

## Alcohol and other Substance Misuse Policy

---

**This policy was approved by Trustees as follows –**

**Board/Committee: Education & Personnel  
Committee**

**Date: 25 August 2017**

Frequency of review: Every 2 year(s)

Next review date: July 2019

ELT Owner: Director of Finance & Resources

Author: National Team HR Officer

*This policy will be interpreted and applied in accordance with the employers' duty to respect the rights of employees under the Human Rights Act, particularly the rights to freedom of speech, privacy, freedom of religion and belief and the right to freedom of association.*

**Summary of changes at last review:**

- Removed all references to principal and replaced with headteacher
- Addition that an employee who has not had prior substance abuse should not be an excuse for poor performance
- Addition that employees can keep information disclosed to them confidential providing there is not an immediate risk to pupils
- Inclusion that the Equality Act's definition of disability applies to this policy
- Amendment that E-ACT can take action if an employee's behaviour is affecting E-ACT's reputation, pupils, parents or the wider public.

## **1. Introduction**

### **1.1 What is Substance Misuse?**

1.2 In the context of this policy substance misuse refers to:

- the misuse of alcohol
- the use of illegal drugs
- the misuse of prescribed or over the counter drugs and/or substances such as solvents, glues or aerosols which impair the individual, interfere with health, affect job performance and safety at work.

1.3 (The use of the term misuse throughout the policy does not imply that illegal substances have a correct use).

## **2. Policy**

2.1 In recognition of the continued and growing problems of substance misuse in society, E-ACT will act to prevent, in so far as it is reasonably practicable, any such misuse by employees which increases the potential for ill health, accidents, absence, poor performance, or which adversely affects E-ACT (including its image, business and reputation), its employees or its pupils, parents and Governors. If, despite E-ACT's attempts at prevention, substance misuse problems do occur, E-ACT will, within reason, support the employee in a programme to overcome their problem but only with the full commitment of the employee and under the advice and monitoring of a medical professional. It is important to deal with these issues in a way that is as consistent and fair as possible.

2.2 Subject to 2.3 below, the use of alcohol or the misuse of substances or drugs on the premises is forbidden and will be regarded as a disciplinary offence should it occur.

2.3 In the case of staff social events, then the Headteacher, Regional Director and CEO has the authority to approve that alcohol may be brought onto the premises. Staff should not consume alcohol whilst in charge of, or responsible for, children or vulnerable adults.

2.4 Any member of staff or volunteer taking medication likely to affect behaviour or cause other noticeable side effects should inform their line manager.

2.5 Staff must not drink or take drugs prior to coming to work to such an extent, or within the timescale, that it will affect their ability to perform to a high standard in their work.

2.6 If an employee attends for work and the smell of alcohol is evident, or it appears that the person is under the influence of another substance, then the Headteacher, Regional Director, National Director or CEO will ask them to go home and take a day's holiday or a sick day and will start an investigation into whether there is a breach in conduct. Alternative travel arrangements should be made if appropriate for employees who are sent home from work due to being suspected of abusing substances.

- 2.7 The employee is responsible for their own conduct at all times, but where capability or disciplinary issues arise, each case will be considered on its merits, with the needs of the organisation and its responsibilities being paramount.

### **3. Procedure**

1.1 The following will apply should any member of staff be found to be under the influence of alcohol or any other substance. This may be noticed through observation, poor performance or unacceptable conduct but cannot be presumed in the absence of other evidence of a substance problem, such as it being proffered as an excuse by the employee

- 1.1 Where performance is adversely affected then the use of the capability procedure may be appropriate with support to improve, which could include medical referral. In the event that unprofessional conduct or aggressive behaviour is reasonably believed to be a result of drink or drugs, the emphasis will still be on appropriate medical referral; in the absence of any alternatives consideration will be given to suspending the employee if their condition or behaviour is judged to be an immediate and significant risk to children or a hazard. In such circumstances the employee will be suspended immediately without prejudice, pending an investigation which must include a report from occupational health.
- 1.2 Alternative travel arrangements should be made if appropriate for employees who are suspended from work due to being suspended of abusing substances
- 1.3 In the event that an informal approach is felt to be the most appropriate action, the focus will be on the need for professional help, advice and/or referral to Occupational Health.
- 1.4 The Headteacher, Regional Director, National Director or CEO will arrange for the person's work performance and behaviour to be monitored closely for a specified period.
- 1.5 Should poor performance continue, or further instances of being incapable be observed, the capability or disciplinary procedure will be followed.
- 1.6 Where the capability or disciplinary procedure is invoked, then a final written warning is likely to be appropriate or, on rare occasions, dismissal will be considered as part of the disciplinary or capability procedure.
- 1.7 At all stages of these procedure accurate records will be kept of all communication between the line manager/ Headteacher/ Regional Director/ National Director/ CEO and member of staff involved.

