

Suspension during a work investigation

1 . Deciding to suspend

Suspension is when an employer tells an employee to temporarily stop carrying out work.

An employer can consider suspending someone while carrying out a disciplinary or grievance investigation. This is sometimes called 'suspension pending an investigation'.

Suspension will only be appropriate in some situations. An employer should consider each situation carefully before deciding whether to suspend someone.

Suspension does not mean an employee has done anything wrong, and should not be used to discipline someone.

Being suspended can be stressful for an employee, so it's important that employers:

- consider the wellbeing and [mental health of anyone they're thinking of suspending](#)
- only suspend someone if there's no other option
- plan what support they'll provide to anyone they suspend

Start looking into the situation

As an employer, you should not use suspension automatically.

You should start getting some initial information about:

- what's happened
- who's involved
- how serious it might be

This will help you understand the situation and work out whether suspension might be appropriate.

Consider whether to use suspension

Suspension can have a significant effect on working relationships and the mental health of the people involved.

You should only consider suspension if you reasonably believe it would protect any of the following:

- the investigation – for example if you're concerned about someone damaging evidence or influencing witnesses
- the business – for example if there's a genuine risk to your customers, property or business interests
- other staff
- the person under investigation

Once you have enough information, carefully consider what you've found. This can help you decide whether suspension is a reasonable way of dealing with the situation.

If a decision to suspend is not reasonable, there's a risk you could be breaching the employment contract. This could lead to legal action.

Whether a decision to suspend is reasonable depends on the individual circumstances and whether both of the following apply:

- you took steps that led you to believe suspension was a reasonable decision
- other employers in a similar industry, with the same information as you, would see that a decision to suspend was reasonable

In all circumstances, you should check if there is an alternative to suspending someone.

Consider alternatives to suspension

As an employer, it's usually best to avoid suspension if possible. There might be a way to handle the situation without suspending someone.

You could arrange for someone to temporarily:

- change shifts
- work in a different part of the organisation
- work from home
- work from a different office or site
- stop doing part of their job – for example stop handling stock if you're investigating a large amount of stock going missing
- work with different customers or away from customers – for example if you're investigating a serious complaint from a customer
- stop using a specific system or tool – for example removing access to the organisation's finance system if you're investigating a large amount of missing money

You should keep the reason for any temporary change confidential wherever possible. You should discuss with the employee what you'll tell others at work about the temporary change.

You should make sure any temporary changes do not breach the employee's contract.

If there are 2 people you might move

If you're deciding between moving 2 people, you should:

- consider the situation carefully
- act fairly and reasonably when making a decision

Depending on what's fair and reasonable in the circumstances, you might decide to:

- move both people
- only move 1 person
- not move either person

If you need to separate 2 people after one of them makes a serious complaint, usually you should not move the person who made the complaint. It could lead to a legal claim if it's seen as a punishment.

Moving the person who made the complaint might be appropriate in some circumstances. For example, if they ask to be moved and you agree.

In all situations you should support the wellbeing and mental health of both people involved. You should encourage them to get support if they need it.

If an external body is investigating

In some cases, an external body might also be looking into the matter. For example:

- the police, if it's a criminal matter
- a regulatory body, if professional standards for your industry might have been broken

As an employer, it does not mean you automatically need to suspend someone. But you should take this into account if it's relevant to your investigation.

If you're considering suspension, you should make a decision based on the specific situation and what you've found so far.

Make your decision

You should only suspend someone if it's a reasonable way of dealing with the situation. If it's not reasonable, there's a risk you could be breaching the employment contract. This could lead to legal action.

To help decide whether suspension is reasonable, you should consider:

- what you've found so far
- the wellbeing of the person under investigation, and how their mental health might be affected if they're suspended
- the risks if you do not suspend an employee – this might be a risk to others at work, the business or the investigation
- how serious those risks are
- any alternatives to suspension you could use

Once you've considered all these things, you should decide whether to:

- suspend someone
- make a temporary change, as an alternative to suspension
- not suspend anyone

If you decide to not suspend anyone, you can still consider suspension later in the investigation if circumstances change.

If you decide to suspend someone, it's important to support them during suspension.

Get more advice and support

[Contact the Acas helpline](#) for more advice if you're unsure whether suspension is appropriate.

You can also find out more about:

- [the process to follow when suspending someone](#)
- [supporting an employee's mental health during suspension](#)

2. The process

If an employer decides to suspend someone, they should support them during the suspension.

It's important for the employer to:

- make clear the suspension does not mean they've decided that person has done something wrong
- make sure the suspension is as brief as possible
- keep in touch with the suspended person, and [support their mental health and wellbeing](#)
- [carry out a fair investigation](#), in line with the Acas Code of Practice on disciplinary and grievance procedures

Telling the person you're suspending

As an employer, once you have decided to suspend someone you should let them know as soon as you can.

