

# FIRE SERVICES EXAMINATIONS BOARD

## STUDY NOTE

EXAMINATION	STATION OFFICERS' EXAMINATION
PAPER	HUMAN RESOURCE MANAGEMENT
SUBJECT	EMPLOYMENT
ITEM	SUSPENSION FROM DUTY
STUDY NOTE No.	3306

### ***INTRODUCTION TO THE STUDY NOTE***

***This study note has been prepared as the basis of study in connection with the qualifying examinations for promotion.***

***Candidates will be expected to demonstrate knowledge of the information contained in the study note and understand how it should be applied:***

***The 'References' made at the end of the Study Note are included for information only and candidates will not be expected to study these as part of the bibliography.***

## SUSPENSION FROM DUTY

### 1. Introduction

Occasionally employees are suspended from work through a variety of reasons. Because of this Station Officers should have a knowledge and understanding of the general principles and procedures relating to suspension from duty applicable within the fire service.

### 2. Suspension

'Suspension' in legal terms means the temporarily placing of an employee's contract of employment in abeyance for one or more reasons.

During a period of suspension continuity of employment is not broken, although work by the employee will not be performed.

### 3. Reasons for Suspension

Suspension either before or during an investigation of a discipline offence etc may be necessary for the following reasons:

- (a) To allow an employee to continue to work, who it is believed has committed an act of serious misconduct, may undermine the employer's case for a summary dismissal for gross misconduct, if this is seen as appropriate when the matter has been investigated and the disciplinary procedure applied.
- (b) The employee, if continuing to attend the workplace, may try to interfere with management's investigation of the matter, (eg by threatening potential witnesses).
- (c) The employee is in a position where he/she can damage the successful operation of a business (eg by interfering with official documents etc).

Suspension pending the outcome of a disciplinary investigation or a disciplinary hearing under The Fire Services (Discipline) Regulations 1985 (in Scotland, the Fire Service (Discipline) (Scotland) Regulations 1985) is therefore a precautionary measure and not a sanction in itself.

### 4. Conditions of Service Relating to Suspension

The terms and conditions applicable to a fire authority's right to suspend a uniformed member of their brigade from duty are found in Section VIII of The Scheme of Conditions of Service of the National Joint Council for Local Authorities' Fire Brigades (Grey Book).

## 5. Powers of the Chief Fire Officer/Firemaster

If it appears to The Chief Fire Officer/Firemaster that a member of the brigade has committed an offence against discipline or a criminal offence, The Chief Fire Officer/Firemaster may suspend the member, and any member who is in legal custody\* shall be deemed to have been so suspended.

The Chief Officer/Firemaster should notify a member so suspended in writing as to which of the foregoing reasons led to their suspension.

"Legal custody" in relation to a member of a brigade shall mean that the member is:

- (a) Under arrest without bail; or
- (b) Remanded in custody pending or during the trial for any offence with which he/she has been charged; or
- (c) Detained in pursuance of a sentence of a court in a prison or other institution to which the Prison Act 1952 applies, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence.

## 6. Effect on the Member

The period of any suspension and the rights to emoluments during that period of a member who is suspended shall be in accordance with the provisions of the Scheme Conditions of Service. (Grey Book)

## 7. Date of Commencement

Where a member is suspended on the grounds of absence from duty, the period of suspension shall, if the Chief Fire Officer/Firemaster so directs, begin with the date which appears to him or her to be the date on which the absence commenced.

## 8. Period of Suspension

- (a) The period of suspension of a member shall continue until either it is terminated by the Chief Fire Officer/Firemaster or terminated by discharge from the brigade or until any disciplinary proceedings against the member of the brigade concerned have been concluded. Provided that where disciplinary proceedings have been contemplated but it has been decided that no such proceedings shall be taken, the Chief Fire Officer/Firemaster shall forthwith terminate the suspension.
- (b) Where a member is found guilty of an offence against discipline, the award in respect of the offence may contain a direction that the member shall be treated as having been suspended only for a specified part of the period of his or her suspension. Where a member is found guilty of a criminal offence the Chief Fire Officer/Firemaster may give a similar direction.

## 9. Pay During Suspension

A member of a brigade who has been suspended will receive full pay\* unless:

- (a) His or her suspension is on the grounds of absence from duty, in which case he/she will receive such pay, if any, as may from time to time be directed by the Chief Fire Officer/Firemaster:
- (b) His/her suspension is as a result of being detained in pursuance of a sentence of a court in a prison or other institution to which the Prison Act 1952 applies, or is in custody (whether in prison or elsewhere) between conviction by a court and sentence, when he/she shall receive no pay.

\*"Full Pay " in relation to a retained member shall mean the retaining fee and the drill attendance fee(s) appropriate.

## 10. Leave and Suspension

No loss of accrued leave entitlement shall result as a consequence of suspension.

## References

Employment Rights Act 1996  
Scheme of Conditions of Service (Grey Book)