

A good reminder of the perils of suspending an employee: Agoreyo v Lambeth

The case summary is in the quote below, but broadly this is a good reminder to employers about the perils of suspension.

Often it is a good idea in cases of potential gross misconduct and has been described in the case law as a 'neutral act'. As long as there is no element of pre-judgment and there is some cogent prima facie evidence that some serious misconduct has been committed, it makes sense to do so. I think in those circumstances, it could fairly be described as neutral as long as the employee is being paid. I have seen cases where Tribunals have found that the failure to suspend, suggested that the employer did not think the misconduct had happened.

However, the Agoreyo case reminds employers that such matters are not straight forward, particularly where professionals are concerned. There is of course always a potential stigma when an employee is suspended and this may hit professionals harder than other employees.

As ever, fairness and common sense must prevail and an employer must weigh up carefully the pros and cons of suspension and make sure everything is clear and properly recorded.



The Claimant, a teacher, was suspended following an incident involving physical force towards 2 children at the

school. She resigned the same day. She brought a claim for breach of contract in the county court which was dismissed. The judge said that the Respondent was entitled and indeed bound to suspend the Claimant after receiving reports of the allegations from colleagues. The High Court allowed the appeal. Suspension should not be the default option - an individual should be suspended only if there is no reasonable alternative. The Claimant's resignation letter neither negated nor undermined the case on breach of the implied term as to trust and confidence.

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