

# Alcohol and Substance Misuse Policy

The school is committed to providing a safe and positive working environment for our staff and to promoting the health, safety and wellbeing of our employees. We recognise that some employees may misuse alcohol and substances which impacts of their health, work performance and behaviour.

This policy sets out a supportive and constructive framework to deal with these issues and help the school to comply with our legal responsibilities, including the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations, Misuse of Drugs Act 1971, Psychoactive Substances Act 2016 and the Road Traffic Act 1988.

Whilst the policy is based around a supportive and welfare approach, there may be occasions where it is necessary to use the Disciplinary Policy. This will usually occur where there is a serious breach of school rules or an employee fails to complete or rejects a course of treatment.

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Where the headteacher is the employee concerned, any reference to the headteacher in this policy should be replaced with the chair of governors.

## 1 What is substance misuse?

Substance misuse refers to a level of drinking alcohol and/or the taking of drugs or a controlled substance which interferes with an individual's health, work capability, conduct, performance and/or safety of themselves and others.

Drugs and controlled substances include illegal drugs, new psychoactive substances (NPS) or legal highs, prescription medication or over the counter medication.

Employees must not consume alcohol or drugs at any time while at work, including breaks spent away from the premises. Exceptions apply to drugs prescribed to the individual or over the counter medicines used for their intended purpose, in accordance with the instructions and where the safety of the individual or others is not compromised.

Employees must inform their Headteacher if they are taking any prescribed drugs that might affect their ability to perform tasks safely or affect their conduct or attendance at work.

## 2 Legal responsibilities

The school has a general duty under the Health & Safety at Work Act 1974 to ensure the health, safety and welfare at work of our employees. There is also a duty on employees to take reasonable care of themselves and other people who might be affected by what they do at work. A further duty exists under the Management of Health & Safety at Work Regulations 1999 to assess

any risks to the health and safety of employees. A failure to deal with an employee's substance misuse problem that might put others at risk could lead to the school being prosecuted.

Nearly all drugs with misuse or dependency issues are covered by the Misuse of Drugs Act 1971, which make it unlawful to produce, supply or possess controlled drugs, unless the drug has been prescribed by a doctor. However, the school could be prosecuted if we knowingly allow substances to be kept, used or supplied on our premises.

Where there is a concern that an employee may have acted outside the law, the Headteacher should contact the HR Advice and Support team as soon as possible so a decision can be made regarding the appropriateness of involving the police.

If an employee has been involved in a substance misuse matter while outside of work, consideration will have to be given to the employee's role before any internal action is taken.

### **3 Disciplinary action**

Substance misuse does not excuse poor work performance or misconduct, but it may be treated as a mitigating factor. If disciplinary action is not taken immediately, the employee should be made aware that disciplinary action may be considered if there is not improvement in performance.

Any disciplinary investigation that has commenced may be suspended if a substance use problem emerges and while diagnosis and recovery are in progress.

#### **3.1 Drink or drug driving offences**

Any loss of licence due to a conviction for driving while over the legal alcohol limit or under the influence of drugs may have implications on their employment within the school.

Where it is a significant condition of employment that the employee holds a current driving licence, the individual must report any loss of licence through a conviction to their Headteacher. Depending upon the circumstances of the specific case, this may result in termination of employment through the disciplinary process.

However, each case should be considered on its own merits and consideration must be given to whether the employee can satisfactorily carry out their duties without a driving licence or whether it is possible to consider redeployment. In these circumstances the employee must be made aware of the specialist support services available to them.

### **4 Identifying a problem**

It is often difficult to identify alcohol or drug misuse and the characteristics vary between individuals, the type of substance used, how much the person is drinking/using and how frequently. In addition, similar traits can also be caused by stress or other medical issues.

Headteachers are not expected to make a medical diagnosis but rather focus on the performance and behaviour of the employee, such as:

- Reduced productivity and performance
- Lateness and absenteeism
- Health problems
- Safety concerns
- Poor behaviour/disciplinary issues

It is also recognised that colleagues are often best placed to identify developing problems and it is essential that they raise their concerns with the Headteacher as soon as possible.

Any employee who is concerned that they may have a substance use problem is encouraged to seek help at the earliest opportunity. Any request for assistance within the school will be treated in the strictest of confidence.

If an employee attends work when they are unfit to work due to drug or alcohol use the Headteacher should ensure that the employee is able to get home safely. The employee should be advised not to drive home and if they do so that the police will be called. If the employee drives as part of their job they should be removed from duties until the Headteacher can be sure that the employee is fit for duty and is not a danger to the public.

## **4.1 Meeting the employee**

Where a Headteacher believes an employee may have a substance misuse problem or has been informed by the employee of a problem, they should arrange to meet with the employee as soon as possible to discuss the issue. Headteachers are encouraged to contact HR Advice and Support before arranging a meeting with the employee.

The purpose of the meeting is to have an open and non-judgemental discussion with the employee to:

- Discuss the issue e.g. deteriorating pattern of work, specific incident
- Ask for their view of the problems and the reasons behind them
- Explain the consequences of further incidents or low work performances
- Make the employee aware of the support available.