### **2. Responsibilities**

- 2.1 All members of staff have a responsibility to be familiar with the policy and procedures on substance misuse and ask for clarification if there are aspects of it about which they are unclear.

### **3. Employees**

3.1 Employees must behave responsibly at all times to safeguard their own health and safety, and that of those around them, ensuring that their performance at work is not affected by alcohol consumption or substance misuse.

3.2 Employees who have a substance misuse problem are advised to seek help from one or more of the following:-

- Their line manager
- Their General Practitioner
- Occupational Health Provider used by E-ACT
- Talk to Frank help line 0800 77 66 00

3.3 Employees must not cover up or collude with colleagues whose behaviour and performance is, or could be, affected by the taking of a substance, and should urge those colleagues to seek help if they have problems arising from the use and or abuse of a substance. Employees must however keep confidential any information disclosed to them in confidence by a fellow employee unless they reasonably believe there is a serious and immediate threat to well being of pupils.

3.4 Employees must advise their doctor or pharmacist of the nature of their job, and thus find out, as far as is possible, whether, as a result of taking prescribed or over the counter medication, there could be side effects, which may affect their work performance/health and safety. This is particularly important if their job is classroom based.

3.5 Employees must inform their manager (as soon as possible) before they take any prescribed or over the counter medication if they are informed that the medication may affect their work performance/health and safety.

3.6 Employees must understand that they can be sent home by their line manager or Headteacher/ Regional Director/ National Director or CEO if it is believed that they are considered incapable of performing their duties efficiently, effectively or safely and it is reasonably believed that this is due to substance abuse.

### **4. Headteacher/Regional Director/ National Director/CEO and Line Manager**

4.1 The Headteacher/ Regional Director/ National Director or CEO and line manager must review relevant health and safety risk assessments in the knowledge of an employee having a substance misuse problem which could increase the risk to other members of staff and especially the potential impact on pupils.

4.2 The Headteacher/ Regional Director/ National Director or CEO and line manager must be alert to, and monitor changes in, work performance, attendance, sickness and accident patterns and take appropriate action. The line manager should take an objective and non-judgemental approach when interviewing employees due to poor work performance.

- 4.3 If an employee or the Headteacher/ Regional Director/ National Director or CEO (on behalf of the employee) requests a referral to occupational health for assistance, Browne Jacobson HR advice should be sought to support E-ACT with the referral. The occupational health provider should be contacted, to be advised of the nature of the case and the need for a prompt referral.
- 4.4 The Headteacher/ Regional Director/ National Director or CEO and line manager must review and monitor the progress of an employee who is undertaking a programme of assistance.

## **5. Symptoms**

- 5.1 The following may be symptoms of a problem and as such, a discussion needs to take place to determine the cause, although conclusions should not be jumped to.
- Absenteeism – increase in sickness absence - short (especially Monday and Friday absences) or long term
  - Impairment of work performance
  - Poor co-ordination/judgement, frequent injuries/accidents at work
  - Sudden change in behaviour pattern – mood swings, irritability, lethargy
  - Poor time-keeping
  - Concentration and memory affected
  - Deterioration in relationships with other people
  - Neglect of personal care
  - Financial difficulties
  - Incursions with the law
  - Smell of alcohol around the person - this may be noticed by students/parents and can have a very damaging effect on the reputation of E-ACT so must be reported to a senior manager and action taken promptly.

Management will apply this paragraph in accordance with the provisions on disability contained in the Equality Act 2010

## **6. Off Duty Conduct**

- 6.1 If an employee misuses substances when “off duty”; the issue may be less about the actual misuse of a substance, but more about the effect on the employment relationship. E-ACT may be justified in taking action where the use of drugs or another substance occurs, because it is, or has become known, to pupils, parents or the wider public, and significantly undermines the employer’s reputation. E-ACT reserves the right to investigate such instances under the disciplinary policy including for consideration of gross misconduct.
- 6.2 If behaviour which indicates that a member of staff is under the influence of a substance occurs during an E-ACT event for pupils and/or colleagues such as E-ACT trips and excursions, or whilst representing E-ACT, the action is likely to constitute gross misconduct if they are responsible for the care of pupils, or in the presence of pupils at the time.
- 6.3 Loss of a licence due to a conviction for driving while over the legal alcohol limit can have repercussions on employment. Where an employee has to drive as part of their job, dismissal may be a consequence although the possibility of alternative work during the period of the driving ban should be first considered. The Academy HR lead should be consulted for advice.