

MANAGING STAFF SUSPENSION PROCEDURE AND GUIDANCE

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As part of our focus on diversity and inclusion, BDAT pledges that our policies will seek to promote equity, fairness, and respect for all staff and students. Our policies reflect the BDAT values of inclusion, compassion, aspiration, resilience, and excellence. By working closely with a range of stakeholders, such as our school, recognised trade union, and HR colleagues, we have ensured that BDAT's policies do not unlawfully discriminate against anybody.

Introduction

In having Trust-wide policies and procedures, Bradford Diocesan Academies Trust (BDAT) strives to have consistency within the Trust in line with its ethos and values.

The aim of this procedure is to provide guidance to senior staff and governors on making and managing staff suspensions.

When reading and acting upon this policy staff should be mindful that suspension does not imply a decision or judgement has been made. Suspension is, however, a serious and public decision and as such any Headteacher making the decision to suspend must also consider other options available.

This procedure should be read in conjunction with the Disciplinary Procedure Policy and Scheme of Delegation. This procedure is not contractual and does not form part of any employee's contract of employment.

1. Considering whether Suspension is Appropriate

1.1 The provisions for any suspension of school-based staff are set out in Schedules 16 and 17 of the School Standards and Framework Act 1998. The decision to suspend may only be taken by an Executive Headteacher/Principal/Headteacher/Head of School/ or the Chief Executive. In the event of their unavailability the decision may be delegated to a nominated Senior Leader who must make every effort to contact the Executive Headteacher/Principal/Head of School or the Chief Executive to discuss the case and be authorised to make the decision. In all instances the Chair of the LGB and CEO of BDAT must be informed immediately of any decision to suspend. Where the Executive Headteacher/Principal/Headteacher/Head of School is suspended the Chief Executive only has the power to do so and must notify the full Board of Directors. Where the Chief Executive is suspended the Chair of the Trust only has the power to do so and must notify the full Board of Directors.

1.2 Staff against whom an allegation is made should not automatically be suspended (see 1.4).

Where the allegation is that a criminal offence may have been committed or a child is at risk of significant harm, immediate suspension is more likely to be appropriate. In the case where immediate referral to the Bradford Council Local Authority Designated Officer (LADO) is accompanied by consideration of disciplinary procedures, suspension may or may not be appropriate. The Headteacher or Chair of Governors should consult with LADO and consider any recommendation which may be made by the child protection agency/police or strategy meeting before a decision to suspend is taken. The CEO of the Trust or Director of Operations must be informed immediately of any LADO referral

- 1.3 Suspension may be considered at any stage of an investigation. Suspension is not an assumption of guilt and is not considered a disciplinary sanction and the employee will receive normal pay. Paid leave of absence, mutual agreement to refrain from work, alternative duties/locations or removal from contact with pupils may also be used as an alternative to suspension.
- 1.4 Suspension should not be undertaken without good reason. Before suspending an employee, the employer should consider what the purpose of the suspension is, and whether there is an alternative to it. They should also take care to document the reasons for their actions, including evidence that they have considered alternatives, and this should not become a routine response. An over-hasty or ill-judged decision to immediately suspend a member of staff when an allegation of abuse is made can have a substantial, detrimental effect upon the person's career and their wellbeing. There may be other options to suspension (see 1.3). Suspension is not only a traumatic experience for the individual involved, but also for their family, for other children at the school, their parents and for other staff. All concerned will wish to be reassured that the responsible agencies will act in a careful, measured way when allegations of abuse are brought to their attention. Circumstances in which suspension may be appropriate include:
- **where a child or children is/are at risk;**
 - **where the allegations are serious;**
 - **where a suspension is necessary to allow the conduct of the investigation to proceed unimpeded;**
 - **where it is in the best interest/wellbeing of a staff member to suspend.**
- 1.5 In all cases where suspension is being considered the employee should be advised to seek assistance from their trade union representative.

