



Nurture Academies Trust Policy

Drug and Alcohol Guidance

Version 2 / Dated: October 2015

Contents

Drug and alcohol guidance for school staff

Contents	2
Introduction	3
Scope of Guidance	3
Aims of the Guidance	4
Relevant Legislation	4
Definitions of Alcohol, Drug & Substance Misuse	4
Potential Impacts of Substance Misuse	5
Signs of Potential Alcohol, Drug or Substance Misuse	5
Day to Day Monitoring	6
Support for Employees with Drug & Alcohol Related Problems.....	7
Guidance for Managers Where They Identify a Potential Alcohol or Drug Related Problem....	8
Guidance for Managers Where an Employee Attends Work Suspected of Being under the Influence of Drugs or Alcohol	9
Use of medically prescribed drugs/medication	10
Obligations of the Employer	11
Obligations of Employees	11
Review of the Guidance	12

Introduction

School recognises that it has a responsibility to protect employees and pupils by ensuring that all employees attending work are not under the influence of drugs, alcohol or any other substance.

School is committed to ensuring the Health, Safety and Welfare of all employees and pupils. School will take all reasonable steps to reduce the risk of injuries or incidents occurring due to employees experiencing the effects of alcohol or substance misuse.

This guidance recognises that alcohol or substance misuse can lead to a range of social, psychological and medical problems, including dependence and can be associated with impaired work performance and attendance. The guidance applies to all school employees and the aim is to provide support and guidance to protect school employees and pupils.

It applies both to those employees whose alcohol or substance misuse, in the opinion of the school, interferes with their work or their relationships at work and to those employees who seek help voluntarily.

It is essential that all employees recognise the seriousness of and the impacts of alcohol or substance misuse and that they are made aware that there is support and guidance available to manage these issues.

Whilst not diminishing the potential gravity of alcohol and substance misuse, school recognises that it is a health and safety issue requiring support and treatment. School also recognises that it has a responsibility to provide support to promote rehabilitation of an employee who may be experiencing such problems.

School is committed to effectively managing this risk and to ensuring that adequate resources are available to implement and monitor the measures set out in this guidance.

Scope of Guidance

This guidance applies to all school employees including teachers, support staff, casual workers, volunteers, agency staff, contractors and consultants. This is a non-exhaustive list.

This document provides guidance to managers on dealing with employees whom they suspect may be attending work under the influence of alcohol, illegal drugs or have misused prescribed drugs.



Aims of the Guidance

The aim of this guidance is to assist managers in the identification and management of employees whom they suspect have drug or alcohol problems that may be impacting on work; to avoid unnecessary absence; to ensure effective work performance and to provide a working environment which ensures that, as far as practicable, the health and safety of all employees and pupils within school.

It also aims to promote supportive measures and the encouragement of employees to seek assistance where an employee admits to having an alcohol or drug problem.

Whilst acknowledging employees' entitlement to privacy, particularly in health matters, the school has a duty to act where alcohol, drugs or other substance misuse impacts on work, through the adverse conduct or work performance of employees or impinges on the health and safety of other employees or pupils.

The school will normally seek to support employees in the first instance, rather than taking immediate disciplinary action, other than in the non-exhaustive list examples in this document.

Relevant Legislation

The Health & Safety at Work Act 1974 and the Management of Health and Safety at Work Regulations 1999 place a legal duty on Employers to ensure, as far as is reasonably practicable, the health, safety and welfare of all employees while at work.

The Road Traffic Act 1988 states that it is an offence to drive or attempt to drive whilst under the influence of alcohol/drugs or a combination of both.

It is an offence under the Misuse of Drugs Act 1971 for the possession, transfer or sale of controlled drugs on the premises and is therefore a criminal offence in law and any employee found to be involved in these activities will be reported to, and could be subject to criminal prosecution by, the Police. An employer who knowingly permits the supply or taking of illegal drugs on their premises may be liable to prosecution.

The Public Interest Disclosure Act 1998 protects workers who responsibly raise concerns about a colleague's alcohol or drug use with their manager.

NB The Equality Act 2010 does not apply to alcohol or drug misuse unless the individual develops a medical condition as a result of their addiction.

Definitions of Alcohol, Drug & Substance Misuse

For the purpose of this guidance:

Alcohol misuse is defined as:

“A level of alcohol drinking, either intermittent or continuous, which interferes with an individual's health, work capabilities, conduct or reputation, or which

affects the work performance and/or safety of others and/or well-being/comfort of others.”

Drug and substance misuse is defined as:

“The use of any controlled drug as defined by the ‘Misuse of Drugs Act 1971’ or any statutory re-enactment.”

“The intentional misuse of prescribed or ‘over the counter’ medication.

“The misuse of substances, e.g. solvents which can impair behaviour, judgement or job performance of the individual.”

Potential Impacts of Substance Misuse

The following is a non-exhaustive list of examples:-

Organisational Impact

- safety concerns for employees, pupils, etc
- impact on teaching and learning;
- lateness and absenteeism;
- bad behaviour or poor discipline;
- adverse affect on the schools image and public relations.

Individual Impact

- loss of concentration;
- co-ordination;
- work performance;
- safety ability;
- accidents;

Signs of Potential Alcohol, Drug or Substance Misuse

The following is a non-exhaustive list of examples:-

- frequent lateness, repeated brief periods of absence for trivial or inadequate reasons;
- smelling of drink or under the influence of drink during working hours;
- absenteeism, uncertified or certified, particularly related to weekends and holidays;
- mood changes, irritability, lethargy;
- accident-proneness, minor accidents on the job and accidents away from the job, mistakes, errors of judgement;
- deterioration in relationships with fellow workers, borrowing money, etc.;

- hand tremors, slurred speech, facial flushing, bleary eyes, poor personal hygiene

However the manager should be careful not to jump to any conclusions as some health conditions could cause similar symptoms such as slurred speech, tremors, and poor coordination for example those who have suffered a stroke, have ME, MS or other progressive neurological conditions. The manager should seek to establish that there are no underlying health conditions.

Day to Day Monitoring

Managers should be alert to changes in behaviour that may be attributable to a drug or alcohol related problem, for example:-

General Appearance and Conduct

If an employee's appearance or conduct deteriorates without any obvious reason, the manager should discuss this with the employee.

Work Performance

Substance misuse may affect the performance of employees in several ways and it may not be appropriate to deal with every situation in the same way. There may be an immediate situation requiring resolution or an ongoing performance issue to be managed, for example:

- An incident may occur as a result of an employee being under the influence of alcohol, drugs or other substances;
- A pattern of regular absences may emerge or a complaint may be received about an employee which indicates there may be a substance misuse problem;
- Performance may gradually deteriorate over a period of time.

Attendance & Accident Rates

Monitoring of absence or accident rates is part of normal managerial responsibility. Managers should be aware that increases in such rates could be linked to an alcohol, drug or substance misuse problem.

Day to Day Informal Discussions

During the normal course of endeavouring to rectify work related difficulties, it may come to light that the problems are drug or alcohol related. Opinions and judgements on drug or alcohol misuse should be avoided and the discussion should focus on the unsatisfactory aspects of conduct, performance, attendance or behaviour.



The manager should, however, enquire of the employee as to whether he or she has a health problem which might be a contributing factor and discuss seeking support through EH&WB.

Support for Employees with Drug & Alcohol Related Problems

Drug and/or Alcohol addiction is a primary health problem. As with any other health condition, anyone identified as possibly having an alcohol or substance misuse problem will be offered advice and professional help at the earliest opportunity.

Where an employee suspects, or knows, that they have an alcohol or drug problem and approaches their line manager, the manager should arrange for the employee to be referred to the EH&WB Service for assessment of appropriate help available.

The admission of an alcohol or drug misuse problem may be very difficult for an individual to make. Managers should therefore deal with the employee in a supportive manner and endeavour to encourage the individual to seek the appropriate support through EH&WB.

All employees should be assured that their problem will be treated with the utmost confidentiality.

Even where an employee admits to an alcohol or substance misuse problem, the manager still has a duty to consider whether there is a need to re-allocate the employee to other duties during (and after) rehabilitation.

The employee can make a voluntary confidential self-referral to EH&WB Service for help and support.

Where an employee voluntarily requests assistance from EH&WB prior to their manager being aware, EH&WB will normally only divulge information where there has been written agreement from the employee, except in cases where there may be a serious risk to themselves, other employees, clients or service users.

However, if time off work is needed for a recovery/assistance programme or there is a requirement to change the employee's duties or working environment, the line manager will have to be informed.

Assistance and referral for treatment will not automatically be offered where, for example, treatment has not been successful on a previous occasion or the employee refuses to accept that there is a problem or when consequences of the misuse have been too serious.

Guidance for Managers Where They Identify a Potential Alcohol or Drug Related Problem

Managers should be aware that alcohol and drug misuse is a complex phenomenon and as such, it should be borne in mind that work, stress, illness, personal problems or a combination of all of these issues may be an integral part of an employee showing signs of alcohol or drug misuse in the workplace.

