



Lea Valley Primary School

Suspension Procedure Policy 2016/17

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Suspension of Staff

This policy sets out steps that must be taken and factors that must be considered when a decision is taken to suspend a member of staff from duty under either the school's Disciplinary Policy, the Child Protection Policy, or Sickness Management Policy. There are a number of specific concerns relating to child protection and this guidance should therefore be read alongside both the 'Safeguarding and Child Protection Policy' and the 'Allegations Against Staff' Policy.

The guiding principles are that suspension will always be used as a last resort, be on full pay for the duration of the suspension, and that it is a neutral act. Confidentiality will be maintained throughout, so far as is possible.

Application of the Procedure

This procedure applies to staff in schools and centrally employed teachers and support staff.

In the case of the suspension of a Headteacher, the role of the Headteacher will be taken by the Chair of the Governing Body.

In the case of a school with no Governing Body or centrally employed teachers, the role of the Headteacher will be taken by the Director of Children's Services or other officer nominated by him.

Medical Suspension

It is possible to suspend a member of staff on medical grounds. Advice and support must be sought from the school's HR adviser and all steps documented carefully.

Suspension under the School's Disciplinary Procedure

Staff may be suspended if an allegation is made that he/she has committed an act which, if proven, would lead to dismissal for gross misconduct. Gross misconduct is defined as an act so serious as to destroy the relationship between the employer and the employee. It must be deliberate or amount to gross negligence.

Examples might include:

- Theft or dishonesty,

- Fraud, including exam fraud;
- Violence, assault, fighting;
- Malicious damage;
- Illegal behaviour

Mitigating Risk to the School

The school has to take allegations made against staff seriously but also has a clear duty to behave reasonably towards an employee.

A careful evaluation of the allegation must therefore be made before any actions are taken.

- Could the act described in the allegation have taken place (i.e. is there a possibility that it has been fabricated, exaggerated, or that there has been an error?)
- Would dismissal be a reasonable act, if the allegation is true?

Managing the Suspension

Are there alternatives to suspension which might be considered?

These might include working at home, working in a different part of the school, or beginning a school holiday early.

The Department for Education's (DfE) statutory guidance, '*Dealing with Allegations of Abuse against Teachers and other Staff*' recommends that all options to avoid suspension should be considered prior to taking that step and that case managers, 'should be as inventive as possible to avoid suspension'.

The guidance provides the following alternatives to suspension. (See policy on 'Allegations Against Staff' for more detailed guidance).

- Redeployment within the school or college so that the individual does not have direct contact with the child or children concerned.
- Providing an assistant to be present when the individual has contact with children.
- Redeploying to alternative work in the school or college so the individual does not have unsupervised access to children.
- Moving the child or children to classes where they will not come into contact with the member of staff, making it clear that this is not a punishment and parents have been consulted.

- Temporarily redeploying the member of staff to another role in a different location, for example, to an alternative school or college, or to working for the local authority or academy trust.

Can it Wait?

Consideration should be given to the timing of a suspension immediately before a school closure period when no investigation can proceed.

Is the member of staff an accredited union representative?

If so, a full time officer of the union must be warned and the case discussed prior to any action being taken.

Suspending a member of staff

On receipt of a serious allegation, the Headteacher should:

- Ascertain, if possible, whether the staff member is a member of a union and alert the branch secretary to the date and time of the suspension meeting;
- Discuss the case with the school's HR adviser;
- Open a separate confidential file on the matter. Do not put anything on the employee's personnel file until matters are concluded;
- Compose a letter of suspension (if suspension is considered necessary) using the template provided by Schools HR.

The Suspension Meeting

The meeting must be held in a private and confidential space where there will be no interruptions. It can be held off site.

The employee should be advised in advance that he/she can be accompanied by a friend or trade union representative.

A statement should be agreed which sets out what is said to other staff. It may be better to be open with staff that there has been an allegation and that the staff member has been suspended pending investigation.

The employee should be given an opportunity to retrieve personal valuables and possessions prior to handing back keys.

A member of staff is agreed as a nominated point of contact. However, consideration should be given to whether the employee can maintain contact with some staff on the proviso that the allegations and the suspension are not discussed.

During the Suspension

Regular contact must be maintained with the suspended employee;

Speculation and gossip about the employee's absence must be firmly discouraged;

Outside agencies, such as the police, the investigator of the LADO, should be chased to ensure that matters are dealt with as swiftly as possible.

The suspension should be reviewed formally every two weeks, and the decision to continue/modify the terms of suspension should be communicated to the member of staff and their TU representative.

The suspended member of staff should have access to notes made in the course of the investigation and minutes of meetings (including strategy discussions) relating to the matter.

The Investigation

Whether the matter is investigated by an external or internal investigator, the following should apply: