

Ysgol Maesydderwen



Substance Misuse Policy for Staff (Drugs and Alcohol)

Polisi Camddefnyddio Sylweddau ar gyfer Staff (Cyffuriau ac Alcohol)

Type: Recommended Policy

Reviewed / Adopted On	Signed	Next Review
12/7/2020	 Two handwritten signatures in blue ink, one appearing to be "M. P. ...".	Summer Term 2022

CYNGOR SIR POWYS COUNTY COUNCIL

Substance Misuse (Drugs and Alcohol) Workplace Policy for Teachers and Support staff

This Policy/Procedure has been agreed by the following professional associations and Trade Unions representing Teachers, Headteachers and Support Staff:

GMB, Unison, NASUWT, NUT, NAHT, Voice, UCAC

Status	Version 1
Policy Author	R Lingard
Date of Issue	February 2017
Date of Previous Issue	2009
Agreed by	School's Employment Policy Forum
Mid-term Review	December 2017
Formal Review Date	December 2018
Authorisation	Julie Rowles Joint Director of Workforce and OD Date: Signature:

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1 Introduction

1.1 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have devastating effects on their personal and working lives. At work, alcohol or drug misuse can result in reduced levels of attendance, substandard work performance and increased health and safety risks not only for the individual concerned but also for others; for example, work colleagues, members of the public, contractors and pupils. Furthermore, the effects of alcohol or drug misuse on the part of the employee are likely to be detrimental to the School's reputation, image and its ability to deliver high-quality services.

1.2 The Council is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. The Drug and Alcohol Policy is designed to ensure that all employees of the school are aware of the risks associated with alcohol/drug misuse and the consequences, including the legal consequences, of their actions.

1.3 When using this Policy and exercising its provisions, all managers and employees are expected to take into account the values of the Council which serve to guide the conduct and behaviours of all employees:

- Accessibility;
- Openness;
- Respect;
- Focus;
- Engagement; • Learning; and
- Trust.

2 Objectives

2.1 This Policy aims to:

- raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances;
- set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences of misusing them in terms of the employee's employment;
- create an organisational climate that encourages employees who may be misusing drugs or alcohol to come forward and seek help;
- provide a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair, equitable and consistent manner; and

- achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve service integrity and performance, as well as:
 - the health, safety and welfare of employees and others with whom they come into contact;
 - the School’s reputation; and
 - the delivery of high-quality, effective teaching.

3 Scope

- 3.1 This Policy covers the use and misuse of intoxicating substances, which includes alcohol, solvents, legal and illegal drugs, “legal highs”, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.
- 3.2 This Policy applies to ALL school staff, regardless of their employment status, and includes fixed-term (temporary) employees, and supply teachers.
- 3.3 The School also expects contractors, volunteers and others working on its behalf to comply with this Policy. Failure to do so is likely to result in the working or volunteering arrangements being terminated by the Council.

4. Alcohol and the Law

- 4.1 Under sections 2, 3 and 4 of the Health and Safety at Work Act 1974, all employers have a general duty to ensure the health, safety and welfare of their employees. If an employer knowingly allows an employee under the influence of alcohol to continue working and this places the employee or others at risk, the employer could be liable for charges. Under section 7 of the Act, employees are also required to take reasonable care of themselves and others who could be affected by what they do. They, too, could be liable to a charge if their alcohol consumption put safety at risk.

5. Drugs and the Law

- 5.1 The Misuse of Drugs Act 1971 (and as subsequently amended) makes it an offence to possess, supply or produce controlled drugs without authorisation. It is also an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs or allow the smoking of cannabis or opium on those premises. Under common law it is an offence to ‘aid and abet’ the commission of an offence under the Misuse of Drugs Act. The Act lists the drugs that are subject to control and classifies them according to their perceived danger.
- 5.2 An employer who does nothing about an employee with a drug problem may be liable under the Health and Safety at Work Act 1974, for example, requiring an

employee with a history of drug misuse to perform a job which requires a clear mind and a steady hand if it is to be done safely.

6 Managing drug and alcohol misuse at work – Roles and Responsibilities

6.1 Headteacher/Senior staff:

- be aware of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employees (see guidance notes);
- ensure the health, safety and welfare of employees and others with whom they come into contact;
- ensure that staff understand this Policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances;
- ensure that staff are aware of the support that is available to them should they have a problem;
- monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship;
- intervene at an early stage where changes in performance, behaviour, sickness levels, attendance patterns are identified to establish whether alcohol or drug misuse is an underlying cause;
- provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery; and
- instigate disciplinary measures where appropriate to do so.

