



Suspension Protocol

Produced by Schools' HR

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Note: In this document, any reference to the terms "Governor" or "Governing Body" shall be interpreted to also mean "Trustee" or "Board of Trustees," unless the context specifically indicates otherwise.

This protocol has been consulted centrally and fully agreed by both teaching and support staff trade unions. To change any aspect of this document at a school level, the relevant body must consult appropriately with school staff and their recognised trade union representatives.

DOCUMENT STATUS

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SUSPENSION PROTOCOL

The Disciplinary Policy provides that an employee against whom an allegation of gross misconduct has been made may possibly be suspended or temporarily relocated, on full contractual pay, whilst an investigation is carried out. In this situation this protocol should apply.

It should be noted that in some circumstances, particularly where police involvement is necessary, it may NOT be appropriate to make the individual aware of an allegation or take any action without confirmation from the Police, or, when necessary the LADO, that it is reasonable to do so. Failure to follow police / LADO advice, when appropriate, could mean evidence is lost and jeopardise any planned police investigation.

1. INITIAL CONSIDERATIONS AND ACTIONS TO UNDERTAKE PRIOR TO A SUSPENSION DECISION

- 1.1 Suspension is not always considered a neutral act and should only apply in circumstances where the employee's presence at work would either jeopardise the fairness of the ensuing investigation or where their presence could pose a potential threat to the school, pupils or other employees.
- 1.2 Suspension should only be used as a last resort, and not as a 'knee-jerk' reaction. To avoid breaches of contract or a breach of the implied term of trust and confidence, the school must act carefully and have reasonable grounds for suspension before suspending an employee, and throughout the period of suspension.
- 1.3 After a gross misconduct allegation arises against an employee an appropriate manager should immediately collect as much information as possible relating to the conduct that could warrant suspension prior to a decision to suspend being made. This should include a review of the facts available and circumstances surrounding the gross misconduct allegation e.g. adult witnesses/written statements, CCTV, relevant documents. In most cases, this review of evidence should also include putting the alleged facts to the employee at an initial meeting and allowing them to rebut any allegations.
- 1.4 For the sake of clarity this review does not mean that the formal Investigation / Disciplinary process has started and the details should not be discussed at the suspension meeting. If the school believes there is a gross misconduct case to answer they will then start the formal Investigation / Disciplinary process.
- 1.5 If the review of the facts suggests there may be a gross misconduct case to answer, it is important that the employee is not automatically suspended as already outlined in paragraph 1.2.
- 1.6 Appropriate alternatives to suspension should be considered, such as temporarily moving the employee to another area, having them carry out different duties or work from another location, or from home if appropriate.

- 1.7 A written record setting out why the employee was suspended should be kept. It should show the alternatives explored by the employer and why suspension is the only reasonable option.
- 1.8 There may be occasions when suspension is not imposed initially but after a formal investigation has commenced information becomes available which indicates suspension may be necessary. In such cases paragraphs 1.1 and 1.2 are still applicable.
- 1.9 The initial decision on suspension is made by the Head Teacher but the Chair of Governors will be informed. Any suspension should be kept as short as possible and actively reviewed by the Head Teacher **every 20 school days**. Any extension will be authorised by the Chair of Governors.
- 1.10 The school should consider the effect suspension will have on the employee, and every effort must be made to complete a prompt investigation within a reasonable timescale to ensure any suspension applied is not for any longer than necessary so as to protect the wellbeing of the member of staff.

2. THE SUSPENSION MEETING

- 2.1 Following the Employer's initial review mentioned above and if it appears there is a gross misconduct case to answer the Employer should briefly meet with the Employee. At this meeting the general nature of the gross misconduct allegation will be outlined to the Employee (unless the circumstances require otherwise e.g. protecting evidence).
- 2.2 The employee can be given a short time (e.g. one hour) to find someone in the school (work colleague / any school union rep) who can accompany them to this brief meeting. If no school Union rep / work colleague is available to accompany the Employee to the allegation / suspension meeting it can still go ahead as the Employer may need to carry out the suspension in a very prompt manner.
- 2.3 The Employee should be informed:
 - that a formal Investigation will begin and they should be advised to take further advice e.g. contact their union representative
 - whether they are to be suspended or to remain at work as usual or with alternative duties
 - this meeting is not the formal Investigation meeting as per the Disciplinary Policy
 - it should be explained that suspension is not an indication of proof in itself of wrongdoing by the Employee

- suspension from the workplace means the employee should not attend or contact the school in any way without the employer's permission unless contact is necessary to adhere to other, relevant policies (e.g. reporting sickness). Such contact should be via the designated contact as per paragraph 3.3.
 - not to attempt to influence or manipulate the investigation or disciplinary process by breaching confidentiality and discussing the case outside the disciplinary / investigation processes.
- 2.4 The Employer cannot instruct the affected employee or school staff not to have social contact with each other outside of work time and off school premises. However, all circumstances relating to the case must be kept confidential and should not be discussed outside the disciplinary / investigation process (see also paragraph 3.1).
- 2.5 If deemed necessary the Employee can be denied access to school email, intranet or internet systems but this should not be an automatic action.
- 2.6 Union officers should always endeavour to ensure their members act professionally and within the guidelines of this protocol as it is in the Employee's best interests.

3. EMPLOYER DUTY OF CARE

- 3.1 The Employer cannot socially exclude a suspended member of staff by instructing them not to have normal contact, or be contacted by colleagues outside of work time and off school premises. It should be made clear to the employee that they must not discuss the details of the case during such contacts.
- 3.2 Suspended Staff should remain on the distribution list for all normal school related communications to prevent social isolation e.g. school newsletters or special announcements or receiving payslips as normal to their home address.
- 3.3 A person who will be the contact point for the suspended member of staff needs to be appointed by the school. This person must not be involved in the allegations or the potential Disciplinary process.
- 3.4 Suspended staff must be contacted by the employer's nominated contact on a regular basis (e.g. weekly phone call) to discuss their wellbeing but not to discuss the allegations. This is to ensure their welfare is being protected as being suspended from the workplace can be a very intense and emotionally difficult time for the member of staff.
- 3.5 During the course of a suspension the employee must be informed of any significant change in the nature of his/her work; the way work is undertaken or the workplace itself.
- 3.6 If it becomes clear during the formal investigation / disciplinary that the allegation is unfounded or is not gross misconduct or a disciplinary sanction is applied that is not a

dismissal the employee's suspension will be lifted as soon as possible so the Employee can return to work.

4. RE-INTEGRATION OF THE EMPLOYEE INTO THE WORKPLACE AFTER LIFTING A SUSPENSION

- 4.1 Coming back into the workplace after being suspended can be a difficult and emotional time for both the Employee and the Employer. It is especially difficult for the Employee as being suspended is a very stressful event to go through.
- 4.2 If a suspension is lifted it is best practice to have a meeting as soon as possible between the Head Teacher and the Employee to plan the prompt re-integration into the normal working processes at the school. This should include ensuring that the member is offered support during this re-integration period (e.g. 2 or 4 working weeks) and if appropriate a confidential mentor should be appointed for this time.
- 4.3 The objective will be for the Employee to be able to get back into a normal work schedule as soon as is practical which will benefit all parties.