



Suspension

Standard Operating Procedure

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Equality Impact Assessment

The East of England Ambulance Service NHS Trust has made every effort to ensure this guidance does not have the effect of discriminating, directly or indirectly, against employees, patients, contractors or visitors on the grounds of race, colour, age, nationality, ethnic (or national) origin, sex, sexual orientation, marital status, religious belief or disability. This guidance will apply equally to full and part time employees. All East of England Ambulance Service NHS Trust policies can be provided in large print or Braille formats if requested, and language line interpreter services are available to individuals who require them.

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Introduction

The objective of this standard operating procedure (SOP) is to ensure a fair and consistent process, when managing suspensions. It outlines the key responsibilities placed on the Employee, Manager, and HR Team within the Organisation and includes the process the manager should follow when an employee is suspended or excluded. This SOP includes the procedures that manager must follow when making a decision to suspend an employee and gives information that the employee must be advised of.

Objectives

- The aim of this SOP is to provide a standard framework to suspend, exclude or transfer individuals when allegations have been raised against them and to support managers with the application of this SOP.
- It is recognised that in some circumstances, due to the nature of the allegations raised against an individual, that they should be suspended, excluded or transferred from their role during the course of an investigation. Where this is applicable, this SOP should be used.
- The purpose of this SOP is to be just and equitable and to help promote fairness, order and consistency when it is necessary to suspend, exclude or transfer individuals from their role due to allegations which have been raised against them.

Definitions

- Depending on the nature of the allegations, staff may be excluded or suspended from some or all of their clinical and/ or non-clinical duties.
- A decision to suspend/exclude an individual is not indicative that a decision has been made, but is taken when:
 - there is a risk to patients, staff or the public
 - the progress of the investigation could be impeded if the person were on duty
 - it is necessary to protect the employee
 - they are a Director and there is a question on if they are a Fit and Proper person under Regulation 5 of the Health and Social Care Act 2008 (Regulated Activities) Regulations 2014 as amended, is in question.
- Individuals, including Directors of the Trust, who are suspended or excluded from all of their duties, will not be allowed to work or enter Trust premises unless it is to receive emergency medical treatment or other outpatient or medical appointments, for the period of an investigation and until an outcome is reached.
- Anyone suspended/excluded from some or all of their clinical work, will not be allowed to perform these clinical duties from the date the decision to suspend/exclude is made until an outcome is reached.
- In all cases where an employee is suspended, the manager should consider whether it is appropriate to remove ID cards, Computer Access, Laptop, keys, parking permits, prescription pads, etc. for the duration of the suspension.

- If a Director is suspended because there is a question on whether they are a Fit and Proper person, they will not be able to work as a Director during the course of the investigation.
- Individuals may be transferred to an alternative role within the Trust on the terms and conditions of their current role if there is no risk to:
 - patients, staff or the public
 - the progress of the investigation would not be impeded if the person were on duty

Procedure

- There may be occasions when the allegations being considered are of a serious nature to warrant the suspension or exclusion of the employee involved or a temporary transfer to another service, whilst the investigation is being conducted. Managers should consider before taking this decision, whether or not it is appropriate for an employee to do their normal duties during the course of the investigation.
- The manager is responsible for contacting the relevant HR Business Partner for support during the suspension, exclusion or transfer.
- Managers should advise staff in person of the decision to suspend, exclude or transfer them, detailing the allegations made against the employee. Where it is not possible to meet the employee in person, they should be contacted by telephone.
- Managers should advise the relevant systems administrators that an employee has been suspended. For example, the GoodSAM responder system and the CFR system, so the member of staff is deactivated during the period of suspension.
- Staff will be informed that they will receive full pay during this period of suspension or exclusion or will transfer under the terms and conditions of their current post.
- Staff will be informed of the likely time period of their suspension, exclusion or transfer and that if following an investigation there is evidence to support the allegation, it may constitute gross misconduct in line with the Disciplinary Policy.
- The suspension, exclusion or transfer will be confirmed in writing to the employee.
- During the period of suspension or exclusion from all duties, the employee should not:
 - make contact with members of staff or patients without the expressed permission from their manager prior to doing so.
 - access any Trust premises without permission of their manager unless it is for the purpose of receiving emergency medical attention.
 - discuss the suspension with members of staff or patients.
- During the period of suspension or exclusion from clinical duties the employee should not
 - perform any clinical duties, including in a volunteering capacity. E.g responding under GoodSAM or the CFR system.
- During the transfer, the employee should not:

