

# Drug and Alcohol Policy



**September 2020**

To be reviewed 2023 or as required.

## Introduction

Drug and alcohol abuse can contribute to accidents and ill health at work. The Health and Safety Executive (HSE) do not have figures on how many workplace accidents involve drugs / alcohol, but they acknowledge that these substances can seriously impair judgement and physical coordination.

Drug and alcohol abuse can also affect co-workers' morale and productivity and damage the public image of our school. The school provides a wide range of services affecting thousands of people.

Our parents and carers must have complete confidence in the ability of our employees to carry out their duties safely and responsibly. For the reasons outlined above, the school takes a zero tolerance approach to drug and alcohol abuse.

The school has a legal duty to take steps to ensure its employees and other representatives are not under the influence of alcohol or illicit drugs during their working hours. This comes from an employer's criminal and common law duties. Under the Health and Safety at Work Act 1974, employers have a duty to provide competent and safety-conscious employees. This closely follows the employer's common law duty to recruit and retain competent employees. Employees have a legal duty to discharge their responsibilities in a mature and safe manner in order to comply with:

- Their criminal law duties under the Health and Safety at Work Act 1974.
- Their common law duty to take reasonable care of others.

## Definitions

In relation to this policy the following definitions apply:

***Under the influence:*** The term "under the influence" refers to the obvious impairment of physical and/or mental ability. (See *Appendix 1 - Signs of Alcohol and Drug Intoxication*).

***Alcohol:*** Any beverage which contains ethyl alcohol, including beer, wine, liqueurs, and spirits. Very low alcohol products (e.g. beer with 0.5% alcohol by volume) are included in this definition.

***Illicit drugs:*** Drugs which cannot be legally possessed under UK law, including a wide range of street drugs (e.g. cannabis, cocaine, LSD, heroin) and prescription drugs obtained without a physician's script. In this policy the term will also be used in relation to the misuse of substances which are not themselves illegal, e.g. solvents.

***Prescription drugs:*** Drugs which have been legally obtained with a physician's script and are being used for the purposes for which they were prescribed or manufactured.

### **Policy**

No employee shall report for duty or be at the school or other work-related premises whilst under the influence of alcohol or illicit drugs.

Employees shall not attend work involving any contact with children while smelling of alcohol.

In accordance with the previous point, employees must avoid consuming alcohol during breaks and lunch periods. The school reserves the right to refer employees to the Occupational Health Service for drugs and alcohol testing.

Where an accident occurs as a result of an employee's negligence, (in so far as their impairment through alcohol or illicit drugs is shown to be a contributory cause of the accident), then the school may seek to recover any third party damages from the negligent employee.

Employees shall not be in possession of, or use illicit drugs when reporting for duty or whilst at work at the school or other work-related premises.

Employees shall not report for work or duty or be at work in school or other work related premises whilst impaired by prescription drugs or over the counter drugs to the extent that the drugs' influence on that person may affect the safety of others.

Employees who are clearly under the influence of alcohol or illicit drugs shall be immediately relieved of duty, and dealt with via the school's Disciplinary procedures.

No person shall keep alcohol or illicit drugs on school premises.

A breach of this policy may result in disciplinary action being taken

## **Roles and Responsibilities**

### ***The role of employees***

Employees must at all times be capable of carrying out their duties in a safe and responsible manner. Working safely and responsibly is a contractual duty of employment, but it is also a legal requirement, as explained in Section 7 of the Health and Safety at Work Act 1974.

Employees may be held personally liable for the effects that their acts or omissions have on others whilst at work. Working safely and responsibly means being free from the influence of alcohol or illicit drugs. Employees who have an alcohol or drug related problem, or suspect that they may have, should seek assistance at an early stage by approaching the Headteacher or their line manager.

An appointment with the Occupational Health Service may be made through HR. The help offered will be confidential and the situation will be handled in a sympathetic manner. To ignore a problem at an early stage may lead to greater problems in the future.

Employees who suspect that a colleague may have an alcohol or drug related problem should encourage that person to seek assistance. If concern continues, the employee should discuss the matter in confidence with the Headteacher or their line manager. Ignoring a colleague's problem through a sense of personal loyalty is ultimately not in that person's best interests. In some cases, it may also jeopardise the safety of the pupils in that person's care

### ***The role of the Headteacher, governors and senior staff***

It is the responsibility of the Headteacher to ensure that this policy is brought to the attention of all staff and that they fully understand its content. This includes employees on medium- or long-term sickness absence as well as those on maternity leave.

The Headteacher, will be responsible for ensuring that no person in their team is allowed to start work whilst under the influence of alcohol or illicit drugs.