6.2 Where a manager is aware, or reasonably suspects, that an employee is misusing intoxicating substances, they are strongly advised to seek advice from the HR team on the approach to be adopted to address and resolve the problem.

6.3 Such matters will be treated confidentially as far as is legitimately and legally possible. For example, it may be necessary in order to provide effective support or to prevent harm to the employee, for information to be shared with others; for example Occupational Health, NHS, mental health team, etc.

6.4 **Employees** are required to:

6.5 Employees are required to familiarise themselves with this Policy and to fully comply with its provisions.

6.6 Employees are expected to present a professional, courteous and competent image to those with whom they come into contact, at all times. Employees therefore

have a personal responsibility to adopt a responsible attitude towards drinking alcohol and taking prescribed and over-the-counter drugs.

- 6.7 Employees are not permitted to possess, store, trade, sell or use controlled/illicit drugs on Council premises or to bring the Council into disrepute by engaging in such activities outside of work. The only exception would be where an employee has a prescription for a controlled drug to treat a specific condition or as part of a substance misuse rehabilitation programme. Alcohol brought onto Council property by an employee, such as when given as a gift, should be taken home as soon as reasonably possible and under no circumstances should be consumed on Council property.
- 6.8 Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach either their line manager or HR in the first instance so that the Council can arrange for the provision of appropriate support to help a speedy rehabilitation; for example referral to the Occupational Health service, medical professionals, professional drug/alcohol treatment agencies, and so on.
- 6.9 Employees are expected to co-operate with any support and assistance provided by the Council, or an external agency recommended by the Council, to address an alcohol or drug misuse problem.
- 6.10 Employees should not, even with the best of motives, attempt to 'cover-up' for, or collude with a colleague who has an alcohol- or drug-related problem, but instead should encourage the individual to seek help.
- 6.11 Where the individual concerned does not wish to come forward to seek help, and their colleague(s) genuinely suspect that the individual may be misusing drugs or alcohol, their colleague(s) have a responsibility to raise their concerns with the employee's line manager.
- 6.12 Employees must report for work and remain, throughout the working day, in a fit and safe condition to undertake their duties. Employees must not be under the influence of alcohol or drugs whilst carrying out work on behalf of the Council.
- 6.13 Employees must not consume alcohol or drugs at any time while at work, including during rest or meal breaks spent at or away from work premises. Exceptions apply to drugs prescribed for the individual or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer) and where the safety of the employee or others with whom they come into contact is not compromised.
- 6.14 This restriction does not apply to work-related functions or activities that take place at the end of an individual's working day after which they are not returning to work

although **all** employees are advised that both the storage and consumption of alcohol is **not** permitted on Council premises.

6.15 Employees must notify their manager immediately should they be prescribed medication, or plan to take over-the-counter medicines, that may cause side effects which could impair their ability to undertake their work duties safely and effectively. This is particularly important if they occupy a post where it is not only their own personal safety but those of others that could be jeopardised; such as, but not limited to driving on Council business or operating machinery and/or tools. If an employee is in any doubt, they should consult their GP, health provider or local pharmacist.

6.16 Employees are not necessarily obliged to disclose the actual medical condition being treated nor the medication – simply the impact and/or any side-effects.

6.17 Although the Council does not ordinarily test employees for drug and/or alcohol consumption/ misuse, the Council reserves the right to introduce mandatory, approved testing for all levels of staff where a need arises, after due consultation with the recognised trade unions.

6.18 **Occupational Health Responsibilities**

- To promote the health and well-being of employees and to minimise problems at work arising from alcohol and substance misuse.
- To provide advice and guidance on how best to help an individual who has a problem with behaviour or work performance which might be related to alcohol or substance misuse.
- To provide impartial confidential advice to members of staff which may include referral to the Employee Assistant Helpline or to another agency such as their GP with the employee's consent
- To maintain confidentiality unless it is essential in connection with the employee's work and in these circumstances, consent from the employee will be sought to release information
- To seek employees consent for any relevant tests that may need to be obtained in order to ensure that health and safety at work is maintained.

6.19 **Schools HR Team**

- To provide advice and assistance to employees and managers on the implementation of the policy;
- To refer staff for help and support;
- Advise on the appropriateness or otherwise of the disciplinary procedure.