- make contact with members of staff or patients in the service of their substantive post.
 - without the expressed permission from their manager prior to doing so.
 - access any Trust premises connected with the service of their substantive post without permission from their manager, unless it is for the purpose of receiving emergency medical attention.
- Employees will be contacted on a weekly basis by their manager or nominated individual to provide them with an update on the progress of the investigation in terms of time scales and to ensure they do not feel excluded from the organisation.
- The step-by-step suspension process is outlined in the Suspension Procedure Flowchart in Appendix A.

Responsibility

Employees

The Employee is responsible for:

- Maintaining professional conduct during their suspension, exclusion or transfer
- Maintaining professional conduct, with staff and patients, where applicable
- Ensuring they treat colleagues and patients fairly and equitably.
- Ensuring they comply with all Trust policies and procedures.
- Attending meetings as requested
- Arranging the attendance of their staff side representative or companion at meetings
- Notifying the manager conducting the meeting who their representative/ companion and any witnesses will be prior to the meeting.
- Maintaining confidentiality during and after the application of this policy

Managers

Before a decision is made on a suspension of an employee a Manager is responsible for completing:

- A Risk Matrix for Considering Suspension
- Initial Suspension Pro-forma
- Maintaining weekly contact with the employee during the period of their suspension, exclusion or transfer
- Informing the employee of the likely time period of their suspension, exclusion or transfer
- Ensuring staff and patients are treated fairly and equitably.
- Ensuring that Trust policies and procedures are complied with.
- Informing the Human Resources department
- Regularly reviewing the application of this policy in line with new evidence
- Complete the Suspension Review Meeting Pro-forma
- Ensure all timescales are adhered to
- Maintain confidentiality during and after the application of this procedure.

Human Resources

The Human Resources department is responsible for:

- Providing appropriate advice and support to managers in the application of this procedure
- including relevant training and coaching
- Ensuring the procedure is followed in a fair and equitable manner.
- Ensuring the procedure is adhered to and timescales are met.
- Identifying any trends and bringing them to the attention of the manager

Welfare Officer:

A Welfare officer is nominated to maintain regular contact with an employee during suspension.

- The Welfare officer will not be involved in the details of the disciplinary process but is available to signpost employees to available support, if required during the process.

