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Allegations against staff or volunteers who work with children:

Suspension – when it should be considered

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# Allegations against staff or volunteers who work with children: Suspension – when it should be considered

1. Suspension should be considered only in cases where there is cause to suspect a child or other children at the place of **employment** is/are at risk of harm or the case is so serious that it might be grounds for dismissal. The case manager must consider carefully whether the circumstances warrant suspension from contact with children until the allegation is resolved, and may wish to seek advice from their Human Resources (HR) adviser and the LADO. Agencies’ HR are responsible for notifying the appropriate regulatory body when a member of staff member is suspended.

2. The case manager should also consider whether the result that would be achieved by immediate suspension could be obtained by alternative arrangements. In many cases an investigation can be resolved quickly and without the need for suspension. If the LADO, police and children’s social care services have no objections to the member of staff continuing to work during the investigation, the case manager should be as inventive as possible to avoid suspension.

3. Based on assessment of risk, the following alternatives should be considered by the case manager before suspending a member of staff:

* Redeployment 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 so the individual does not have unsupervised access to children
* Temporarily redeploying the member of staff to another role in a different location

You can use the [Suspension Risk Assessment Tool Here](https://westmidlands.procedures.org.uk/local-content/ygjN/lado-managing-allegations/?b=Herefordshire)

These alternatives allow time for an informed decision regarding the suspension. This will, however, depend upon the nature of the allegation. The case manager should consider the potential permanent professional reputational damage to employees that can result from suspension where an allegation is later found to be unsubstantiated or maliciously intended.

4. If immediate suspension is considered necessary, the rationale and justification for such a course of action should be agreed and recorded by both the case manager and the LADO. This should also include what alternatives to suspension have been considered and why they were rejected.

5. Where it has been deemed appropriate to suspend the person, written confirmation should be dispatched within one working day, giving as much detail as appropriate for the reasons for the suspension. It is not acceptable for an employer to leave a person who has been suspended without any support. The person should be informed at the point of their suspension who their named contact is within the organisation and provided with their contact details.

6. Children and Families social care services or the police cannot require the case manager to suspend a member of staff or a volunteer, although they should give appropriate weight to their advice. The power to suspend is vested in the employer. However, where a discussion concludes that there should be enquiries by the children’s social care services and/or an investigation by the police, the LADO should canvass police and children’s social care services for views about whether the accused member of staff needs to be suspended from contact with children in order to inform consideration of suspension. Police involvement does not make it mandatory to suspend a member of staff; this decision should be taken on a case-by-case basis having undertaken a risk assessment.

7. If a suspended person is to return to work, the employer should consider what help and support might be appropriate (e.g. a phased return to work and/or provision of a mentor), and also how best to manage the member of staff's contact with the child concerned, if still in the workplace.

8. **Police bail**. It should be noted that Police guidelines in relation to arrest and the use of bail conditions have been tightened. The exercise of the power of arrest represents an obvious and significant interference with the Right to Liberty and Security under Article 5 of the European Convention on Human Rights set out in Part I of Schedule 1 to the Human Rights Act 1998. The use of the power must be fully justified and Officers exercising the power should consider if the necessary objectives can be met by other, less intrusive means: i.e. interview under Caution.

Information surrounding any Police investigation should be fully understood when considering suspension.

9**.** **Schools and colleges - Interim Prohibition Order.** In cases where a school or college is made aware that the Secretary of State has made an interim prohibition order in respect of an individual at the school or college, it will be necessary to immediately suspend that person from teaching pending the findings of the Teaching Regulation Agency’s investigation. [You can download a PDF from this page](https://www.gov.uk/government/publications/teacher-misconduct-disciplinary-procedures)

Information for independent schools: [Homepage (isaschools.org.uk)](https://www.isaschools.org.uk/)

10. **Disclosure and Barring Service (DBS)**. If an organisation or agency removes an individual (paid worker or unpaid volunteer) from work in regulated activity with children (or would have, had the person not left first) because the person poses a risk of harm to children, the organisation or agency must make a [referral to the Disclosure and Barring Service](https://www.gov.uk/guidance/making-barring-referrals-to-the-dbs) to consider whether to add the individual to the barred list.

This applies irrespective of whether a referral has been made to local authority children’s social care and/or the designated officer or team of officers. It is an offence to fail to make a referral without good reason.

Please contact LADO if you are uncertain if the concerns you have warrant a LADO referral or if you have further questions which are not answered by this guidance:

**LADO can be contacted by e-mail to** lado@herefordshire.gov.uk **or by telephone LADO on 01432 261739.**

**Herefordshire Safeguarding Board and LADO arrangements under Chapter 2 of Working**

**Together July 2018 and West Midlands Safeguarding Children Procedures 31st March 2017. Keeping Children Safe in Education September 2022.**

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