The employee may be accompanied by a trade union representative or work colleague to the meeting and a written record of the meeting should be kept and shared with the employee.

If the employee fails to recognise or accept that they have a substance misuse problem, the Headteacher should still provide them with information about how to access support. In addition, the employee should be informed that the situation will remain under review and identify clear standards for work performance and behaviour and that any continuing unsatisfactory performance or misconduct may lead to disciplinary action.

## **5 Referral**

If the employee confirms that substance misuse is contributing to the problems, the Headteacher should provide them with details of the help and support available through the school and council, including referral to Occupational Health.

Occupational Health are able to conduct an initial assessment and where a possible alcohol or substance dependency is identified, they will facilitate a referral to specialist recovery services. Where increasing or high risk substance abuse is established, Occupational Health will provide advice and a follow up appointment.

Employees may wish to seek help themselves, without being referred to Occupational Health. Appointments should be made outside of working time wherever possible.

The Headteacher will be made aware of any relevant outcomes of the referral to Occupational Health and the information must remain confidential.

## **6 Recovery**

Any treatment for substance misuse is a complicated area and it is difficult to provide general advice about the nature and duration of the actual support that employees may receive from health care providers. Treatment could range from limited counselling to inpatient admission and there may also be problems of the employee relapsing during treatment.

Where a recovery programme has been identified and accepted by the employee, the Headteacher will write to the employee confirming the working arrangements whilst they are participating in recovery services. This will require the employee's agreement and will confirm the following:

- Return to work date, including any phased return, if the employee has been absent
- Reinforcing that the intention of the programme is to get the employee back to work in an effective way
- Details of further Occupational Health appointments and/or meetings with the Headteacher
- Request for employee to keep all medical appointments and comply with recovery regimes
- Commitment to act in a positive way and not recommence taking alcohol or other substances
- Agreement to being monitored by the Headteacher

Employee agreement should be gained using the acceptance form, available on the extranet, and retained on the employee's personal file.

Reasonable support will continue to be offered by the school as long as progress is being made by the employee and the identified work related issues are improving (e.g. absenteeism, performance problems, working relationships and behaviour at work).

### **6.1 Appointments**

Employees should try to make any appointments outside of working time wherever possible. Time of for medical appointments or attending specialist recovery service appointments, will be treated the same as any other absence for medical treatment and will be unpaid, unless there is evidence that the issue is covered by the Equality Act 2010.

Evidence of attendance at the appointments must be provided to the Headteacher.

It may be necessary to consider a period of transfer to other duties within school if it is considered that a return to their substantive post would result in further misuse problems or constitute a risk to themselves or others.

### **6.2 Completion of recovery programme**

Upon successful completion of a programme of recovery, the Headteacher should meet with the employee to establish future expectation of performance and behaviour at work and to offer continuing support through Occupational Health, if necessary.

The employee should also be aware that any further work related issues due to an alcohol or other substance misuse may be dealt with under the Disciplinary Policy. This may include consideration of an original breach of discipline through a process that was suspended while they engaged in the recovery programme.

## **7 Potential issues**

### **7.1 Relapse**

The school recognises that recovery can restore the ability to return to acceptable working standards, but also that relapse may occur. The school will continue, as far as reasonably practicable, to support the employee, however if an employee fails to respond to two separate recovery programmes no further support in work time will be offered.

### **7.2 Ill health**

Where ill health prevents the employee's recovery, the Attendance Management process should be followed, and the Redeployment Policy should be considered (Maintained schools only).

If they are unable to achieve and maintain an acceptable standard of work performance or attendance at work, dismissal may be considered as an option.



This policy has been developed by the HR Advice and Support team, based on current legislation and best practice. If you would like any advice on the application of this policy, please do not hesitate to contact the team:

<b>Telephone</b>	03000 266688
<b>Email</b>	hradvice@durham.gov.uk

**Further support can be accessed by contacting (subject to SLA buy in):**

<b>Payroll and Employee Services</b>	<a href="mailto:pesschools@durham.gov.uk">pesschools@durham.gov.uk</a>
<b>Occupational Health</b>	<a href="mailto:occhealthadmin@durham.gov.uk">occhealthadmin@durham.gov.uk</a>
<b>Health and Safety</b>	<a href="mailto:hsteam@durham.gov.uk">hsteam@durham.gov.uk</a>
<b>Employee Assistance Programme</b>	<a href="http://www.healthassuredeap.com">www.healthassuredeap.com</a> Username: durham Password: council 0800 716017

<b>Author</b>	<b>Version</b>	<b>Last review</b>	<b>Next review</b>
LK	v 3.1	April 2021	April 2023

The school complies with all relevant statutory obligations. The school privacy notice provides more specific information on data collected and how it is handled, a copy of which can be accessed from the school. For more information please contact the school directly.

If you have any concerns about how your data is handled, please contact either the school Data Protection Officer (details available from the school office), or the Information Commissioner's Office.