

PERTH AND KINROSS COUNCIL
JOINT NEGOTIATING COMMITTEE FOR TEACHING STAFF
LOCAL AGREEMENT
Teacher Suspension

In terms of the Local Recognition and Procedure Agreement, it is accepted by all signatories acting on behalf of the Council and the recognised unions that this agreement is a binding local agreement effective from 22 August 2006. This supersedes relevant provisions within the National Agreement and constitutes a formal amendment to the terms and conditions of employment for teaching employees within Perth and Kinross Council.

John Fyffe, Executive Director (Education & Children's Services), on behalf of
Perth and Kinross Council:

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Douglas Stewart (EIS), on behalf of Teachers' Trade Unions:

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Teacher Suspension

Guidance

1. INTRODUCTION

The Council's Disciplinary Procedure for Teaching Staff was approved on *insert date*.

These guidelines have been prepared to assist managers in deciding whether or not to suspend a teacher from duty and having determined that suspension is appropriate ensure that a proper procedure is applied when enacting any suspension from work.

2. GUIDELINES

In situations where either a complaint has been received or where a teacher's conduct or performance has given cause for concern an investigating officer will be appointed in accordance with the Disciplinary Procedure for Teaching Staff.

In certain circumstances, it may be necessary to suspend a teacher from duty. Suspension can take place at any time after the allegation becomes known. It is important to remember that the teacher is innocent until proven guilty. Careful consideration should be given to all the issues and facts of the situation prior to imposing suspension. Consideration should also be given to separation or temporary redeployment rather than suspension.

Any use of "precautionary suspension" as part of the disciplinary procedure must comply with the principles and procedures set out below:

(a) Principles

- Precautionary suspension must not be associated with any presumption of guilt.
- Precautionary suspension must only be used in the most serious cases of alleged misconduct (in particular gross misconduct cases) or poor performance.
- Precautionary suspension may be applied where the Teacher's presence at his/her normal place of work could prejudice the investigation.
- When the allegations against a teacher relate to possible abuse of children, the initial procedures set out by the Council's Child Protection

Principles (continued)

Guidelines will apply – specifically in terms of whether or not precautionary suspension is appropriate.

- Where it is considered that a potential risk exists to other employees/pupils or the public or the Council's property, precautionary suspension may apply.

Any suspension from duty will be with full pay.

(b) Procedures

- The formal letter of suspension should normally be signed by the Executive Director (Education & Children's Services) or a nominated senior officer (usually the Depute or Head of Service).
- An agreed 'script' should be followed by the officer enacting the suspension (usually the Head Teacher).

3. HEAD TEACHER PROCEDURE

Having made the decision to suspend the teacher from duty it is important to adhere to the following:

(a) Arrange a Precautionary Suspension Interview

- Advise the teacher that they are invited to attend a meeting and that its nature is serious and that they should, if they wish, arrange to be accompanied or represented at the meeting. Advise that they can be accompanied by a representative of a trade union or professional association or work colleague, assistance may be given to facilitate this if requested. However if no one is available to accompany the teacher then the meeting should still take place as planned.

(b) Precautionary Suspension Interview

The precautionary suspension interview has a clear purpose and no attempt should be made to take any type of statement from the teacher at this meeting as they will be given the opportunity to respond to the allegations at the investigatory stage of the process.

The purpose of the precautionary suspension interview is to:

- Inform the teacher of the reason for the precautionary suspension and outline the nature of the allegation(s).

Precautionary Suspension Interview (continued)

- Advise that precautionary suspension does not itself indicate any presumption of guilt and that it is not considered as disciplinary action.
- Emphasise the **precautionary** nature of the suspension including reference, if appropriate, to the fact that it is partly to protect the teacher. You should also indicate if you have considered temporary deployment or separation of parties, if appropriate in the circumstances and detail why these options are not being pursued at this time.
- Advise that the precautionary suspension is on **full pay** and that written confirmation of the precautionary suspension including reasons for the precautionary suspension and the nature of the allegations shall be provided within **3 working days** of the interview.
- Advise that she/he should not be in contact with or visit the school during the suspension period and that she/he should avoid discussing the matter with any colleague. Advise that she/he can maintain normal social contact with colleagues on the clear understanding that the specific allegation(s) should not be the subject of discussion.
- Advise that this advice clearly does not apply to any contact between her/him and any professional association representatives. If she/he or their representative wish to visit the school and other premises, in order to undertake their own enquiries you should inform them that they should notify you that access is requested for this purpose.
- Advise the teacher on how to pick up any personal possessions left behind on the day.
- Enquire whether assistance is needed in regard to assistance in leaving the premises and getting him and make any necessary arrangements to assist.
- Inform the teacher of the likelihood of a further meeting within approximately two weeks. Explain that the purpose of the meeting will be to reiterate the contents of the original letter, to emphasise the precautionary nature of the suspension, to outline the way in which the legal system operates (if a police investigation is underway), to reiterate the availability of the Employee Counselling Service and to provide an opportunity for the teacher to seek clarification of procedural matters. The meeting cannot address any specific aspects of the allegations which are being investigated. The

teacher should also be advised that the suspension will be reviewed 10 days after the suspension was enacted and that the outcome of this review will be confirmed to them in writing.

