



# Managing Allegations of Misconduct Considerations for the Suspension of an Employee

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Last revised: August 2018

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Suspending an employee may be an appropriate course of action to take if allegations against the employee involve gross misconduct where, if they were upheld at a disciplinary hearing, the employer would be entitled to dismiss the employee without notice. However, suspending an employee is a serious step to take and without due consideration it can amount to a breach of trust and confidence by the employer, entitling an employee to claim constructive dismissal. Therefore, thought needs to be given as to whether it can be avoided and an employee should only be suspended if it is reasonable to do so in the circumstances.

Careful consideration should be given to the facts, the seriousness of the allegation and any alternatives available, before suspending an employee. Suspension must not be a 'knee-jerk' reaction to an allegation and should not imply any assumption that the individual is guilty of any misconduct. Suspension does not constitute disciplinary action and, for employees, will be on full pay. A period of suspension should be kept under review and be as short as possible, while allowing the employer to carry out a reasonable investigation. If suspension is deemed appropriate, the reasons and justification should be recorded by the school and the individual notified in writing of the reasons.

## Allegations of Abuse made Against Employees

If the allegation is one of abuse against an employee, in accordance with the statutory guidance [Keeping Children Safe in Education Part four: Allegations of abuse made against teachers and other staff](#), an individual should only be suspended if there is no reasonable alternative. When managing such allegations you must have regard to the statutory guidance.

The statutory guidance relates to all adults working with children and young people, whether in a paid or voluntary position. It should be used in respect of all cases in which it is alleged that a teacher or member of staff (including volunteers) in a school or college that provides education for children under 18 years of age has:

- Behaved in a way that has harmed a child, or may have harmed a child;
- Possibly committed a criminal offence against or related to a child; or
- Behaved towards a child or children in a way that indicates he or she would pose a risk of harm to children.

When managing any allegation of misconduct against an employee, you must have regard to the disciplinary procedure, any relevant code of conduct and allegation management procedure adopted by the school.

If a decision is taken to suspend an individual, then at the point of their suspension, they should be informed of who their named contact is within the school and provided with their contact details. Consider whether the employee should be escorted from the workplace, whether IT access and access to the workplace should be removed, and ensure the employee understands that communication with workplace colleagues is prohibited during the period of suspension. The support that will be available for the individual must also be considered, and they should be advised to contact their trade union representative if they have one. Where possible, the suspension and the reasons for suspension should be kept confidential. If necessary, discuss with the employee how they would like their absence to be explained to colleagues and the school community. A decision to suspend should be communicated in writing as soon as practicable. For advice on suspension and for a copy of our template suspension letter please contact your HR Adviser. Further guidance can also be found in our [Guidance and Advice on Misconduct and Disciplinary Hearings](#) document on our website under Documents/Section B.

The following assessment will assist the relevant parties, both in making a decision regarding suspension, and keeping a record of that decision. The assessment should take account of the context of the allegation, background information in relation to the individual concerned and in cases concerning allegations of abuse, any strategy discussion outcomes. A copy of the assessment should be retained on file by the school.

## Suspension Assessment

Part 1: Suspension should only be considered if one or more of the following apply:

Question	Yes	No	Notes/Considerations
If there is a strong likelihood that if the allegations are substantiated then the matter will amount to gross misconduct?			
Is there a threat or risk of harm to employees?			
Is it possible to fully investigate the allegation if the employee remains at work (e.g. is the employee likely to destroy evidence or attempt to influence/intimidate witnesses?)			
Have relationships at work broken down?			

Is there likely to be a detrimental effect on the employer/school if the employee remains in work or continues to interact with pupils, parents, or employees?			
Is there a risk of harm to pupil(s) or, is the allegation related to safeguarding?			If the answer is yes – please refer to <b>Part 2</b> of the assessment below, which provides a table for completion with additional considerations in respect of allegations of abuse.
If the answer is yes to any of the above questions, please complete Part 3			

## Part 2: Safeguarding

### Additional considerations for allegations of abuse made against an employee

Please refer to DfE Statutory Guidance Keeping Children Safe in Education Part Four.

Information About the Allegation	Notes/Considerations
<ul style="list-style-type: none"> <li>– Nature of the allegation.</li> <li>– Duration and frequency of allegation.</li> <li>– Extent of pre-meditation.</li> <li>– Degree and nature of alleged harm or risk to pupils.</li> </ul>	
Information About the Employee	
<ul style="list-style-type: none"> <li>– Previous concerns.</li> <li>– Previous allegations.</li> <li>– Disciplinary record.</li> <li>– Length of service.</li> <li>– Contact with pupil(s) concerned.</li> </ul>	

<b>Health and Safety</b>	
<ul style="list-style-type: none"> <li>– Potential risks to the person’s health and safety should they remain in school (impact of threats from parents/carers/potential press interest etc.).</li> </ul>	

**Part 3: Alternatives to suspension and a record of the decision**

<b>Alternatives to Suspension:</b>
Explore and assess any alternatives, e.g. redeployment, supervision, working from home etc.
<b>Particular Views of Those Concerned:</b>
(E.g. Headteacher/Designated Safeguarding Lead/ Designated Officer/HR Adviser etc.)

Decision to Suspend:

Yes:  No:  Date:

If the decision is to suspend, record your grounds for suspension:

The employee will need to be notified of the reason(s) for suspension in writing.

Name and job title of person responsible for the decision:	
Name and job title of person completing assessment:	
(If applicable) Name of person responsible for communicating decision to suspend the employee: This should be communicated in writing as soon as practicable. Please refer to the EPM template suspension letter available from your HR Adviser:	
Name and job title of person nominated to keep suspension under review:	