All line managers must be alert to early indicators of a potential problem. *Appendix 1 - Signs of Alcohol and Drug Intoxication*, contains a list of indicators which may suggest that an employee has an alcohol or drug related problem.

The Headteacher will offer advice and help in a professional and non-judgemental manner, and where necessary will refer employees to the school's Occupational Health Service provider.

The Headteacher will facilitate health promotion activities. The school has a representative on Hackney's Drug Action Team (DAT) who can provide access to advice and support. The DAT has a training brochure which can be accessed on line. Courses are free and open to all Learning Trust and school staff.

The Headteacher will deal with one-off incidents/problems e.g. a person coming into work smelling of alcohol or under the influence of drugs, as per the initial stage of the disciplinary procedure.

The first stage would be for a suitably senior colleague to verify the smell of alcohol. A member of staff smelling of alcohol will be instructed to withdraw from work with children and may be sent home, while the Headteacher considers appropriate action.

The Headteacher should meet with the member of staff and ask the member of staff if there is a problem at work, outside of work or with alcohol or drugs (see *Appendix 2*). Initial discussion and support with the member of staff can act as an early prompt in addressing the matter. If violent or aggressive behaviour is evident or the employee refuses to leave the premises, contact can be made with the police via the Safer Schools team.

### ***The role of the Occupational Health Service***

To offer advice, guidance and encouragement to employees and Headteachers.

To refer individual employees to specialist agencies where appropriate.

To remain involved with any agreed recovery programme, providing a liaison between employee, Headteacher, General Practitioner and specialist agencies.

To encourage the early identification of problems by raising the awareness of alcohol and drug related problems and participating in health promotion activities.

### ***The role of employee representatives and Trade Unions***

Employee representatives will encourage employees to comply with this policy, and where necessary, to seek assistance and use the support available.

A representative may attend discussions with the Headteacher where the employee requests this.

## **Procedures**

### ***Employees***

An employee with an alcohol or drug related problem should seek advice as soon as possible. This may be done as follows:

The employee may approach their Headteacher or line manager who will handle the request for help in a professional and confidential manner.

Where an employee does not wish to discuss the problem with their Headteacher or line manager, an approach may be made directly to the Human Resources Department who may, with the employee's agreement, make a referral to the Occupational Health Service or specialist support agency.

Alternatively, an employee may wish to directly approach an outside agency for help e.g. their General Practitioner or a specialist support agency.

### ***Work Colleagues***

If an employee suspects that a fellow worker has a problem, they should ask that colleague to seek advice. If the colleague refuses to seek advice and the employee remains concerned about them, then the matter should be discussed with the Headteacher, or line manager. Any individual who has reasonable cause to believe that an employee is in violation of any provision outlined in this document, shall report this immediately to their line manager. Where the individual believed to be in violation is the Executive Headteacher, the report shall be made to the Chair of Governors.

### ***Headteacher***

If a Headteacher is approached by an employee who is concerned about a co-worker, then that Headteacher should discuss their concerns with the employee (*see Appendix 2*). The employee may be accompanied by a staff representative or work colleague of their choice. If the Headteacher is satisfied that there is a problem they must ensure that action is taken and a formal action plan drawn up. This action plan will consider whether the individual can be supported at work, or whether they should be removed from the work area.

Discussions should be conducted in confidence and confined to aspects of work performance and behaviour. No attempts should be made to diagnose - the employee should be encouraged to seek skilled help. If the employee accepts the need for skilled help, the Headteacher should refer the employee to HR. If the employee, for whatever reason, does not wish to seek advice from the Occupational Health Service, they should be encouraged to go directly to their General Practitioner or a specialist agency.

If the employee denies that there is a problem, the Headteacher should encourage the employee to seek advice via the Occupational Health Service (if they have been referred), employee representative/ trade union, or by contacting their GP or support agency. In all cases the Headteacher must continue to monitor conduct and work performance.

If the Headteacher is of the opinion that the individual is impaired to such a degree that they will not be able to drive home safely, then the Headteacher should arrange transportation by taxi or other safe option. If the individual refuses the offer of safe transportation and drives or attempts to drive themselves, and if the Headteacher is of the opinion that such action represents a threat to public safety, then the Headteacher will alert the proper authorities.

### ***Recovery Programme***

A recovery programme may be drawn up between the OH Service and the General Practitioner. This will provide a planned programme for the employee to follow in order to overcome their particular drug or alcohol related problem.