It's good practice to:

- explain the reason for their suspension
- make clear it does not mean you have decided they've done something wrong
- make clear you will listen to their point of view and consider it before making any decisions
- set out what the next steps will be
- confirm they'll continue to get their pay and benefits during suspension
- explain their responsibilities during suspension, for example what they can and cannot do
- give them a copy of the organisation's suspension policy, if there is one
- check you have up to date contact details for them, including an emergency contact person
- name someone they can contact if they have any concerns, for example their manager or someone in HR
- let them know what support is available and encourage them to use it

You should tell the person face to face if possible. This can help you:

- break the news sensitively
- answer any questions they have
- ask if they need any immediate support

You should also let them know what support is available. You should encourage them to get support if they need it at any stage of the suspension.

If you cannot meet face to face, you could tell them on a phone or video call.

Putting it in writing

There's no legal requirement to give written notice for suspension. But it's best to put it in writing to avoid misunderstandings. This could be in a letter or email.

Follow your organisation's policy on this if there is one.

[Use our letter template for suspension during an investigation](#)

How much to tell the person you're suspending

By law, there are no rules on how much to tell someone about the reason for the suspension or investigation.

As an employer, you will need to decide what's appropriate to say, so that you:

- keep things confidential

- carry out a fair investigation
- support the person you're suspending

Being suspended can make someone feel like they've already been judged. And they could be worried about what will happen.

It's best to tell the person you're suspending as much as you're able to. This can help them understand the situation, and show you're following a fair procedure.

For example, it could help to tell them:

- what the investigation is about
- why they're involved
- the reason you decided to use suspension

How long suspension should last

There is no minimum or maximum amount of time you should suspend someone for. But you should keep it as short a time as possible while you investigate.

The longer you suspend someone, there's a higher chance it will:

- affect their health and wellbeing
- become unreasonable to keep them suspended
- lead to a breakdown in trust, which could breach the employment contract

You should review the suspension regularly to make sure it's still needed.

Keeping in touch

It's important for the employer and employee to keep in touch during suspension so that the employer can:

- update the employee about the investigation's progress
- [support the employee's mental health and wellbeing](#)

You should:

- agree with the employee how regularly to contact them during suspension
- make sure the employee knows who they can contact if they have any concerns, for example their manager or someone in HR

If the employee is not sure who to contact for support or information while they're suspended, they should check:

- their organisation's suspension policy, if there is one
- with the person who managed their suspension
- with their trade union representative, if they're a member

If you hold an investigation meeting

If you need to invite the suspended person to an investigation meeting, you should:

- let them know in writing – for example, in a letter or email
- confirm the date, time and location
- give them reasonable notice

There's no legal right to be accompanied to an investigation meeting. However, it's good practice to allow it if they ask to bring someone, for example a trade union representative.

If you give a warning or take disciplinary action at this stage, [the right to be accompanied](#) will apply.

If the employee is off sick or absent

If the suspended person cannot or does not attend the meeting, you should contact them and rearrange the meeting.

You should also check if it would help to make other arrangements. For example:

- holding the meeting somewhere else if they're worried about coming to the workplace
- asking them to answer some questions in writing

In some circumstances, an employee might still be too sick or not willing or able to attend. If you decide it's reasonable to carry on with the investigation without them, you should tell the employee. It's good practice to put this in writing. This could be in a letter or email.

For more about holding investigation meetings, including when someone is absent, [read our advice on carrying out an investigation](#).

Keeping it confidential

It's important that everyone involved keeps the suspension confidential wherever possible.

The employer and the suspended person should:

- discuss what they'll tell people who work with the suspended person
- not share any personal information unless necessary, in line with data protection law

If either side does not keep it confidential and this causes a breakdown in trust, they could breach the employment contract.

There might be some circumstances where the employer or suspended person will need to discuss the suspension with someone else. For example, if:

- the employer needs to tell the person or team investigating the matter
- the suspended person needs to discuss with their line manager what to tell others about why they're off work
- the suspended person does not agree with their suspension or how it's being handled, and decides to raise it with their employer

[Find out more about data protection from the Information Commissioner's Office \(ICO\)](#)

Telling an employee what to do during suspension

If someone is suspended, they will not usually have access to the workplace or work systems. But there might be some situations where it's appropriate to have some access. For example, if they need to attend an investigation meeting.

If the organisation has a policy on what someone cannot do during suspension, the employee and employer should follow this.

The employee should make sure they're available to return to work. This is because the employer can end the suspension at any time.