It is important that Managers are alert to the signs of any potential problem at an early stage so that support can be made available.

Where a problem is identified, the manager must treat the matter in the strictest confidence.

It would not normally be necessary to suspend an employee from work, unless they could be a risk to themselves, other employees or pupils.

However, the employee may be suspended from duty if they report for work whilst under the influence of alcohol or drugs. Suspension must be carried out in accordance with the school's agreed disciplinary procedure.

Following discussion with the employee, the Manager should refer cases of suspected or admitted substance misuse to the EH&WB Service. If the employee refuses to give their consent and the manager believes there is a serious concern, e.g. that the employee is a risk to themselves or others, the Manager can instruct an individual to attend the EH&WB Service.

The Manager, in consultation with EH&WB and HR Advisor, will review what duties, if any, the employee can be relied upon to carry out safely.

If the employee is **fit** for work then a judgment must be made on the requirement or otherwise for any workplace restrictions. The decision on any restrictions will depend amongst other things on whether their role is safety critical, whether or not the employee works alone, and the impact of their alcohol or drug misuse on their behaviour and how this could impact on their safety, the safety of other employees and pupils.

Monitoring of the individual should be arranged prior to commencing their new duties. The employee should be given an indication of how the situation will be monitored and over what time scale.

If, after help and support the situation does not improve, the employee should be advised of the implications of continuing problems with their conduct, performance, behaviour or absence i.e. that they will be dealt with under school's disciplinary or capability procedure.

The decision as to whether or not to accept treatment has to be that of the individual. However, if an employee declines to receive treatment and his/her standard of conduct, performance or attendance remains unacceptable, the manager should consider taking action under the disciplinary or capability procedure.

Where an employee denies having an alcohol or substance misuse problem, the management concerns should be dealt with in accordance with schools disciplinary or capability procedure. The employee should also still be advised they can approach the EH&WB Service confidentially for help and advice. This should be confirmed in writing.

Guidance for Managers Where an Employee Attends Work Suspected of Being under the Influence of Drugs or Alcohol

If a manager suspects that an employee is under the influence of alcohol or drugs and believes that to allow that individual to commence or continue their duties would present an unacceptable risk to themselves or others, then the following procedure should be followed;

The employee should be asked if they have been drinking alcohol, using drugs or other substances and when this happened. It is not appropriate or practical to seek blood / breath tests or other physical proof of suspected substance abuse.

In order to reach a judgement on whether the employee is competent to continue his/her duties, the manager should consider the following:

- i) Do they admit to consuming alcohol / being under the influence of drugs?
- ii) How self-evident is it that the employee has been drinking / is under the influence of drugs?
- iii) What is their behaviour like?
- iv) Is there a health & safety risk in allowing the employee to work?

Brief notes should be made of responses and the specific behaviours which are giving cause for concern.

If it is decided that the employee should be sent home, the decision should be made by a senior manager, wherever possible. Where it is necessary to send an employee home, school may, at its discretion, suspend pay for the day.

The employee should be informed of the decision in the presence of a witness, preferably another manager. Notes of the meeting must be recorded and the decision confirmed in writing to the employee.

The manager may need to organise transport (e.g. taxi at the employee expense) or escort the employee home.

- The employee will be interviewed the following day or at the earliest opportunity before recommencing their duties. The interview should be conducted in accordance with normal management investigation procedures.
- Based upon the interview the Manager will form a judgement as to what action to take. This may include;
 - i) No formal action but the employee is reminded that working under the influence of drugs/alcohol is unacceptable, informed of the potential consequences and that a recurrence may invoke formal action under school's disciplinary or capability procedure. This could well be the decision taken on a 'one off' incident by an employee with an otherwise good record. This should be confirmed in writing.
 - ii) Formal action under school's disciplinary or capability procedure. This will depend on the circumstances of each case e.g. the behaviour/conduct of the employee, the nature of their work, the disruption to school, whether this is a repeat offence, whether they admit to a problem and agree to seek help etc. If an employee is thought to be unfit for work through alcohol or drug misuse on a regular basis, s/he may be suspended from their duties where appropriate whilst any investigations take place, to minimise danger to themselves, other employees or pupils.
 - iii) Irrespective of the decision above, the employee should be encouraged to seek support from the EH&WB Service.

Use of medically prescribed drugs/medication

Prescribed and over the counter medications are also covered by this guidance, in so far as they may cause side effects that may have potential safety implications.

Should a member of staff be advised by a medical practitioner that they should notify his or her manager about any possible impact on his/her health and safety relating to his/her duties at work, the employee should raise these issues with management.

