

## Schools Drugs, Substance and Alcohol Misuse Policy



Please think before printing this document.

Where printing is necessary, please ensure that it is printed double sided and in greyscale.

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# **1 Introduction**

## **1.1 What is the policy about?**

This policy is designed to promote a safe, healthy and productive working environment within school. It provides a framework for dealing with the problems of substance use and misuse efficiently and consistently. It is geared to identify substance use problems at the earliest opportunity and to support and encourage employees to seek help for alcohol or other drug problems in the strictest of confidence. This policy covers:

- Preventing substance use problems through raising awareness;
- Identification of substance use problems at the earliest opportunity by addressing unsatisfactory performance, attendance or conduct;
- Supporting and enabling those who have substance use problems to obtain help;
- To create a culture where substance use problems are understood and employees are encouraged to accept help and support.

This policy supports and compliments the school's Code of Conduct Policy, which outlines the existing rules and conditions of service that apply to all employees of the school. It should be read in conjunction with the Drugs, Substance and Alcohol Misuse Guidance for Headteachers.

## **1.2 Who does the policy apply to?**

This policy covers all school based employees.

## **1.3 Responsibilities**

### **1.3.1 Headteacher responsibilities**

Headteachers are responsible for ensuring that this policy is fairly and consistently implemented. They must also ensure that all employees are aware of the policy and its contents. Headteachers do not need to diagnose a problem relating to substance use, but monitor the factors that may indicate an underlying problem such as absenteeism, performance problems, working relationships and behaviour at work and address these at the earliest opportunity. They are responsible for providing the opportunity for the employee to access specialist drug and alcohol services to support in their recovery.

### **1.3.2 Employee responsibilities**

All employees have a responsibility to ensure that they comply with this policy and a responsibility for their own health and actions, as well as the safety of the public and colleagues. This includes presenting themselves in a fit state for work. Any consumption or use of substances must not damage their ability to complete work in a proper manner. An employee needs to advise 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.

It is recognised that it is often those working closely with individuals who are best placed to identify developing problems. Therefore, everyone has a responsibility in assisting those who may be experiencing substance use problems. It is essential that these problems are not covered up and any employee reasonably concerned should bring it to the attention of their Headteacher.

It is an employee's responsibility to attend the Occupational Health Service (OHS) when requested and take up and commit to any programme of support implemented to help with their recovery.

### **1.3.3 Role of the Occupational Health Service (OHS)**

The OHS will provide any relevant medical advice and support including, with the employees consent, coordination between drug and alcohol recovery services and the workplace. This will include promotion of the awareness of substance misuse issues and encouraging early identification of employees who need assistance. The OHS will also provide assistance and advice for individuals who choose to self-refer to recovery services. The OHS will inform the Headteacher of fitness for work issues which may include prognosis of the findings, how long the employee might be absent from work, whether the employee's duties might be contributing to the problem and the value of considering alternative employment.

The OHS will treat all matters in the strictest of confidence, however, where it is clear that the employee poses a significant risk to themselves, other employees, pupils or parents, the OHS will need to inform the employee's Headteacher. The OHS will advise the employee that they will discuss the circumstances with others.

### **1.3.4 Role of Human Resources (HR)**

The HR Advice and Support Team are responsible for the review and coordination of the policy and for providing advice and guidance to Headteachers to ensure it is operated in a fair and effective manner.

### **1.3.5 Role of trade unions**

Trade unions have a role to advise their members of their rights and responsibilities under this policy. In circumstances where the Headteacher has arranged to formally meet with the employee (see Section 2.3.1 'Identification through the Headteacher'), a trade union representative can attend the meeting to support an employee if so requested and may also attend any subsequent meetings arranged to discuss progress within the boundaries of this policy. The trade union may also be able to offer related assistance to an employee that will aid them at work and during any recovery programme.

## **1.4 Definitions and legislation**

The World Health Organisation defines substance misuse as harmful or hazardous use of psychoactive substances, including alcohol and illicit drugs.

For the purpose of this policy substance use includes:

- Alcohol;
- Illegal drugs (as defined by the Misuse of Drugs Act 1971);
- New psychoactive substances (NPS) or legal highs;
- Prescription medication;
- Over the counter medication;

The school must also uphold the Misuse of Drugs Act 1971 and will not knowingly permit the supply, sale or misuse of illegal drugs on school premises. The Act makes the following activities involving drugs illegal:

- Possession;
- Possession with the intent to supply;
- Production;
- Supply or offer to supply another person;
- Import and export;
- Use of or supply of drugs on the premises.

