



Alcohol and Other Substance Misuse Policy

Document provenance

This policy was approved by ELT as follows –

Approver: Executive Leadership Team
Date: June 2020
Review Date: June 2023

Executive Leadership team (ELT) Owner: Chief Operating Officer

Unless there are legislative or regulatory changes in the interim, this policy will be reviewed every three years. Should no substantive changes be required at that point, the policy will move to the next review cycle.

Policy purpose and summary

This policy outlines E-ACT's position in relation to alcohol and other substance misuse and alcohol on E-ACT premises.

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 reference 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 act if an employee's behaviour is affecting E-ACT's reputation, pupils, parents or the wider public.
- Added reference to training and support for managers.

Related policies or guidance

- Capability Policy¹
- Code of Conduct²
- Disciplinary Policy³
- Health and Safety Policy⁴
- Data Protection Policy⁵

¹ <https://insight.e-act.org.uk/policies/capability-policy>

² <https://www.e-act.org.uk/wp-content/uploads/2017/06/Code-of-Conduct-final.pdf>

³ <https://insight.e-act.org.uk/policies/disciplinary-policy-and-procedure>

⁴ <https://insight.e-act.org.uk/policies/health-and-safety-policy-0>

⁵ <https://insight.e-act.org.uk/policies/data-protection-policy-staff>

Alcohol and other substance misuse policy

1. Introduction and purpose

- 1.1. The first purpose of this policy is to protect workers and encourage sufferers to seek help.
- 1.2. The second purpose of the policy is to ensure problems are dealt with effectively and consistently.

What is Substance Misuse?

- 1.3. In the context of this policy substance misuse refers to:
 - the misuse of alcohol;
 - the use of illegal drugs⁶;
 - 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
- 1.4. The use of the term misuse throughout the policy does not imply that illegal substances have a correct use.

2. Scope

- 2.1. This policy applies to all staff, contractors, Trustees, E-ACT Ambassadors, and volunteers.

3. Legislation and regulation

- 3.1. This policy complies with current legislation and regulation, specifically the following:
 - The Equality Act 2010⁷ in relation to the definitions of disability which may be applicable during the application of the policy
 - The Misuse of Drugs Act 1971 (Amendment) Order 2010⁸
- 3.2. This policy has been informed by the following guidance:
 - Health and Safety Executive⁹;
 - Information Commissioners Office (ICO): employment practice code supplementary guidance in relation to protecting data subjects' rights and privacy;
 - E-ACT Employee Assistance Programme¹⁰.

⁶Under the Misuse of Drugs Act drugs are classified according to their perceived danger. Class A: including ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of class B drugs. Class B: including cannabis, cannabis resin, oral preparations of amphetamines, barbiturates, codeine and methaqualone (Mandrax). Class C: including most benzodiazepine (for example, Temazepam, Valium), other less harmful drugs of the amphetamine group, and anabolic steroids.

⁷[Equality Act 2010](#)

⁸[Misuse of Drugs Act 1971 \(Amendment\) Order 2010](#)

⁹[Health and Safety Executive guidance on alcohol and drugs at work](#)

¹⁰<https://www.healthassured.org/> Username is EACT - Password is Act

4. Policy Statement

- 4.1. 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 a which adversely affects E-ACT (including its, business and reputation), its employees, pupils, parents, E-ACT Ambassadors and Trustees.
- 4.2. 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.
- 4.3. Subject to 4.4 below, the use of alcohol or the misuse of substances or drugs on the academy premises is forbidden. It will be investigated in accordance with our disciplinary policy should it occur and may be regarded as disciplinary offence.
- 4.4. In the case of staff social events, the Headteacher, Regional Director and CEO have 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.
- 4.5. Any member of staff or volunteer taking medication that is affecting or is likely to affect behaviour or cause other noticeable side effects should inform their line manager and a risk assessment should be completed with a six-month review.
- 4.6. Staff should ensure that at all times they are well and safe to attend work and that their performance is not impaired by any substance misuse.
- 4.7. 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 or, Regional Director, will:
 - interview the worker in private as early as possible in the process;
 - keep accurate, confidential records of the instance;
 - if appropriate, discuss the alcohol and drugs policy and the help available inside or outside of the organisation.
- 4.8. The Headteacher or Regional Director will then agree a decision and if appropriate, send the member of staff home pending investigation. The staff member would remain on normal pay pending investigation.
- 4.9. Alternative travel arrangements should be made if appropriate for employees who are sent home from work due to being suspected of abusing substances.
- 4.10. The employee is responsible for their own conduct at all times, but where capability or disciplinary issues arise, they will be handled under the relevant procedure and each case will be considered on its merits, with the needs of the organisation and its responsibilities being paramount.