(c) Actions following Precautionary Suspension Meeting

- (i) The Head Teacher or officer who enacted the suspension must ensure that the letter confirming the suspension is arranged and issued within 3 working days. An example letter is outlined in Appendix 1.
- (ii) The Head Teacher should brief orally all school staff at the earliest opportunity. This briefing will enable the staff to be advised of the following:
 - That an allegation has been made. (*Query whether this should include the general nature of the allegation without breaching any confidentiality*).
 - The name of the teacher involved and a brief explanation that leave of absence has been granted in accordance with the agreed procedures.
 - That no member of staff is authorised to discuss any matter relevant to the allegations with any other individual or corporate body (e.g. Press).
 - That the teacher concerned has been advised that she/he can maintain normal social contact with colleagues and staff on the clear understanding that the specific allegations should not be the subject of discussion.

4. FOLLOW-UP PRECAUTIONARY SUSPENSION MEETING

(a) Purpose

In accordance with Council's Disciplinary Procedure for Teaching Staff all suspensions should be reviewed no later than 10 working days' from the date that the precautionary suspension was enacted and at 10 working day intervals thereafter. It should be noted that any precautionary suspension should be kept as short as possible and where possible, should be restricted to the 20 working day investigatory period.

Where it has been decided to continue the suspension following the 10-day review a meeting should be arranged within approximately two weeks of the suspension being enacted. The purpose of this meeting is to:

- Re-emphasise the precautionary nature of the suspension.

- Re-iterate the nature of the allegations and contents of the original suspension letter.
- Inform the teacher of the progress of the investigation. (No specific aspects of the allegation(s) being investigated can be discussed at this meeting).
- Remind the teacher of the Employee Counselling Service
- Enable the teacher to seek clarification on any procedural matters

(b) Completion of Investigation

At the completion of the investigation, management should review the situation and determine whether:

- The employee remains suspended;
- The employee returns to work in another post pending any disciplinary hearing, if one is to be held;
- The employee returns to their own post in a limited capacity whilst waiting for a disciplinary hearing, if one is to be held.

If no disciplinary action is required, the employee should return to work as soon as possible. They should also be informed in writing that their suspension has been 'lifted' and a brief explanation of the circumstances should be provided. All persons advised of the suspension should also be advised that the suspension is 'lifted' and, where appropriate, that there has been no foundation to the allegation(s).

LETTER CONFIRMING SUSPENSION FROM WORK ON FULL PAY

Dear

Suspension from Work on Full Pay

I refer to your meeting on (insert date) with (*Name and Job Title of manager who enacted suspension*), and (name of TU representative or colleague if present) and now confirm that as (*detail nature of allegation*), I have no alternative but to suspend you from duty pending further investigations into this matter. This will be conducted by (an) Investigating Officer(s) appointed by me in accordance with the Disciplinary Procedure for Teaching Staff, a copy of which I enclose for your information.

In due course, you will be contacted by the investigating Officer(s) to discuss this matter further. This will afford you the opportunity to provide your view of the issue and you will have the right to be accompanied at this meeting by a Trade Union representative or colleague of your choice.

I confirm, as advised orally by (Name), that you are suspended from work on full pay until further notice. This is a precautionary measure only and is by no means an indication of any presumption of guilt. This step has been taken after careful consideration, taking account of the nature of the allegation and in order to enable an objective investigation to be conducted.

I further confirm that you should not be in contact with or visit the (normal place of work e.g. site or school) during your period of suspension and I would also advise you to avoid discussing this matter with any colleague. You may, of course, continue to maintain normal social contact with colleagues but it should be clearly understood that the specific matter under investigation should not be discussed. This advice clearly does not apply to any contact between you and any of your professional association/ trade union representatives. I understand that you or your representative may wish to enter the *site/office/school* and other premises, in order to undertake your own enquiries. In this event, you or your representative should notify me that access is requested.

Should you have personal possessions in the school that you wish to access please contact me directly, or through your representative, and arrangements will be made to facilitate this.

Your suspension will be reviewed on completion of the investigation or no later than 10 working days' from today's date, whichever is sooner.

I appreciate that these circumstances can be stressful, even although there is no presumption of any wrongdoing on your part. Should you find it helpful, may I also remind you that the Council operates a free, and strictly confidential, counselling service that you may wish to access and the number is 01738 551026. Please be assured that this operates on behalf of the Council but is in no way associated with any Service/Department and any contact you may have will not be reported.

In addition, should you not have already been in touch with your professional association/trade union I would encourage you to do so in order to receive appropriate advice and support.

Should you require any clarification of the advice provided in this letter, or have any queries regarding your suspension, please feel free to contact me personally at the above address/number. In my absence you should contact (name) for any advice you may require.

I will be in contact with you in the next two weeks to arrange a further meeting to discuss your precautionary suspension.

Yours sincerely

Name
Executive Director (or nominated senior officer's job title)

Copy to: Head Teacher
 HR Services