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

New Psychoactive Substances (NPS) are often referred to as 'legal highs', 'designer drugs' or 'club drugs', the terms are used interchangeably.

The school is committed to the health, welfare and safety of its employees through its responsibilities under the Health and Safety Act 1974. It also requires employees to be responsible for their own health and safety and the health and safety of others.

A further duty exists under the Management of Health and Safety at Work Regulations 1999 to assess any risks to the health and safety of employees. Consequently, a failure to deal with an employee's substance misuse problem that might put others at risk could lead to the school being prosecuted.

The Road Traffic Act 1988 makes it an offence for any person to drive or attempt to drive a motor vehicle if they are unfit to do so because of alcohol or drug consumption. Employees are reminded that this includes driving on a morning after a period of heavy alcohol consumption.

## **2 Managing employees with substance misuse issues**

Substance use problems are defined as those problems which incorporate a variety of harms (including physical and mental) caused by alcohol or other drugs which may be problematic to the individual or the organisation. This includes new psychoactive substances ("legal highs") and prescribed medications as well as alcohol and illegal drugs.

### **2.1 Restrictions on alcohol consumption**

Whilst the school is not against alcohol consumption outside of office hours, and it is not the intention of this policy to intrude into the privacy or lifestyle of employees, the school recognises that alcohol misuse is associated with a variety of negative workplace outcomes, including higher levels of absenteeism, reduced turnover and increased frequency of accidents. The school must respond where consumption of alcohol shows a clear detrimental effect on an individual's attendance or work performance.

**The consumption of alcohol by school employees during working hours or immediately prior to work is not permitted.**

Should an employee consume alcohol for any reason during working hours they should not return to work, instead they should arrange to take a leave of absence agreed with the Headteacher. Employees should be reminded that they should not drive home.

Employees are reminded that following a period of heavy drinking they may still be over the legal alcohol driving limit the morning after.

Employees are reminded that it is a criminal offence to buy/supply alcohol to a person under the age of 18 years. The consequence of which can be either the issuing of a Penalty Notice (£90 fine) or a summons issued to appear before a Magistrates Court and where a person can receive an unlimited fine and a criminal record.

## **2.2 Employee involvement with drugs and alcohol**

An employee's use of substances may result in higher levels of absenteeism and, as a result, have been identified through attendance management procedures. In these circumstances, the issue should continue to be monitored through the Attendance Management Policy as well as through the procedures within this policy.

The use of substances can have a damaging effect on workplace productivity, safety, health and morale. With any amount of alcohol or other drugs in their system, employees can be less efficient and less safe. In particular, where employees are doing jobs that need a high level of alertness to stay safe, impairment from 'the morning after' effect can be potentially catastrophic.

Where excessive use of alcohol or other drugs by an employee takes place outside of working hours, the school will consider the impact that this may have on hours of work or on overall levels of performance. In these circumstances the school will also need to consider whether there is any negative affect on the school's reputation and/or public confidence.

## **2.3 Identifying a problem**

Early identification of substance use problems is a key factor in supporting employees into recovery. Identifying whether an employee has a substance use problem may not be as simple as asking them. Employees may deny they have a problem with drug or alcohol use.

### **2.3.1 Identification through the Headteacher**

A Headteacher should monitor the factors which may indicate an underlying substance use problem such as absenteeism, performance problems, working relationships and behaviour at work as part of service supervision procedures. Headteachers should be aware of and monitor changes in work and attendance patterns of staff, assisting in the identification of employees who may be in need of help because of issues related to this policy.

If a Headteacher identifies, or is made aware of, a problem which they think is as a result of substance use they should speak to the employee at the earliest opportunity to raise their

concerns and inform the employee of the support available through this policy. This should be documented during usual supervision methods.

**If the employee is 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.**

If the Headteacher feels that further intervention is required following the initial conversation with the employee, they should arrange a meeting to formally record the concerns and investigate the circumstances. Where necessary, the Headteacher can seek advice from the HR Advice and Support Team. A trade union representative or work colleague can accompany the employee at the meeting. The Headteacher should make it clear that they wish to support the employee to overcome their problem, including the provision of practical assistance if appropriate.

The purpose of the meeting is to discuss all/any of the following points:

- Inform the employee of an identified deteriorating pattern of work performance;
- Ask the employee for their view of the problems, their nature and the reasons behind them;
- Explain the consequences of continued lowered work performance;
- Make the employee aware of the support available;
- Follow up any relevant issues discussed at a normal one to one session.

