

HELP! I've been suspended

Guidance for UNISON West Midlands Community members

UNISON members working in the Community & Voluntary Sector during the course of their employment may on occasions, face suspension from duty. Suspension in this sector is commonplace, similar to the NHS and Education sector for reasons around safeguarding vulnerable adults and children; combined with a rise in whistleblowing claims following high profile abuse cases and media coverage.

Suspension may be considered by employers in the following circumstances. This list is not exhaustive.

- This is something an employer may consider where an allegation could constitute gross misconduct.
- It would be difficult to carry out a full investigation with the employee, at work.
- Where a criminal investigation or proceeding is involved.

How you are suspended can vary from employer to employer and is dependent on your organisations disciplinary procedure and policies. Suspension is a management tool, it doesn't mean you are guilty, nor does it mean you are innocent; it is just a way of removing you from the working environment whilst an investigation is underway.

Being placed on suspension can be a lonely, distressing, humiliating and worrying experience - these guidance notes should assist you with information and advice.

Verbal Suspensions - If you are suspended verbally, asked to refrain from work and return belongings, check the following:-

- Request a private area for any conversation relating to suspension.
- Request a copy of the appropriate policy and procedures, explaining how and why suspension should take place.
- Request a copy of the suspension letter.
- Check who is carrying out this action, do they have authority and what if any remit are they acting under. Your employers' policy will advise of this.
- Request full details on why the suspension is taking place.
- Request alternatives to suspension- such as temporary re-location or working from home.
- Request if there are any details of any employee assistance initiatives such as counselling, buddying or health and well-being agencies.

- Check what the suspension policy says re: recording and logging of all property you should/must return such as key fobs, ID badge, mobile phones, case notes etc.

Written Suspensions - Following a verbal discussion on why suspension is necessary, written confirmation should be provided and the letter **SHOULD** outline the following:-

- Details on why you have been suspended- *for example, allegations around a customer complaint.*
- Copy of any relevant policy and procedures.
- Details about your pay. Check what your contract/staff handbook states on this.
- Who you may or may not contact within the organisation.
- Informing you that the suspension is a "neutral act" and does not constitute disciplinary action.
- Details of a named person in the organisation for you to contact.
- Information on how long your suspension will take place, review period and how often you will be updated.
- How to return any property requested.
- Details on how the organisation will keep you updated and guidance on timescales for completion of investigations and possible next steps.
- What to do in the event of sickness or pre- booked annual leave.

Pay –Dependent on what your employment contract says; you may be suspended without pay- This should be the exception and not the norm. Check with your employer and request in writing why they are suspending you without pay. Contact UNISON Direct immediately if you are suspended without pay for advice.

The majority of employment contracts will state, you will be paid full contractual pay and this should be stated in your suspension letter. If you regularly work overtime; check with your employer if overtime will be paid whilst you are suspended.

A suspension letter may contain details of an investigatory or fact-finding meeting. **See Guidance for Investigations/fact-finding meetings** If you receive details asking you to attend any Investigation/Fact-finding meetings, contact **UNISON DIRECT on 0800 085 7857** for advice

Whilst on suspension, you will find it helpful to prepare your case. You should write down everything connected to the allegation/s in the suspension letter detailing events, times, dates, actions and witnesses. Electronic timelines can be helpful as this can be emailed directly to your assigned branch caseworker.(See template) Your rep/branch caseworker details will be provided to you when you contact the branch and they will assist you with any forthcoming meetings.

Information & advice during suspension

- Suspending employees cost money! Your employer should not unnecessarily delay your suspension and keep you updated regularly. Remind them on how the suspension is taking a toll on your health, the cost to the organisation and the possible impact of de-skilling associated with long absences.
- Do not post anything relating to your suspension or allegations on social media. (posting comments on your private Facebook, Twitter, Snapchat, Instagram can be linked to your employer)
- If you are feeling stressed, anxious and unwell, seek support from your GP. Contact support agencies your employer has provided details for and list any prescribed medication/treatment. If you are signed unfit for work, you should post a copy of the fit note to your employer who will confirm your sick pay arrangements and set out any changes to your pay. (if your contract states statutory sick pay SSP whilst off sick- you will be paid this amount as opposed to your normal salary rate) You should follow your employers' sickness reporting procedure and wait for any specific instructions.
- Be careful not to breach any terms of your suspension as they may and can be considered as possible additional allegation/s to those already detailed in your suspension letter.
- It is natural to feel angry- Do not contact the press, media, or attempt to retaliate in any way that may be outside of company policy. Talk to your named contact, GP and Branch caseworker.
- Stay healthy- Look after yourself by eating properly, taking exercise and staying busy- catch up with any outstanding tasks such as the visiting friends/family, gardening, housework or gym.
- Remember, you will continue to accrue holiday entitlement during any suspension period.

Your employer should keep in regular contact and inform you when your suspension has been lifted to support you back to work; or whether they intend to invite you to any investigation/fact find meeting.

If no investigation meeting is required and you are asked to return to work you should request a meeting to support you back and ask for information on what process took place to investigate the allegations and how they were resolved? You should also provide a full account on how the suspension has affected you. Your employer should provide details on training or updates you may have missed during your suspension. Request clarification on how the suspension will be recorded.



West Midlands Community Branch

References

UNISON- Get help with issues at Work

<http://www.unison.org.uk/get-help/help-with-problems-at-work/>

ACAS Disciplinary and Grievance Code

<http://www.acas.org.uk/index.aspx?articleid=2179>

NHS Counselling

<http://www.nhs.uk/conditions/Counselling/Pages/Introduction.aspx>

Incident Timeline/Chronology		
Date/Time	Incident/Meetings	Witness(s)/correspondence

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