECKLIST	COMMENTS
1	Has the employee been notified of the change in writing?	
2	Do other people need to be informed of the change? If so, who and why? Who will inform them and how?	
3	Has the manager notified HR that the suspension has been lifted?	
4	Have arrangements been made to meet with the employee on their return to the workplace?	
5	If the employee has been dismissed, has a leaver notification form for HR been completed?	

Investigating Officer/Chair of Panel:

Date:
