

Substance Misuse Policy

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1. Introduction

The Trust is committed to providing a safe, healthy, and productive working environment for all our staff, students, and visitors. Under the Health and Safety at Work Act 1974 and Management of Health and Safety at Work Regulations 1999. The Trust will take reasonable steps to reduce, if not eliminate the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or substance misuse and ensure that all staff are fit to carry out their jobs safely and effectively in a working environment which is free from alcohol and drug misuse.

Breaches of the policy will be taken seriously and may be dealt with under the Trust's Disciplinary Policy and Procedure.

For the purpose of the policy, the term 'drugs' means illegal substances (or legal substances which induce similar effects to legal drugs) or other substances, for example, solvents. Drug misuse also refers to the misuse of prescribed medication.

Drugs: Drugs can alter the way a person thinks, perceives, and feels, and this can lead to either impaired judgment or concentration. Drug misuse can also bring about the neglect of general health and well-being. This may adversely influence performance at work, even when the misuse takes place outside the workplace.

Alcohol: Alcohol misuse has some typical symptoms.

- Absenteeism – instances of unauthorized leave, short periods of sickness, absences on Mondays and Fridays, lateness in the mornings, lateness getting back from lunch, frequently going missing at work, odd and improbable excuses for absence, often leaving work early.
- High accident rate – at home, at work and in between.
- Difficulty in concentration or confusion – work requires more effort, takes more time, difficulty with complex assignments, memory lapses, difficulty in recalling instructions or own mistakes.
- Spasmodic work patterns – sometimes high productivity, sometimes low, unreliable, and unpredictable, more often out of the workplace than is required by the job, over-long tea breaks and so on.
- Coming to work under the influence – smelling of alcohol, hand tremors, scruffy appearance, lack of personal hygiene.
- Worsening efficiency at work – missed deadlines, mistakes, wasting time and supplies, poor judgment, bad decisions, improbable excuses.
- Poor working relationships – unreasonable resentments, over-reaction to real or imagined criticism, unusual irritability or aggression, complaints from co-workers, mood swings, getting into debt, avoiding their manager or colleagues.

All the signs above may be caused by other factors, such as stress, and should be regarded only as indications that an employee may have an alcohol problem or may be misusing drugs.

Senior and Middle Leaders including the Headteacher must also be aware that alcohol misuse may be part of a wider issue, as a sign of an underlying disability, such as depression.

2. Scope of Policy

This policy applies to employees of the Trust and does not form part of any employee's terms and conditions of employment. It is not intended to have any contractual effect.

Breaches of this policy will be taken seriously and may be dealt with under the LT2 Disciplinary policy (LT2-SP-001-I)

This policy covers all individuals working at all levels and grades within the Trust, including senior managers, officers, governors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual and agency staff, and volunteers (collectively referred to as **Staff** in this policy).

3. Responsibilities

The Trust recognises it has a statutory obligation to adopt formal policies and establish workplace procedures for dealing with Substance misuse. The Trust recognises that Substance misuse rules and procedures promote good employment relations and is committed to dealing with matters in a fair and consistent way.

The Trust HR Team are responsible for providing advice and guidance under this policy and reviewing and updating the policy as required.

The Board of Trustees, as a corporate body, has the responsibility to set the strategic direction and objectives of all matters across the Trust.

The CEO (Chief Executive Officer) Takes overall responsibility for the implementation of the policies and procedures and reporting as appropriate to the Trustees, in relation to this policy.

The Headteacher has overall responsibility for promoting and maintaining standards of work conduct within each school.

Line Managers are responsible for ensuring effective and competent operation of this policy, resolving any issues members of staff refer to them, informing the Headteacher of any issues to which they cannot achieve a satisfactory solution.

Heads of Department are responsible for the overall implementation of this policy in their departments.

The Trust Executive Leadership Team are responsible for ensuring that high standards of corporate governance are maintained

All members of staff have a responsibility to comply with this policy and to cooperate with the school's leadership and management on all matters relating to it.

No Staff member, in connection with any work-related activity:

- Report, or endeavor to report, for duty having consumed drugs or alcohol likely to render themselves unfit and/or unsafe for work.

- Consume or be under the influence of drugs or alcohol while on duty unless, in the case of alcohol, with the agreement of line management for the purpose of official entertaining.
- Store drugs or alcohol in personal areas such as lockers and desk drawers (apart from non-prescribed drugs such as paracetamol etc. or drugs which have been prescribed to the employee)
- Attempt to sell or give drugs or alcohol to any other employee or other person whilst working for or on behalf of the Trust.

Employees must inform their line manager regarding any prescribed medication that may influence their ability to carry out their work safely and must follow any instructions subsequently given. Advice can be sought from an Occupational Health Adviser, through the Trust HR Team, about whether any prescribed medication may impact on an employee's ability to carry out their work safely.

4. Representation

Employees have a statutory right to be accompanied at formal Substance misuse meetings/hearings by their trade union representative or a workplace colleague. The Trust will extend this right and allow for employees to be accompanied at all informal meetings as part of the disciplinary procedure.

The employee is responsible for arranging their representation, including notifying the representative of the hearing date in good time and sending copies of all relevant documentation. Where the employee's trade union representative is not available at the time proposed for the meeting/hearing, the employee may propose an alternative date and time.

The Trust should try to agree a mutually convenient date for the meeting with the employee and their union representative in order to ensure that meetings do not have to be delayed or rescheduled.

The trade union representative may address a hearing/meeting to put the case for the employee and/or sum up the case, respond on behalf of the employee to any views expressed at the meeting/hearing and may confer with the employee. They may not, however, answer questions on their behalf.

The Trust will need to consider whether any additional support for the employee is required, for example to make reasonable adjustments where there is a physical disability or other special need.

5. Substance Misuse

Staff are expected to arrive at work fit to carry out their job and to be able to perform their duties safely without limitations due to the use or aftereffects of alcohol or drugs (whether prescribed, over the counter or illegal).

The Trust will not accept employees arriving at work under the influence of alcohol or drugs, and/or whose ability to work is impaired in any way by reason of the consumption of alcohol

or drugs, or who consume alcohol or take drugs (other than prescription or over the counter medication, as directed) on our premises.

This policy is principally intended to deal with alcohol and drug problems which, in the context of this policy are any drinking or taking of drugs, whether intermittent or continual, which interferes with work performance in relation to attendance, efficiency, productivity or safety.

This policy is not intended to apply to “one-off” incidents or offences caused by alcohol or drug misuse at or outside of work where there is no evidence of an on-going problem, which may damage our reputation, and which are likely to be dealt with under the LT2 Disciplinary Policy (LT2-SP-001-I).

Staff must not drink alcohol during the normal working day, at lunchtime or at other official breaks. Drinking alcohol while at work without authorisation or working under the influence of alcohol maybe considered serious misconduct.

The Line Manager should act to prevent excessive consumption of alcohol by any employee and should take steps to deal with any unacceptable conduct that occurs at such functions. Any such behaviour may lead to disciplinary action.

The Trust reserve the right to refuse entry to, or to send home any staff member who is considered to be intoxicated.

The Trust expects all staff to comply with the Road Traffic Act 1988 at all times, an employee driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence. The Trust’s reputation will be damaged if a staff member is convicted of a drink-driving or drug-driving offence and, if their job requires driving any Trust vehicle and they lose their licence, they may be unable to continue to do their job. Committing a drink-driving or drug-driving offence outside or during working hours or while working for the Trust may lead to disciplinary action and could result in dismissal in accordance with the LT2 Disciplinary Policy (LT2-SP-001-I).

The Trust expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on Trust premises, in Trust vehicles or at a Trust function, they will be regarded as serious. They will be investigated in accordance with the Disciplinary Procedure and may lead to disciplinary action and reporting to the police.

Prescribed Medication

The policy does not stop employees from using prescribed medication, over-the-counter medication, or herbal remedies. However, medication such as tranquillisers, sleeping pills, painkillers, decongestants, cough suppressants, antihistamines (for treatment of hay fever or other allergies) and antidepressants can make people feel drowsy and may affect their work performance or the safety of themselves or others.

If a staff member is prescribed medication they must:

- Seek advice from their GP or pharmacist about the possible effect on their ability to carry out their job and whether their duties should be modified, or they should be

temporarily reassigned to a different role.

- Let their Line Manager know, in confidence, that they are taking medication and the possible side effects. The Line Manager will, if necessary, make alternative arrangements for you.

Work Events

The Trust expects staff to demonstrate responsible behaviour at work, work-related functions, and work-related social events and to act in a way that will not have a detrimental effect on the Trust's reputation.

Employees at these events are permitted to drink alcohol but must not allow themselves to surpass reasonable levels, become intoxicated or allow their judgement to become impaired. This includes ceasing to drink alcohol when asked to by a manager where that manager reasonably believes that the employee is at risk of causing offence or harm to others, harm to themselves, reputational damage to the Trust and / or behaving in an unprofessional manner.

The Trust prohibits the drinking of alcohol in the workplace or on Trust business other than the reasonable drinking of alcohol in connection with approved social functions. The Trust regards an 'unreasonable level' as any of the following:

- Individual is over the legal limit stipulated for driving (i.e. 35mcg/100ml of breath alcohol concentration)
- In the opinion of management, the individual's performance is impaired. This may be at less than the legal limit stipulated for driving.
- In the opinion of management, the individual's behaviour may cause embarrassment, distress or offence to others or could potentially bring the council into disrepute.
- The individual continues to drink when instructed to stop by a manager.

Absence

If employees are absent from work due to their attendance for treatment in relation to alcohol or drug abuse, that absence will be treated as a normal sickness absence in line with the Trust Managing Sickness and Absence Policy (LT2-NSP-008-I)

Searches

The Trust reserves the right to conduct searches for alcohol or drugs, including, but not limited to searches of lockers, filing cabinets and desks which are in its premises. Any alcohol or drugs found as a result of a search will be confiscated and disciplinary may result.

Drug and Alcohol Screening

The benefit of testing is that it provides an objective way of measuring whether an employee has used alcohol or drugs rather than relying on the personal opinion of a colleague.

Tests will be carried out where management has reasonable grounds to believe that an individual within the scope of this policy is under the influence of alcohol or drugs.

The test will be carried out by an independent and reputable external screening organisation, under a tightly controlled procedure, ensuring the results are fair, accurate and objective. Tests are carried out in the strictest confidence and privacy, and with dignity.

An employee may nominate a colleague or trade union representative to witness the test where this is reasonable and practical, and the Trust will try to arrange this where requested. The Trust will take appropriate action in response to any attempt by an employee to falsify a test result and this may result in disciplinary action under the Trust's Disciplinary Policy and Procedure, up to and including dismissal.

Where an individual has taken a test and then been required to leave the premises and the screening result is not available by the time, they should next start work, depending on the circumstances requiring them to be tested, they will either remain suspended from duty on contractual pay.

An employee refusing to be tested under the provisions of this policy may be subject to appropriate action including disciplinary action under the Trust's Disciplinary Policy and Procedure, up to and including dismissal. A letter to the employee who refused to take a drug test and did / did not provide acceptable reasons(s) will be provided.

All personal data collected for this purpose will be processed in line with the current Data Protection Act 2018.

Confidentiality

The Trust aims to ensure that the confidentiality of any staff member experiencing alcohol or drug related problems is maintained appropriately by the Line Manager and, where it is necessary to inform them, colleagues. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary.

6. Employee Support and Procedure

The Trust will be sympathetic and ensure the employee gets the help and support they need which may include direction to external specialists.

- **Voluntary:** If an employee comes forward voluntarily and admits to having a problem and agree to receive support for an alcohol or drug problem, they will be given help, support and always treated with dignity by the Trust. If an employee thinks they have a problem and may be violating this policy as a result, the Trust strongly encourages them to come forward and seek help.
- **Management Referral:** Where the Line Manager suspects and/ or may have a problem with an employee's alcohol or drug misuse which is affecting work performance.
- **Formal Action:** IF the problem persists or the employee refuses help or to improve the situation.

Any discussions will be in the strictest of confidence.

The Trust recognises that employees may continue to struggle with alcohol or drug dependency even after they have sought and are receiving assistance. The Trust will make every effort to provide ongoing support to employees.

Voluntary Referral

This meeting may have been arranged as a result of the employee approaching you to advise they have a problem.

- Ensure privacy
- Engage in a constructive discussion and encourage the employee to discuss their problem
- Advise the employee that any meetings you have on the matter are voluntary, informal, and confidential
- Tell the employee whether you have noticed their work and/or behaviour has changed
- Be sympathetic and supportive, not judgmental
- Stress that early intervention is critical to the success of any treatment
- Provide the employee with the school's employee assistance programme
- Offer a referral to Occupational Health or at the very least suggest they approach their own GP
- Support the employee, say how they can take reasonable time off for treatment and this will be treated as sick leave
- Agree a course of action and review date

Management Referral

There will be cases where you feel there is a problem with an employee, but they have not come to you voluntarily. However, you have recognized there may be issues that need addressing.

In both suspected alcohol and drug misuse, it is best to concentrate on any performance problems and proceed with caution.

There may be no substantial work problems associated with the suspected alcohol/drug misuse, in which case your involvement arises because of your concern for the employee's health, safety and welfare and your concern for other staff members.

Deal with such cases in line with the following principles:

- Raise the issue early. This helps to safeguard the health of the employee and prevents further problems before they escalate.
- Explain the "behavior" that is giving cause for concern and explore the reasons for this.

Plan to meet the Employee

The meeting will be confidential, and the employee may be accompanied by a trade union representative or workplace colleague for support if they feel they need this.

- Ensure privacy
- Plan the agenda, including an opportunity for the employee to put their case or offer explanation
- If possible, ensure that the employee is not under the influence of alcohol or a substance at the time of the meeting.

Be Clear about the problem

- List any problems you have noticed with the employee's work and attendance
- Assemble any supporting documents
- Be objective, consistent, and fair.

In meetings with the Employee

- Engage in a constructive discussion of work problems or potential problems.
- Set standards for work/behavior and show the employee how their work does not match these standards.
- Give the employee the chance to explain their side of things. Ask for the employee's reasons for poor performance (if relevant) and question whether it could be due to "health" problem, without specifically mentioning drugs or alcohol in the first instance.

Where an alcohol or substance problem is identified:

- Explain the School's position on alcohol and substance misuse and provide the employee with a copy of the Substance Misuse Policy.
- Discuss possible work-related causes such as excessive workload or too much responsibility.
- Offer help in confidence
- Invite the employee to discuss the problem
- Get the employee's commitment to overcoming shortcomings
- Be supportive, not judgmental
- Stress that intervention is critical to the success of any treatment
- Advise them of the Employee Assistance Programme
- Get the employee's consent to be referred to Occupational Health.
- Support the employee, say how they can take reasonable time off for treatment and that this will be treated as sick leave however this will not be monitored in accordance with the triggers for further action as specified in the Managing Sickness

and Absence Policy (LT2-NSP-008-I)

- Agree a course of action
- Arrange regular meetings to monitor progress and discuss any further problems if they arise.

A Letter to the employee who has disclosed that they have a substance addiction will be provided. A copy will be enclosed in the personnel HR file. The letter will include:

- What was said
- What has been agreed
- Any targets and timescales for improvement
- Whether or not the employee agrees to be referred to Occupational Health

Formal Procedure

Were an Employee persistently:

- Refuses to acknowledge that there is a problem affecting work
- Refuses the opportunity to receive help; or
- Discontinues a course of treatment with no legitimate reason, and the problem continues.

Whilst the Trust will be sympathetic to employees who are experiencing difficulties with alcohol and drugs, it may be appropriate to implement a disciplinary or capability procedure as appropriate where conduct of performance is not satisfactory, which could result in termination of employment.

Employee Assistance programme

The Employee Assistance Programme provides free confidential support 24/7 including:

- A range of clinically robust counselling options, including telephone and online or face-to face sessions
- Financial, legal, and practical support from qualified professionals on a range of personal issues
- Access to online health and wellbeing resources and a specialist information service
- A dedicated coaching service for line managers, aimed at developing your soft skills and building your confidence for handling challenging situations.

7. Further Support information and Advise

Counselling support and support from Occupational Health can be accessed via the Trust HR Team. All consultations will be strictly confidential between the employee and Occupational Health

In addition, the Wellbeing Policy (LT2-NSP-011-I) contains advice on managing stress which can sometimes be a contributory factor in alcohol and substance misuse.

Further information, advice and guidance for employees and managers is available through the web links below.

Advice on Alcohol abuse

- NHS Choices: <http://www.nhs.uk/conditions/alcohol-misuse>
- Alcoholics Anonymous: www.alcoholics-anonymous.org.uk
- Alcohol Concerns: www.alcoholconcern.org.net
- Health and Safety Executive (HSE): <https://www.hse.gov.uk/alcoholdrugs/index.htm>

Advice on Substance and Drug Misuse:

- Narcotics Anonymous: www.ukna.org
- FRANK: www.talktofrank.com
- Health and Safety Executive (HSE): <https://www.hse.gov.uk/alcoholdrugs/index.htm>