A risk assessment may be carried out in relation to an employees current role and to identify possible alternative roles that could be considered whilst s/he is being prescribed medication. The manager may in turn seek advice from the EH&WS. An employee engaged on safety critical tasks might need to be provided with alternative work during periods of medical treatment.

Employees obtaining treatment for themselves should be aware of any potential side effects and where possible seek out alternatives that do not impair performance through drowsiness or other symptoms. If in doubt an employee should self-refer, or be referred to the EHWS.



Obligations of the Employer

Along with their statutory responsibilities, the school is committed to promoting a safe and supportive environment in which to learn and work.

In order to do so, it will:

- Inform employees about the potential consequences if they misuse alcohol or drugs at work in a way that affects their work performance, or the health and safety of themselves, their work colleagues or the pupils.
- Identify and promote good practise, as it applies to the support and/or treatment of alcohol or drug misuse problems that impact on work.
- Work with staff to create an understanding of what acceptable behaviour looks like.
- Facilitate early recognition of, and provide support for any employee suspected of having problems with alcohol or drug misuse, encouraging and assisting employees with an alcohol or drug misuse problem to obtain help at an early stage.
- Outline appropriate management action where an employee is suspected of having problems with alcohol or drug misuse.
- Keep appropriate records which should be maintained by the relevant manager, ensuring confidentiality is maintained. The only exception to this may be where there is a public duty to disclose the information to relevant external agencies.
- Take appropriate advice from Human Resources and/ or the Employee Health and Wellbeing service where necessary.
- Undertake and regularly review risk assessments to identify and assess the risks associated with alcohol and drug misuse. The risk assessments will consider the scope of all work activities carried out by school and will comply with all relevant legislation.

Obligations of Employees

All employees must be made aware and comply with the requirement to ensure that their performance or ability to carry out their activities at work safely and competently is not impaired in any way.

Specifically this means:-

- Employees must not present themselves for work under the influence of alcohol or drugs so that their performance or ability to carry out their activities at work safely and competently is impaired in any way. Nor should employees attend for work smelling of alcohol or drugs.
- Employees must not consume alcohol during working hours (this would include breaks, lunchtime, and overtime); this list is not exhaustive.

- Equally any employee whose role encompasses any of the above should be mindful that any alcohol/drug consumption, which is excessive outside working hours, may impact on their ability to undertake their employment safely, and put them, their colleagues or pupils at risk.
- Consumption of alcohol or drugs during normal working hours or at any time on school premises or when representing the school is prohibited. For clarity, 'normal working hours' will cover all periods of work.
- Employees representing the school at conferences or organised social events during or outside normal working hours are expected to moderate their behaviour so as not to bring the school into disrepute. Employees must also remain aware of the law in relation to driving whilst under the influence of alcohol or drugs.
- Incapacity and/or misconduct whilst under the influence of alcohol or drugs at work will be treated as a disciplinary offence.
- If whilst under the influence of alcohol, drugs or other substances at work, an employee behaves in a way which could be regarded as gross misconduct, for example – carries out an assault, behaves indecently, causes malicious damage to property or threatens in any way the health or safety of others etc then, irrespective of whether support may also be appropriate for an underlying problem, immediate disciplinary action should be considered.
- No alcohol or non prescription drugs should be brought onto, bought, sold or consumed in or on school premises at any time. Employee's found in possession of illegal drugs or selling, or attempting to sell illegal drugs will be reported to the police.
- If any employee is issued with a caution/warning/conviction for Alcohol or drug related offences including driving offences, during their employment, it is their duty to inform their line manager of the sanction.

Failure to comply with these requirements will be treated as a disciplinary offence, may constitute gross misconduct and will be dealt with under schools disciplinary or capability procedure and may result in dismissal.

Review of the Guidance

This guidance will be reviewed and updated as and when required but this will be done at least once every 12 months.

COPYRIGHT © 2016 City of Bradford Metropolitan District Council, City Hall, Bradford, West Yorkshire, BD1 1HY.

All rights reserved. No part of this document can be reproduced in any material form (including photocopying or storing it in any medium by electronic means and whether or not transiently or incidentally to some other use of this document) without the written permission of the copyright owner except in accordance with the provisions of the Copyright, Design and Patents Act 1988. Applications for the copyright owner's written permission to reproduce any part of this document should be addressed to the Pact-HR Team via email pact-hr@bradford.gov.uk.

Warning: To perform an unauthorised act in relation to a copyright work may result in both a civil claim for damages and criminal prosecution.