2. An Interview to Consider Suspension of a Member of Staff

- 2.1 Where suspension is being considered, an interview should be arranged at the earliest practical opportunity.¹ The Headteacher should consult with and seek advice from the LADO where appropriate. In cases where the allegation is against the Headteacher, the matter will be dealt with by the Trust.
- 2.2 When called to an interview where suspension is a possible outcome the member of staff should be advised to seek the advice of their trade union representative. A person who is not a member of a trade union may be accompanied by a work colleague. The member of staff, where accompanied, should be offered the opportunity of a brief meeting with the representative or work colleague before the interview. An interview will not be delayed by the non-availability of a union representative.

¹ In accordance with the relevant ACAS Code of Practice, where the person is a trade union or safety representative, the interview should not be arranged without prior discussion with the relevant branch secretary or a full-time official of the trade union concerned. From the outset it should be established that the action being taken is not an attack on the functions of a trade union.

- 2.3 The member of staff should be informed at the outset of the interview that an allegation has been made and that, at the conclusion of the interview, suspension might occur. It should be made clear, however, that the interview is not a formal disciplinary hearing but is for the purpose of raising a serious matter which may lead to suspension and further investigation.
- 2.4 The member of staff should be given as much information, including reasons for any proposed suspension, as is consistent with not interfering with an investigation into the allegation. Reasons for suspension should also be provided in cases where no allegations have been made.

This meeting is not concerned with examination of the evidence but is an opportunity for the member of staff to make representations concerning any possible suspension. The member of staff should be given an opportunity to make such representations after the information has been given. A brief adjournment should be offered to the member of staff prior to response.

- 2.5 If, as a result of the interview, it is considered by the Headteacher/Chair of Governors that suspension is necessary, the individual should be advised that he or she is suspended from duty. Written confirmation of the suspension should be dispatched within two working days, giving reasons for the suspension (see Appendix 1a).
- 2.7 The decision to suspend and the conditions of suspension will be reviewed periodically, and the employee will be updated as and when necessary (normally monthly) in writing. The suspension may be lifted prior to the completion of the investigation if appropriate. Employees may also make representation during the course of their suspension if they feel suspension is no longer appropriate.

3. After a Decision

- 3.1 Where a member of staff has been suspended, the Chair of Governors and Chief Executive Officer of BDAT (and relevant education phase Director for teaching staff) should be formally informed of the suspension, in writing. In all cases a report should be made to the governing body that a member of school staff has been suspended pending investigation. It is inadvisable to provide more than the minimum information necessary to the governing body, as more than this may potentially prejudice governors' impartiality in any subsequent hearing or appeal in disciplinary proceedings. Where the Headteacher has been suspended, the implications for the management of the school will need to be considered including the arrangements for an Acting Headteacher. The Chair of the LGB and CEO should be fully involved in this decision.
- 3.2 Senior staff in the school who need to know of the reason for the suspension should be informed as far as is necessary in the particular circumstances. The Headteacher/Acting Headteacher should take a decision on informing other staff colleagues in the school of the suspension, having taken advice from the Trust and in consultation with the employee.
- 3.3 In appropriate cases the Headteacher/Acting Headteacher should discuss with the Chair of Governors the extent to which it is necessary to make a statement to parents of children in the school, having considered the need to avoid unwelcome publicity.

- 3.4 In exceptional circumstances, e.g. child protection investigations, it may be necessary for the Headteacher (Acting Headteacher in consultation with the Chair of Governors) to provide appropriate reassurance to parents and children in the school and there may be a need for information to continue to be provided during the course of an investigation to parents, children and other colleagues. The Trust Media handling policy should be consulted.
- 3.5 In respect of paragraphs 3.2, 3.3 and 3.4 guidance should be sought from the LADO and the Trust or, where relevant and appropriate, from Social Services or the Police.
- 3.6 The Headteacher/Acting Headteacher in consultation with the Chair of Governors should consider, and keep under review, decisions as to who is informed of the suspension and investigation and to what extent confidentiality can or should be maintained, according to the circumstances of a particular case. In a situation where a matter becomes common knowledge or the subject of general gossip, it may be desirable to provide an appropriate statement for public information. Advice should be taken from the Trust.