Talking to others at work

It's common for an employer to ask the suspended person not to talk to others at work about the investigation. This is to keep things confidential and help protect the investigation. However, if they need to speak to someone at work for another reason, this is usually reasonable.

The employer should tell the employee about their right to be accompanied if they're invited to a disciplinary hearing. The employee can discuss the investigation with their companion. Find out more about the right to be accompanied in our [advice on carrying out an investigation](#).

If an employee does not agree with their suspension

As an employee, if you feel there's a problem with your suspension, you should raise the issue with your employer. It's best to do this informally at first. You can do this by [talking with your employer](#).

This includes if you do not agree with:

- your suspension and want your employer to reconsider their decision
- how your suspension has been handled

If that does not resolve the issue you can [raise a grievance](#). This is where you make a formal complaint to your employer.

If you're a member of a trade union, you could also talk to your trade union representative.

If you raise an issue, it's up to your employer to decide whether the suspension will continue.

3. Supporting mental health

Being suspended can affect someone's mental wellbeing. For example, they could feel worried or distressed about the investigation and what will happen.

In some circumstances, it could lead to:

- new mental health problems arising
- existing mental health problems returning or getting worse

If their mental health is affected, it might not be obvious if they're not at work or if they do not tell you.

As an employer, you have a legal 'duty of care' to support the person during suspension and look out for their wellbeing.

You can help prevent mental health problems arising or getting worse by:

- communicating clearly with the person you're suspending when you tell them and throughout the process
- making clear the suspension does not mean you've decided they've done something wrong
- making clear you will listen to their point of view and consider it before making any decisions
- keeping in regular contact throughout the suspension
- updating them about the investigation and when it's likely to end
- making sure the suspension only lasts for as long as it needs to
- making sure the employee knows who they can contact if they have any concerns

[Find out more about the suspension process](#)

If someone needs mental health support

It's good practice for employers and managers to:

- let the suspended person know what support is available
- encourage them to use it
- be trained on how to support staff – Acas has [mental health training for managers](#)

Depending on what's available through your organisation, an employee could get support from:

- the organisation's employee assistance programme (EAP)
- a mental health 'champion' or support network at work
- their trade union, if they're a member

For help or advice outside your organisation, they could also:

- contact a mental health helpline – [find mental health helplines on the Mind website](#)
- speak to a friend or family member
- [contact Citizens Advice](#) – for employees in England in Wales
- [contact Citizens Advice Scotland](#) – for employees in Scotland
- [contact the Acas helpline](#)

[Find more advice on supporting mental health at work](#)

4. Pay and holiday

Employers should be careful when making decisions about pay and holiday for someone on suspension.

Pay during suspension

The suspended person should continue to get:

- their pay
- any benefits in their contract, for example a bonus or gym membership

If an employer reduces or stops an employee's pay during suspension, the employee could take legal action. There is still a risk of this even if the contract appears to allow reduced or no pay during suspension.

As an employer, if you're considering not paying someone during suspension, it's a good idea to [get legal advice](#).

If an employee disagrees with their pay during suspension, they should raise it with their employer. It's usually best to do this informally first. They can do this by [talking with their employer](#).

Pay if someone is sick

Check the contract to see what it says about pay during suspension.

For example, an employee's contract says an employee receives full pay during suspension. This might apply even if they are sick.

Holiday during suspension

An employee can take holiday during suspension if their employer agrees.

An employer can refuse or cancel someone's holiday while they're on suspension. The employer should keep in mind that this could upset the employee. For example, it might affect holiday they have already booked or planned.

If an employer is cancelling holiday, they must give the employee the correct notice.

[Find out more about asking for and taking holiday](#)

Contact the Acas helpline

If you have any questions about pay and holiday during suspension, you can [contact the Acas helpline](#).

5. Ending the investigation

At the end of the investigation, the employer will need to decide the next steps. What they do depends on whether the investigation leads to:

- no further action
- a disciplinary procedure

If no further action is needed

If there's no need for further action, the employer should end the suspension as soon as possible.

The employer should discuss with the suspended person:

- when they'll return to work
- what to tell others at work when they return
- any questions or concerns they have about returning to work
- what support is available, and encourage them to use it

It's good practice for the employer to put in writing that they've agreed to take no further action. For example in a letter or email to the suspended person, or in their HR record.

If a disciplinary procedure is needed

The investigation might lead to a disciplinary procedure. In this situation, the employer should decide whether to continue the suspension.

[Find out more about following a disciplinary procedure](#)

Get more advice and support

For more advice:

- [read the investigations for discipline and grievance: step by step](#)
- [contact the Acas helpline](#)