

Assessing Risk – to suspend or not to suspend?



Activity

- Discuss in 2's or 3's: what are the challenges involved in making a decision about suspension?

When to consider suspension

- When the allegation, if proven, would constitute gross misconduct
- Continued presence at work could influence/hinder an investigation
- The alleged misconduct could be repeated
- There is a risk to the employee, staff, service users (patients, pupils, customers, the public)
- There have been criminal charges connected with employment, or that affect suitability for employment

Making the decision whether to suspend

- Suspension should be a neutral act – needs a risk assessment to inform the decision
- What is the risk?
- Who is at risk?
- What measures are available to manage the risk?
- Risk can be managed = no suspension
- Risk cannot be managed = suspend

Alternatives to Suspension

- Working from home
- Working in a different location
- Deployment to a different role
- Working with closer supervision
- A reduction in duties (some work is better than no work)

Factors affecting the decision

- Size of employer
- Location of alleged incident(s)
- Roles available within workplace
- Opportunities for enhanced supervision
- Nature of allegation
- Criminal investigation – does not require suspension

Scenarios

Discuss what factors you would take into consideration when deciding whether suspension was necessary:

- You are informed that a member of staff has been arrested and charged with sexual assault. The allegation is that when travelling on public transport they have rubbed their genital area against female passengers, over clothing.
- A parent reports that a staff member is having a sexual relationship with a 17 year old service user.

Scenarios

- A child alleges that a staff member has kissed, touched them over and under clothing and digitally penetrated their vagina & anus. The allegation is that this took place in the workplace.
- A service user alleges that two staff members have used excessive force to restrain them, dragging them across the floor by their feet because they didn't want to leave the room, causing scratches and bruises to their back.
- A staff member has been arrested and charged with assault (a broken nose, cuts and bruises) and coercive & controlling behaviour. The alleged victim is their intimate partner

Duty of Care to Staff

- What is the potential impact of allegations/suspension on staff?
- Are they fit for work?
- Consider occupational health, referral for counselling, encourage access to EAP if available
- Expectations of colleagues

Making the decision

- Discuss appropriately with HR/LADO for advice
- Assess whether suspension is necessary
- Whatever decision is made, record decision and the rationale in writing