4. Support for Staff during the Period of Suspension

- 4.1 The suspended member of staff should be given the name of an information contact. The main role of the contact person is to provide information as to the progress of the investigation, and to also keep the member of staff informed about relevant school/work matters. Employees are advised not to discuss the reasons for suspension with work colleagues during a period of suspension. However, social contact is not precluded.
- 4.2 Although it is the aim that all investigations should be conducted as speedily as possible consistent with establishing the full facts, arrangements should be made (by negotiation) for the individual, or his or her representative, to be contacted regularly with information on progress and developments on the case. These arrangements should not preclude him/her, or his or her representative, contacting those conducting the investigation at any time.
- 4.3 According to the needs and wishes of the member of staff to be kept informed, a colleague contact should also be in a position to provide information about developments at the school in general.
- 4.4 In some cases, it may be appropriate to ask whether welfare counselling or the support of the Occupational Health Advisor, would be helpful, or to respond to a request for such further support.

5. Support for Others Concerned

- 5.1 If a child or children have made the allegation/s they and their parents may need support. Consideration should be given to the form such support should take. Consideration should also be given to what support may be needed for others at the school, both staff and pupils, according to the circumstances of any alleged abuse. In some cases, therapeutic counselling from expert sources may be necessary. Advice on this can be obtained from Social Services, the LADO, and the Police as relevant and appropriate to the case/circumstances.

6. Where no Action is Taken to Suspend

- 6.1 The Headteacher/Chair of Governors (in cases where the circumstances concern the Headteacher) should explain to the member of staff the circumstances which led to consideration of suspension and further explain any follow up action which it is proposed to take. The member of staff may be accompanied by a trade union representative or work colleague. According to the circumstances of the case, appropriate assistance or advice may be offered.

The Headteacher/Chair of Governors should seek to establish what support, if any, is required and where appropriate and acceptable to the member of staff should seek advice from the Trust. According to circumstances, appropriate counselling services should be considered.

- 6.2 Where there are concerns about an employee's conduct, a full investigation may be undertaken before making a decision about further action under disciplinary procedures. HR advice should be sought on undertaking an investigation.

7. Lifting Suspension

- 7.1 Once a suspension comes to an end, the employee should return to work immediately. An employee may sometimes feel aggrieved about the suspension and/or worried about returning to work. Therefore, The Trust or Academy as appropriate should arrange a return-to-work meeting on the employee's first day back, or as early as possible. It can provide an opportunity to discuss and resolve any concerns. The meeting could be arranged away from the workplace or somewhere at work in private.
- 7.2 A suspension will end either when an investigation is complete and there is no case to answer or an investigation leads to disciplinary action and a sanction, or where a review determines it is no longer appropriate
- 7.3 Lifting of a suspension must be carried out by the Headteacher, having first discussed the action with the Chair of LGB and CEO.
- 7.4 Any documentation relating to suspension which is lifted at the end of an investigation from which no case to answer is found is to be retained in an employee's personal file in accordance with the Trust Data Retention Policy but is to be discounted in the event of any future processes/reference requests.

8. Options if an employee believes their suspension has not been handled fairly

- 8.1 An employee with concerns about how their suspension has been handled should try to resolve the matter informally first. Many issues can be resolved quickly by having an informal conversation with a manager or HR.
- 8.2 If the matter cannot be resolved informally, an employee could raise a formal grievance. A grievance should be made in writing and set out the issue in accordance with the Trust's Staff Complaints and Grievance Procedure. Raising a complaint or grievance will not prevent or delay a decision of suspension being made.