6.20 Trade Union Responsibilities

- To encourage employees to seek help voluntarily;
- To provide support to members;
- To advise members of their rights and responsibilities under the policy and to support employees at any formal meetings to discuss concerns.

7. Conduct outside normal working hours

- 7.1 Employees must not consume any intoxicating substances before coming on duty.
- 7.2 Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for intoxicating substances to leave their system before reporting for work.
- 7.3 These restrictions should be incorporated into local workplace rules and must be brought to the attention of all employees as part of their induction and should be made available to employees to refer to during their period of employment.

8. Breaches of the Policy

- 8.1 The Council will, where appropriate to do so, adopt a proactive, constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction, particularly in cases where the employee has reported the problem to their manager or the Human Resources team.
- 8.2 This means that employees seeking assistance for substance misuse will not have their employment terminated simply because of their dependence/ addiction.
- 8.3 However, if performance, attendance, conduct or behaviour is unacceptable despite appropriate support and assistance being offered, dismissal may ultimately be unavoidable.
- 8.4 Notwithstanding the above, there will be circumstances where breaches of the Policy, whether dependency-related or not, will be treated as a disciplinary matter and may well result in the summary dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are:

- deliberate disregard for personal safety and that of others, associated with the use of intoxicating substances;
- unacceptable behaviour in the workplace, associated with the use of intoxicating substances;
- consuming intoxicating substances during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice, is wholly unacceptable;
- possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on work premises or engaging in such activities outside of work;
- making malicious or vexatious allegations that a colleague is misusing intoxicating substances.
- being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs.

This list is illustrative only and should not be regarded as exclusive or exhaustive. Disciplinary action will be proportionate to the circumstances of the breach of this policy and other applicable policies, such as the Council's Code of Conduct for Employees. With some professions, such as teaching and social work for example, employees may also be answerable to their respective Professional Body.

Where evidence warrants this approach, the Council will inform the Police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For example, it would be necessary to report criminal behaviour associated with alcohol use such as driving for work purposes whilst under the influence of alcohol.

9. Regulation 10 of the Education (Teachers) Regulations 1993

- 9.1 Under Regulation 10 of the Education (Teachers) Regulations 1993, the Secretary of State, operating through the Authority and the Governing Body has the power to suspend or terminate the employment of employees where there is reason to consider that they may have become medically unfit to perform their teaching duties, particularly where there may be a risk to pupils. There are many medical conditions which can lead to this action but in specific areas, Governors and Head Teachers are required to inform the Local Education Authority immediately that they become aware a teacher is suffering from such an illness. Drug and alcohol misuse is one the illnesses listed.
- 9.2 In such circumstances, the risk to pupils will be considered, balanced against the Authorities obligation to the employee, particularly where they may be considered disabled, as defined in the **Equality Act 2010**. Further action should be taken in consultation with the Local Education Authority must be informed immediately. This will usually entail a referral to occupational health.

10. Other relevant policies

10.1 The following policies are relevant to this policy and employees should be aware of:

- The Burgundy Book:
- The Absence Management (Sickness Absence policy and procedure)
- The Council's Disciplinary Policy and Procedure;
- The School's Health and Safety Policy.

11. Glossary of key terminology

Intoxicating substance – a substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, “legal highs”, prescription medicines (for example tranquillisers, pain-killers, anti-depressants, and over-the counter medicines), solvents, glue, lighter fuel.

Controlled drugs – these are drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.

Solvent – some organic – that is, carbon-based compounds can produce effects similar to alcohol or anaesthetics when their vapours are inhaled. A number are used as solvents in glues, paints, nail varnish removers, dry cleaning fluids and de-greasing compounds. Others are used as propellant gases in aerosols or as fuels such as petrol or cigarette lighter gas (butane). Most households, factories and offices use a range of solvents which can be inhaled.

Legal highs - are substances which produce the same, or similar effects, to drugs such as cocaine and ecstasy, but are not controlled under the Misuse of Drugs Act. They are however, considered illegal under current medicines legislation to sell, supply or advertise for “human consumption”.

Harmful/problematic use or misuse – use of an intoxicating substance or substances that harms health, physical, psychological, social or work performance but without dependency being present.

Dependency – a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).

Addiction – a state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the

individual has great difficulty discontinuing their use. In some cases, it is considered that the substance has taken over their life.