

Drug and Alcohol Misuse Policy for Staff in Schools

DECEMBER 2012

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1. Introduction

The School requires that all employees, volunteers and contractors do not consume alcohol or misuse drugs during or outside working hours to the extent that it:

- impairs their performance;
- impairs working relationships;
- potentially or actually puts their own or others health and safety at risk;
- affects the public image of the School adversely.

However, the School also recognises that persistent drug or alcohol misuse is primarily a health matter needing help and treatment. The School will do all it can to ensure any employee suffering from these problems gets appropriate advice and support with the objective of restoring him/her to his/her former good health and productivity.

This policy can only be effective if those affected admit that they have a problem and are willing to accept help. An employee who does not admit to a problem and is unwilling to accept help may leave him/herself open to action being taken under the School's Capability or Disciplinary Procedures. In addition, misuse of drugs or alcohol may leave employees open to conviction under the Road Traffic Act 1988, Transport and Works Act 1992 and Misuse of Drugs Act 1971 (See Legal Implications in Appendix 3)

Note: For the purposes of this policy, the term 'Manager' refers to the nominated manager for the relevant staff member, e.g. Governor, Headteacher, Deputy Headteacher or Bursar (this list is not exhaustive).

2. Definition of Alcohol and Other Substance Misuse

Substance Misuse : "The non-medical use of any chemical substance resulting in social, psychological, physical or legal problems associated with dependence, intoxication or regular consumption".

'Substance' is a general term for alcohol, cannabis, hallucinogens, opiates, stimulants, steroids, some medical products such as benzodiazepines & various volatile substances, lighter fuel, glue etc.

Alcohol or drug related problems are defined as "Any consumption, either intermittent or continual, of alcohol or drugs which definitely and repeatedly interfere with a person's health and social functioning and/or work performance or conduct".

3. Identifying Drug or Alcohol Misuse

Drug or alcohol misuse may be indicated by:

- Complaints and remarks;
- Increasing levels of absenteeism;
- Decline in standards of dress or appearance;
- Poor performance;
- Abnormal behaviour such as obscene language or violence;
- Incidents of minor accidents;
- Mood swings; and
- Frequent smell of alcohol.

This list is for general guidance and the presence of some or all of them are not exclusive to alcohol or abuse and may indicate other illnesses.

4. Dealing with Drug and Alcohol Misuse

When dealing with cases of alcohol or drug misuse, the following principles will apply:

- all those seeking help will be treated sympathetically and in confidence;
- the School will offer the employee as much support as is reasonably practicable in the circumstances; and
- the employee will be expected to comply with all aspects of the Drug and Alcohol Misuse Policy and Procedure for Staff in Schools

5. Procedure

The procedure itself can be accessed here (insert link) Drug and Alcohol Misuse Procedure for Staff in Schools.

6. Link with the Disciplinary Policy/Procedure

The Drug and Alcohol Policy and Procedure for Staff in Schools are separate from the disciplinary procedure. However, where an employee has an identified problem and he/she has refused help; when he/she denies the existence of a problem and/or where they discontinue a course of treatment which leads to an effect on their conduct or performance, the matter will be dealt with under the Disciplinary Procedure.

Where disciplinary proceedings are taking place and an employee admits to an alcohol or drug problem which has led to the misconduct under consideration, the School may agree, depending on the circumstances of the case, to suspend disciplinary action on the condition that the employee seeks and agrees to treatment and rehabilitation (as set out in the Drug & Alcohol Procedure for Staff in Schools). Any programme of treatment and rehabilitation will be regularly reviewed. Should the employee discontinue such a programme, the disciplinary proceedings will normally be resumed with immediate effect.

7. Loss of Qualification

Employment may be terminated in cases of alcohol or drug misuse where the subsequent action taken leads to the loss of a qualification required to do the job, e.g. professional registration, driving ban.

8. **Roles and Responsibilities**

Employee Responsibilities

He/she must not:

- refuse a reasonable request to be tested
- report for duty under the influence of alcohol and/or illegal drugs
- consume alcohol or illegal drugs whilst at work
- knowingly misuse prescribed medicines whilst at work
- possess illegal drugs at work
- drive or operate (or attempt to) machinery or a motor vehicle, whilst under the influence of alcohol and/or illegal drugs

He/she is required to:

- be familiar with the policy and procedures
- note the information provided on alcohol and drugs and its effects on work and safety, and to act accordingly.
- seek assistance if he/she has a problem, or potential problem, and attend any Occupational Health appointments, as arranged
- be alert to alcohol and substance misuse symptoms in colleagues and to encourage them to seek assistance
- report any potentially criminal behaviour related to drug or alcohol abuse in the workplace.

Line Manager Responsibilities

- To maintain confidentiality (unless it is unlawful to do so).
- To be familiar with the policy and procedures on alcohol and drug misuse.
- To ensure that all employees are fully conversant with the content of this policy .
- To be aware of the effects of alcohol and drug misuse, and to be alert to possible problems.
- To approach the issue sensitively, and not to make moral judgements about employees who may have a problem.
- To accept that employees with a problem will not always be ready, or willing to disclose the problem.
- To set a good example through the non-use of alcohol/drugs during the working day.
- To refer employees for assistance as appropriate

Human Resources (HR)

To provide help and assistance in relation to individual drug and alcohol abuse cases.