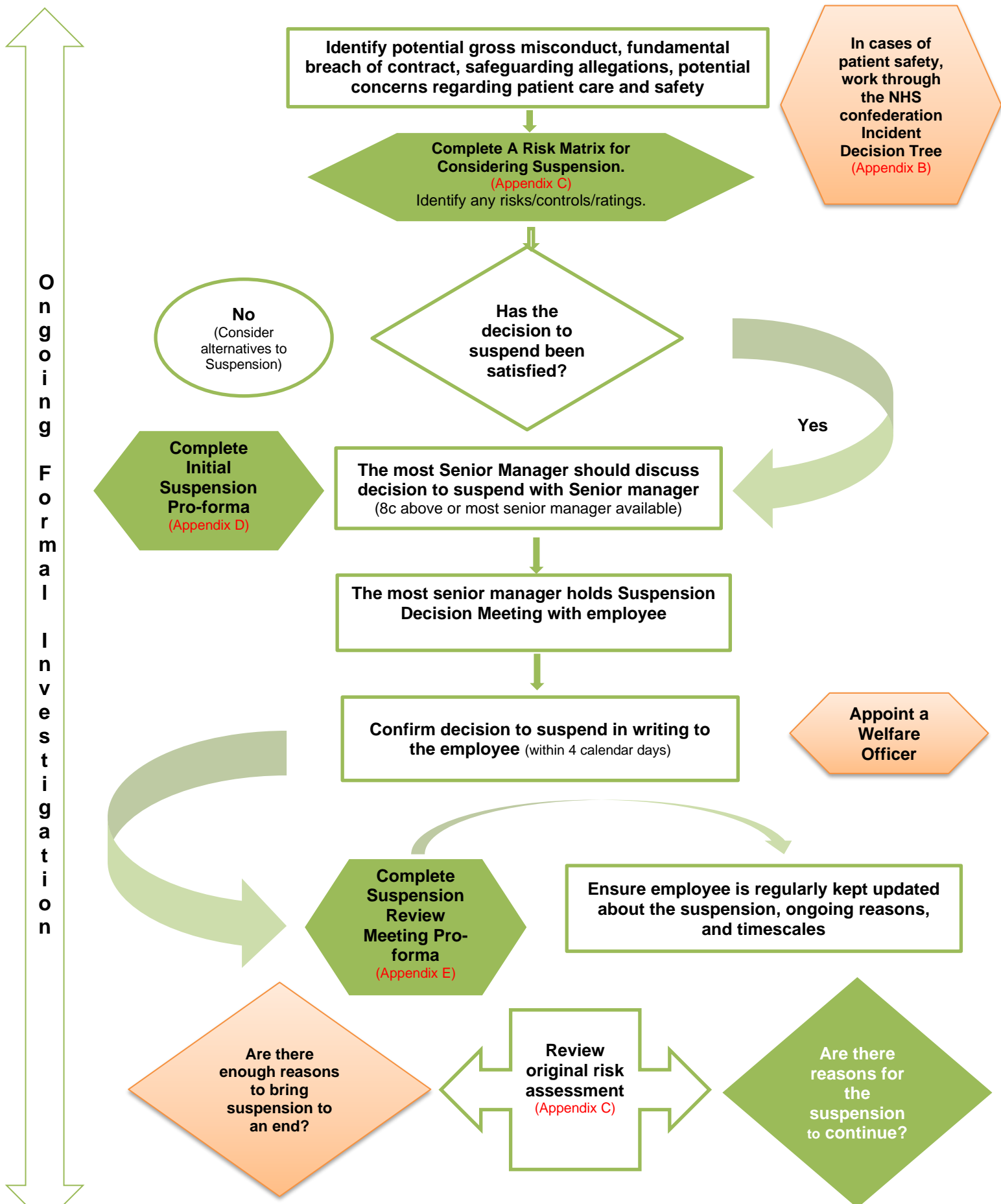
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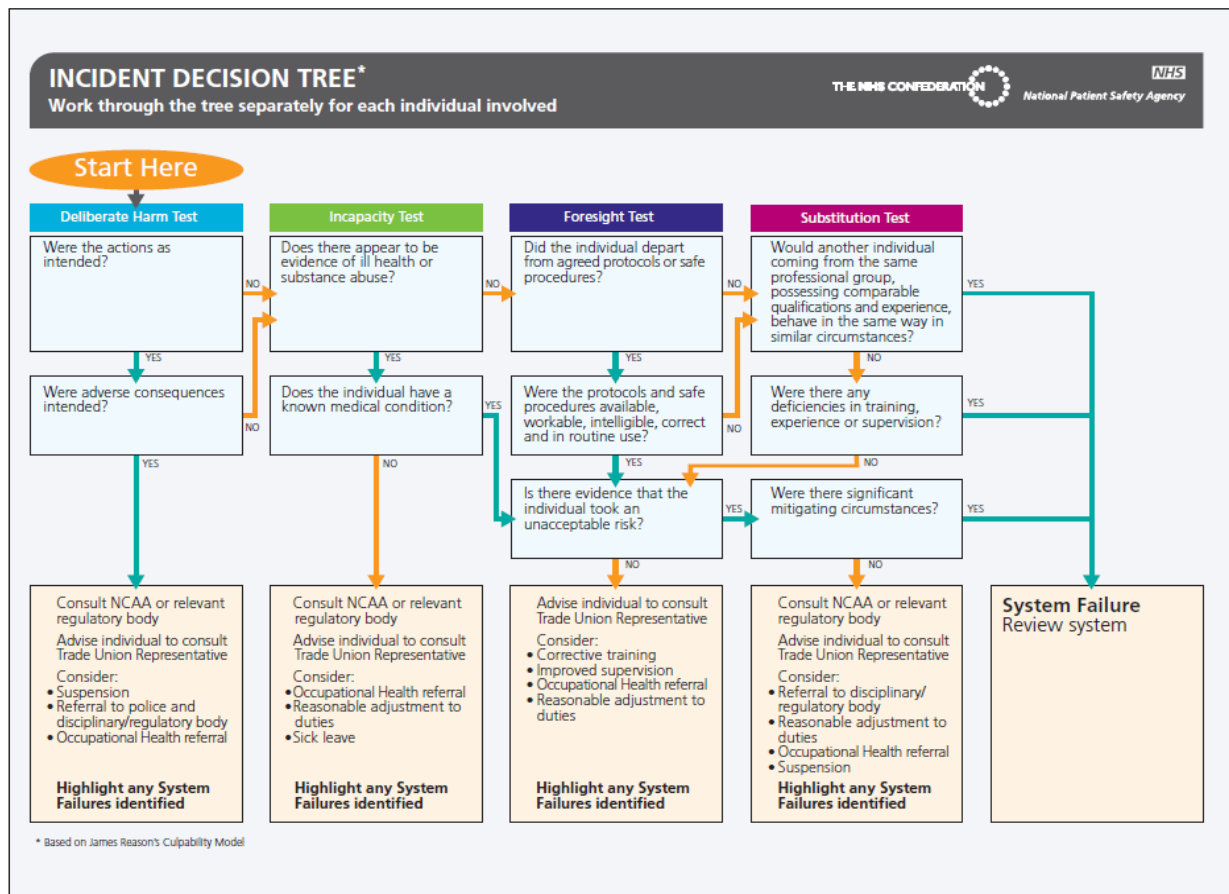
Reference:

- Disciplinary Policy
- Safeguarding Policy
- Alcohol and Drug Policy

Appendix A

SUSPENSION PROCEDURE FLOWCHART





Appendix C

Risk Matrix for Considering Suspension



Suspension should only be considered if one or more of the conditions outlined in section 11.4.			
<i>(Policies this could apply to: Disciplinary, Safeguarding, Dignity at Work, Freedom to Speak Up and Grievance)</i>			
Date:			
Name of Individual:			
Criteria	No	Yes	Comments
Suspension consideration			
Is there a severe allegation of misconduct?			
Is there a requirement to work with a victim/complainant of an alleged sexual harassment?			
Is there a workplace risk to the employee, if you do not suspend?			
Is the employee subject of criminal proceedings which may affect whether they can do their job?			
Have working relationships severely broken down?			
Is the individual able to continue doing their normal role while the matter is investigated.			
Could a temporary adjustment to the employee's working arrangements remove the need to suspend?			
Could the employee hamper or affect an investigation?			
Alternatives to Suspension			
Is the individual able to move to a different area of the workplace			
Can working from home be considered as an alternative?			
Can changing their working hours be considered as an alternative?			
Is the individual able to be placed on restricted duties?			
Could working under supervision be considered as an option?			
Wellbeing Implications			
Are there medical grounds to suspend?			

Are there risks to the employee's safety if they remain at work?			
Is there a risk to other employees, property, or patients if they remain at work?			
Are there external factors that may impact on the individual remaining in the workplace?			
Has the decision to suspend been satisfied?	No	Yes	Comments



Initial Decision to Suspension Pro-forma			
Date of Suspension Decision Meeting		Members Presenting the case & Required at Meeting:	
Employee		Suspended By:	
Job Role			
Banding			Date of Suspension
Line Manager		Work Base/Location	
Commissioning Manager		HR Representative	
Investigating Officer		Professional Registration Escalation	
Reason-Suspension or other action			
Summary: Allegations			
Any other information			
Risks of maintaining in the workplace			
UNION Rep			
Safeguarding Referral required?			

Decision & Rationale for decision	
Agreed Next Steps	
Wellbeing and mental health information	
Date of Next Suspension Review Meeting	



Suspension Review Meeting Pro-forma			
Date of Suspension Review Meeting		Members Presenting the case & Required at Meeting:	
Employee		Suspended By:	
Job Role			
Banding			Date of Suspension
Line Manager		Work Base/Location	
Commissioning Manager		HR Representative	
Investigating Officer		Professional Registration Escalation	
Reason for Suspension			
Summary: Allegations			
Welfare Officer		Frequency of Contact With Welfare Officer	
Name of Union Representative /Colleague		Is the post being back-filled	Yes/No
Health & Well-Being	OH Referral	Yes/No	
	Last OH Referral		
	OH Outcome		
Safeguarding Referral	Yes / No *[If no please state reason]	Date of Last Safeguarding Review	
Case Update			
Agreed Next Steps			
Anticipated Date - Completing Investigation			
Anticipated Date Report Submission to Commissioning Manager			
Third party involvement. Police etc			
Date of Next Suspension Review Meeting			