If a recovery programme is accepted by an employee, the elements of the programme requiring the cooperation of the Headteacher and the Occupational Health Service should be

discussed with all parties to ensure that they can give their full support. The Headteacher can only help if they are made aware of the need for support.

Where an employee undertakes a recovery programme involving absence from work, such absences should be regarded as equivalent to a loss of time within the sickness provisions as per the contract of employment.

A return to work during a recovery programme is only an option where there is no risk to the safety and health of co-workers, pupils, or other adults in school. The final decision to bring an employee back into the workplace rests with the Headteacher.

If, at the end of the recovery programme, a different post or role is desirable, suitable alternative employment options will be explored by the Headteacher in conjunction with HR.

Where an employee returns to work and their alcohol or drug problem recurs, the Headteacher should again refer the employee to the Occupational Health Service or specialist agency or take action within the framework of the school's disciplinary procedure. Before taking disciplinary action, facts such as the nature of the job, length of service and prognosis should be taken into consideration.

## **Disciplinary action**

Disciplinary action may be taken in the following cases:

- Where there is a breach of this policy by an employee. Action may include sending the employee home, recording the event and initiating the disciplinary process.
- Disciplinary action may be taken where an employee has a drug or alcohol problem and they refuse to accept offers of help.
- When, after discussion with the agencies involved, it is confirmed that the employee is not co-operating with or following their recovery programme.
- Action may also be taken when an employee discontinues a recovery programme before completion.
- Where after the successful completion of a recovery programme, the employee at any time reverts to an unsatisfactory level of conduct or work performance related to alcohol or drug misuse.

## **Appendix 1: Management Interview Guidance**

### **Before the interview**

Arrange for the interview to take place in a quiet environment where there will be no interruptions.

Plan the structure and aims of the interview in advance.

Gather together all necessary documentary evidence of performance and attendance problems - do not rely on memory.

Have information to hand regarding the source of professional help.

Allow plenty of time.

Advise the employee in writing that you wish to discuss their performance/ conduct and that they may be accompanied by their Trade Union representative or work colleague of their choice should they so wish.

### **The interview**

The Headteacher may invite an HR representative to be present.

Explain the purpose of the interview which is to make the employee aware that their work performance is being monitored and shows deterioration. Your aim is to determine from the employee whether there is a possibility of a drug or alcohol problem or whether there is some other problem which is affecting performance.

Specify the particular instances of poor work performance or problems of conduct.

Be objective, factual and non judgemental.

Show concern for the employee, listen attentively and acknowledge the employee's positive contributions.

Explain what the employee must do to improve work performance and conduct.

Should the employee admit to having a problem, offer the opportunity of professional help and advice. Do not diagnose or give advice other than to point out the need for professional help of treatment and the consequences of failure to seek help.

The meeting be adjourned and reconvened if necessary.

A record of this interview i.e. a „file note“ must be made and given to the individual with a copy for their personal file.

### **Some don'ts**

Do not make comments on the employee's private life.

Do not make accusations for which documented evidence is lacking.

Do not use a judgemental manner.

Don't argue with the employee.

It is important to follow the same procedure in every case. All employees should be treated consistently without exceptions. It is extremely important that at the end of the initial interview, the employee has no uncertainty about their situation and what needs to be done to rectify it.

## **Appendix 2 - Signs of Alcohol and Drug Intoxication**

It is important to recognise that the problems listed below may arise as a result of issues unrelated to alcohol or drug abuse. Alcohol and drug abuse is not concerned with such problems in isolation – rather it is a pattern over time and the signs can include:

### **Absenteeism**

- High absenteeism rates for minor illnesses.
- Absenteeism particularly related to weekends.
- Repeated absences which are either unexplained or for trivial reasons.
- Generally poor health, attendance or time keeping where the reason given may or may not relate to alcohol or drug misuse.

### **Poor work performance**

- Lack of concentration and impaired memory.
- Telling lies about performance or giving improbable excuses.
- Mistakes and errors of judgement.
- Unreliability.

### **Accidents**

- Nature/frequency/timing of accidents (particularly in the morning or the first hour of the afternoon).
- Frequent accidents outside of work.
- Careless handling of equipment.
- Reduced safety sense.

### **Changes in personality**

- Altered relationships with colleagues (e.g. avoidance of company, borrowing from colleagues).
- Moodiness, irritability, lethargy.
- Diminishing responsibility.
- Tendency to blame others and over react to real or imagined criticism.

### **Observation of behaviour**

- Smelling of alcohol.
- Walking unsteadily or with difficulty.
- Shaking or trembling hands.
- Slurred speech / Facial flushing.
- Lower standards of personal hygiene.