5. Procedure

- 5.1. 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.
- 5.2. Where performance is adversely affected then the use of the capability procedure may be appropriate with support to improve, which could include Occupational Health referral. In the event that unprofessional conduct or aggressive behaviour is reasonably believed to be a result of an alcoholic drink or drug/substance, 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. The suspension pending investigation will be on normal pay.
- 5.3. 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.
- 5.4. The line manager, Headteacher, Regional Director, National Director or CEO will arrange for the person's work performance and behaviour to be closely supported for a specified period. The details of the monitoring and support will be discussed with the employee and set out in writing in an agreed support plan.
- 5.5. Should poor performance continue, or a further instance of being incapable be observed, the capability or disciplinary procedure will be followed.
- 5.6. Where the capability or disciplinary procedure is invoked, then appropriate sanctions as set out these policies will be considered up to and including dismissal.
- 5.7. 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. This will be in line with our Information and Records Retention Policy and our Data Protection Policy.

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 acting where the use of drugs or another substance occurs, because it is, or has become known, to pupils, parents or the wider public and damages the employer's reputation. E-ACT reserves the right to investigate such instances under the Code of Conduct (paragraph 16) and the Disciplinary Policy.
- 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 alternative work during the period of the driving ban should be first considered. The regional or national HR lead should be consulted for advice.

7. Responsibilities

- 7.1. 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.

Employees

- 7.2. 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.
- 7.3. Employees who have a substance misuse problem are advised to seek help from:
- Their line manager;
 - Their General Practitioner;
 - Employee Assistance Programme Provider used by E-ACT available on 0800 030 5182 or healthassured.com (Username is E-ACT -Password is Act);
 - Talk to Frank helpline 0300 123 6600 or Text 82111.
- 7.4. 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.
- 7.5. Where employees are told or become aware of this information, they should not discuss it with other colleagues. However, it may be appropriate to inform a manager due to health, safety and welfare concerns employees, especially where there is a serious and immediate threat to wellbeing of pupils and/or colleagues.
- 7.6. 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.
- 7.7. 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 and the safeguarding of children in their care, over a period of time.
- 7.8. Employees must understand that they can be sent home by the 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. This will be on normal pay pending investigation.

Line Manager/Headteacher/Regional Director/ National Director/CEO

- 7.9. The Line Manger/Headteacher/Regional Director/National Director or CEO 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.
- 7.10. The Line Manager/ Headteacher/ Regional Director/ National Director or CEO 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.
- 7.11. If an employee or the Line Manager/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 a prompt referral.
- 7.12. The Line Manager/Headteacher/ Regional Director/ National Director or CEO must review and monitor the progress of an employee who is undertaking a programme of assistance.

8. Training

- 8.1. E-ACT will ensure appropriate training is in place to help managers understand how to implement this policy. Managers, Headteachers and Directors should have an understanding of how issues may affect an employee's behaviour at work and be able to guide and support them, while following processes set out in this policy.
- 8.2. While the following may be symptoms of a problem and as such, a discussion needs to take place to determine the cause, conclusions must 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 pupils/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.
- 8.3. Management will apply this paragraph in accordance with the provisions on disability contained in the Equality Act 2010 where side effects are the consequence of the substance being medically prescribed.

9. Policy review

- 9.1 This policy is reviewed as required by the Trust in consultation with the recognised trade unions.

Appendix A:

The following organisations can offer guidance and support. The organisations below are listed by ACAS.

Drugs

Drugscope - DrugScope is the UK's leading independent centre of expertise on drugs. It aims to inform policy development and reduce drug-related risk. Tel: 020 7940 7500
www.drugscope.org.uk

Re-Solv Re-Solv is a national charity dedicated to the prevention of solvent and volatile substance abuse. Tel: 01785 810762 (helpline) www.re-solv.org

Alcohol

Alcohol Concern Alcohol Concern is the national agency on alcohol misuse. It works to reduce the incidence and costs of alcohol-related harm and to increase the range and quality of services available to people with alcohol-related problems. Tel: 020 7264 0510
www.alcoholconcern.org.uk