At the meeting the facts known by the Headteacher should be presented to the employee.

If it is concluded that substance use is contributing to the workplace problem the Headteacher should seek to obtain signed consent from the employee for a referral to the OHS. The Headteacher should make it explicitly clear within the referral to the OHS that they are seeking opinion about concerns connected to substance use. The employee should receive a copy of the OHS referral. The Headteacher does not need to diagnose a substance use problem, but highlight that drug or alcohol use may be a possible issue.

The meeting may fail to reach a conclusion that a substance use problem exists, or the employee may reject or fail to cooperate in a referral. The employee should be made aware of the help that is available for them to make a self-referral (see section 3.2). In these instances, and without any improvement in performance by the employee, disciplinary action may be considered as part of the Disciplinary Policy.

If no disciplinary action is taken, the Headteacher must make clear that the situation will remain under review and identify clear standards for work performance and behaviour.

A record of the meeting should be made and, if appropriate, a date agreed to meet again and examine progress. This record should be maintained on a confidential need to know basis, bearing in mind that the details of the meeting may need to be utilised within any possible attendance management or disciplinary process.

A substance use problem does not excuse poor work performance or misconduct, but it may be treated as a mitigating factor. Any disciplinary investigation that has commenced may be suspended if a substance use problem emerges. The suspension of a disciplinary investigation can occur while diagnosis and recovery are in progress.



In cases where the employee is unable to carry out their substantive post, consideration should be given to transferring the employee temporarily to a suitable alternative while in recovery.

### **2.3.2 Identification through a work colleague**

Any employee who reasonably believes that a colleague has a substance use problem should encourage them to seek help through this policy or through community services that are available. If their colleague does not seek help and the employee believes them to have a substance use problem which is affecting their work, they should approach their Headteacher in strict confidence.

If an employee feels that substance use by a colleague amounts to malpractice, for instance where the care of vulnerable people or responsibilities for assets is at stake, they are obliged to report the incident. If they feel it is more appropriate, they can report the problem through the school's Confidential Reporting Code.

### **2.3.3 Identification through the affected employee**

Employees who are concerned that they may have a substance use problem are encouraged to seek help at the earliest opportunity. They can do this in a number of ways:

- Through their Headteacher;
- Through any other colleague that they feel they can talk to;
- Through the Occupational Health Service (OHS);
- Through their GP;
- Through specialist agencies (see supporting documents A and B);
- Through the telephone Counselling Service – tel: 0800 716 017, quote scheme no. 33679

Any request for assistance within the school will be treated in the strictest of confidence.

## **2.4 Referral procedures and recovery programme**

If an employee is found to have, and recognises they have, a substance use problem, their Headteacher will make the employee aware of and facilitate the opportunity to obtain specialist help. Management responsibility is to provide the opportunity for the employee to access specialist drug and alcohol services however, it is the employee's responsibility to take up and commit to any programme of support. Where an employee has not done so, management is not under automatic obligation to offer further opportunities.

The Headteacher should inform the employee of any potential help available under this policy, including the offer of a referral to the OHS and supporting access to community drug and alcohol recovery services. If the employee agrees, a confidential consultation will be arranged with the OHS as soon as possible.

If a consultation between the employee and the OHS occurs the OHS will conduct an initial assessment which will include screening for alcohol use disorders. Where a possible alcohol dependency or other substance use problem is identified the OHS will facilitate a referral to specialist recovery services. Where increasing or high risk substance use is established (but not possible dependency) the OHS will provide brief advice and a follow up appointment within 4 weeks.

An employee may wish to seek help themselves without being referred to the OHS. If the Headteacher agrees to appointments taking place in work time the employee must agree to provide evidence of attendance at the appointment and update their Headteacher on the progress being made. Time off to attend appointments will be unpaid unless there is evidence that the issue is to the extent that it has been deemed to be covered by the Equality Act. A list of approved organisations is available within the supporting documents.

In circumstances where an employee does not recognise or accept the existence of a substance use problem, or fails to cooperate with the support provided through this policy, this in itself will not lead to disciplinary action. However, any continuing unsatisfactory performance or misconduct may lead to disciplinary action under the normal disciplinary procedures. Where any disciplinary action has been suspended, pending referral to the OHS or obtaining support from external community recovery services, it may be reinstated and appropriate action taken in these circumstances.

The Headteacher (and the HR Advice and Support Team, if appropriate) will be made aware of any relevant outcomes of any referral to the OHS or other community drug and alcohol recovery services. The information must remain confidential between the parties involved on the understanding that it may be relevant within any future formal process stemming from the case.

Where a recovery programme has been identified and accepted by the employee, the Headteacher will write to the employee confirming the working arrangements while participating in recovery services.

This notification will require the employee's agreement and will identify a number of issues including the following:

- Details about a return to work date (including, where relevant, a phased return), if the employee has been absent;
- Reinforcing the message that the intention of the programme is to get the employee back to work in an effective way;
- Details of further attendance at the OHS and any meetings with the Headteacher;
- Reference to any attendance at any specialist recovery services;
- Request to keep all medical appointments and comply with recovery regimes;
- Commitment to act in a positive way and not recommence taking significant amounts of alcohol or other drugs;
- Agreement to being monitored by the Headteacher.

An acceptance form of working arrangements while undergoing treatment is available via the intranet. Once signed, a copy should be retained by both the Headteacher and employee to refer to if/when needed while dealing with the situation going forward.

Time off for medical appointments or attending specialist recovery service appointments will be classed as any other absence for medical treatment. Evidence of attendance at these sessions must be provided to the Headteacher. Cases of substance misuse will not directly be regarded as a disability within the requirements of the Equality Act 2010. However the effects of the misuse may need to be considered within the confines of the Act, for example mental illness.

Alternatively, if the employee is fit for work during the treatment programme, it may be necessary to consider a period of transfer to other duties. This may occur if it is considered that a return by

the employee to their substantive post would result in further misuse problems or constitute a risk to themselves or others.

#### **2.4.1 Recovery from substance dependency**

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

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

Any further work related issues due to an alcohol or other drug problem 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 engagement in recovery services was taking place.

Where the employee successfully completes a programme of recovery he/she will be met with by the Headteacher to establish future expectations of work performance/behaviour and to offer continuing support through the OHS if necessary.

Where ill health reasons are used as the basis preventing the employee's recovery, the school's redeployment procedures must be considered within the overall attendance management process, alongside any medical advice. If, despite the employee's full cooperation, they develop a chronic medical condition due to their substance use and as a result they are unable to achieve and maintain an acceptable standard of work performance or attendance at work, dismissal may be considered as an option. The appropriate procedures must be followed in instances of potential dismissal. It must be made clear on what grounds any dismissal is taking place and this must be subject to medical evidence where appropriate.

#### **2.5 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 repercussions on continuing 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 head of service. 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. Consideration must be given to a number of issues such as whether the employee can still 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.

#### **2.6 Alcohol and other drugs screening and testing**

The school will not require its employees to be screened or tested for alcohol or other drug use as a matter of course.

### 3 Supporting documents

The following documents, which support this policy, can be downloaded from the extranet:

|   |  |
|---|--|
| A | Useful contact points  |
| B | Local contacts   |
| C | Statement for school employees                                     |
| D | Acceptance form of working arrangements while undergoing treatment |

The following documents associated with this policy can be downloaded from the extranet:

|  |
|--|
| Schools Code of Conduct                            |
| Schools Attendance Management Policy and Procedure |
| Schools Disciplinary Policy                        |
| Schools Confidential Reporting Code                |

### 4 Further information

#### Confidentiality

The school complies with all relevant statutory obligations. For more information please contact the school directly.

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.

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.

#### 4.1 Dealing with abuses of the policy

Employees who attempt to abuse this policy may face disciplinary action. The school takes false or misleading accusations very seriously which may result in further action taken through the disciplinary procedure. This will not include ill-founded allegations that were made in good faith.

## 4.2 Equality and diversity

The school is committed to promoting equality of opportunity, valuing diversity and ensuring discrimination, harassment or victimisation is not tolerated.

Our policy is to treat people fairly, with respect and dignity. We also comply with legal requirements in relation to age, disability, gender, pregnancy and maternity, marriage and civil partnership, gender reassignment, race, religion or belief and sexual orientation.

## 4.3 Contact details

If you would like any further advice or would like the document in an alternative format, please contact the HR Advice and Support Team using the contact details below:

**Please ask us if you would like this document summarised in another language or format.**

|                   |                      |                   |
|-------------------|----------------------|-------------------|
| العربية (Arabic)  | (中文 (繁體字)) (Chinese) | اردو (Urdu)       |
| polski (Polish)   | ਪੰਜਾਬੀ (Punjabi)     | Español (Spanish) |
| বাংলা (Bengali)   | हिन्दी (Hindi)       | Deutsch (German)  |
| Français (French) | Türkçe (Turkish)     | Melayu (Malay)    |

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