Training and Development Section

To provide training for employees and managers in awareness of drug and alcohol and abuse and/or the Drugs and Alcohol Misuse Policy and Procedure for Staff in Schools.

Health & Safety Section

To provide advice and guidance in order to ensure compliance with legislation and associated guidance.

Corporate Health Group

To allocate resources and support to the health promotional and training activities above.

Occupational Health Unit

- To be familiar with the policy and procedures related to alcohol and substance misuse.
- To arrange promotional events, in conjunction with the Corporate Health Group, to raise awareness of the effects of alcohol and drugs on health, etc.
- To refer employees to external agencies for assistance as appropriate.
- To monitor and evaluate the effectiveness of the counselling; to prepare reports as appropriate; and to arrange timely employee reviews.
- To liaise with H.R Officers, as appropriate.
- To give appropriate and timely updates to managers.

Contractors

In conjunction with Legal Services, the Corporate Procurement Unit will seek to amend Contract Procedure Rules to ensure that every written contract contains a clause requiring the Contractor to comply with the Council's Drug and Alcohol policy, in so far as it relates to the services, or any part of the services, which the Contractor is supplying

9. Review

This policy will be subject to regular monitoring and review, in consultation with recognised trade unions.

Appendix A

**Neath Port Talbot County Borough Council
Cyngor Bwrdeistref Sirol Castell Nedd Port Talbot**

OCCUPATIONAL HEALTH UNIT -REHABILITATION CONTRACT

Personal Details

Employee's Full Name: _____

Address: _____

Home Tel No: _____

Work Tel No: _____

Mobile No: _____

Post Details

Post Title: _____

Post no: _____

Section: _____

Directorate: _____

Agreed Action 1

Description (*With Milestones*)

I agree to the action described above
Employee Signature

Date

Agreed Action 2

Description (*With Milestones*)

Employee Signature

Date

Agreed Action 3

Description (*With Milestones*)

Employee Signature

Date

Appendix B – Support Networks

Help, support, information and advice is available from the following outlets:

Drug helplines and services

West Glamorgan Council on Alcohol and Drug Abuse
Offers free advice and counselling service

www.wgcada.org

Neath	01639 620222
Port Talbot	01639 890 643
Swansea	01792 646421

Frank

Offers free and confidential advice about any drugs issue. It can refer people to local advice services.

www.talktofrank.com

Telephone: 0800 776600

Release

Charity offers confidential help line offers advice on drugs use and legal issues.

www.release.org.uk

Telephone 0845 4500 215

ADFAM

Provides a confidential support and information help line for families of people with drug-related problems.

www.adfam.org.uk

Telephone 02075537640

Families Anonymous

Supports self-help groups around the country for families and friends of people with drug-related problems.

www.famanon.org.uk

Telephone 0845 1200 660

Support for alcohol problems

Alcohol Concern

The national agency on alcohol misuse. It offers general information about alcohol and can provide details of local advisory services.

www.alcoholconcern.org.uk

Telephone 020 7264 0510

Al- Anon

Family self-help groups provide support and understanding for anyone whose life is deeply affected by someone else's drinking. Contact **London 020 7403 0888** for details of local contacts.

www.al-anonuk.org.uk

telephone 020 7403 0888

AA (Alcoholics Anonymous)

Free self-help groups offer an abstinence programme to those who wish to stop drinking. Contact on the 24 - hour help-line 0845 769 7555

www.alcoholicsanonymous.org.uk

Drink line

Gives confidential information and self help advice, can put callers in touch with local alcohol advice centres for one-to-one help, and supports family and friends of people who are drinking.

www.patient.co.uk

Telephone 0800 917 8282

Appendix C

Legal Implications

As an employer there is a legal obligation to provide both employees and third parties with a safe working environment.

The School has a general duty under **the Health and Safety at Work Act 1974** (HSW Act) to ensure, as far as is reasonably practicable, the health, safety and welfare of all its employees.

The School also has a duty under **the Management of Health and Safety at Work Regulations 1999**, to assess the risks to the health and safety of its employees, as well as to the general public. If, as an employer, the School knowingly allows an employee under the influence of alcohol or other substances to continue working and this places the employee or others at risk, the School could be prosecuted. Similarly, employees are also required to take reasonable care of themselves and others who could be affected by what they do.

The **Transport and Works Act 1992** which makes it a criminal offence for certain workers to be unfit through drink and/or drugs.

The **Road Traffic Act 1988** states that any person who, when driving or attempting to drive a motor vehicle on a road, is unfit to drive through drink or drugs shall be guilty of an offence.

It is an offence under the **Misuse of Drugs Act 1971** to possess, supply or produce controlled drugs without authority (possession is generally only lawful if the drug has been prescribed by a Doctor or Dentist for medical purposes). An employer, who knowingly allows a drug misuser to continue working without doing anything, either to help that employee, or to protect the rest of the workforce, may also be liable to criminal prosecution.

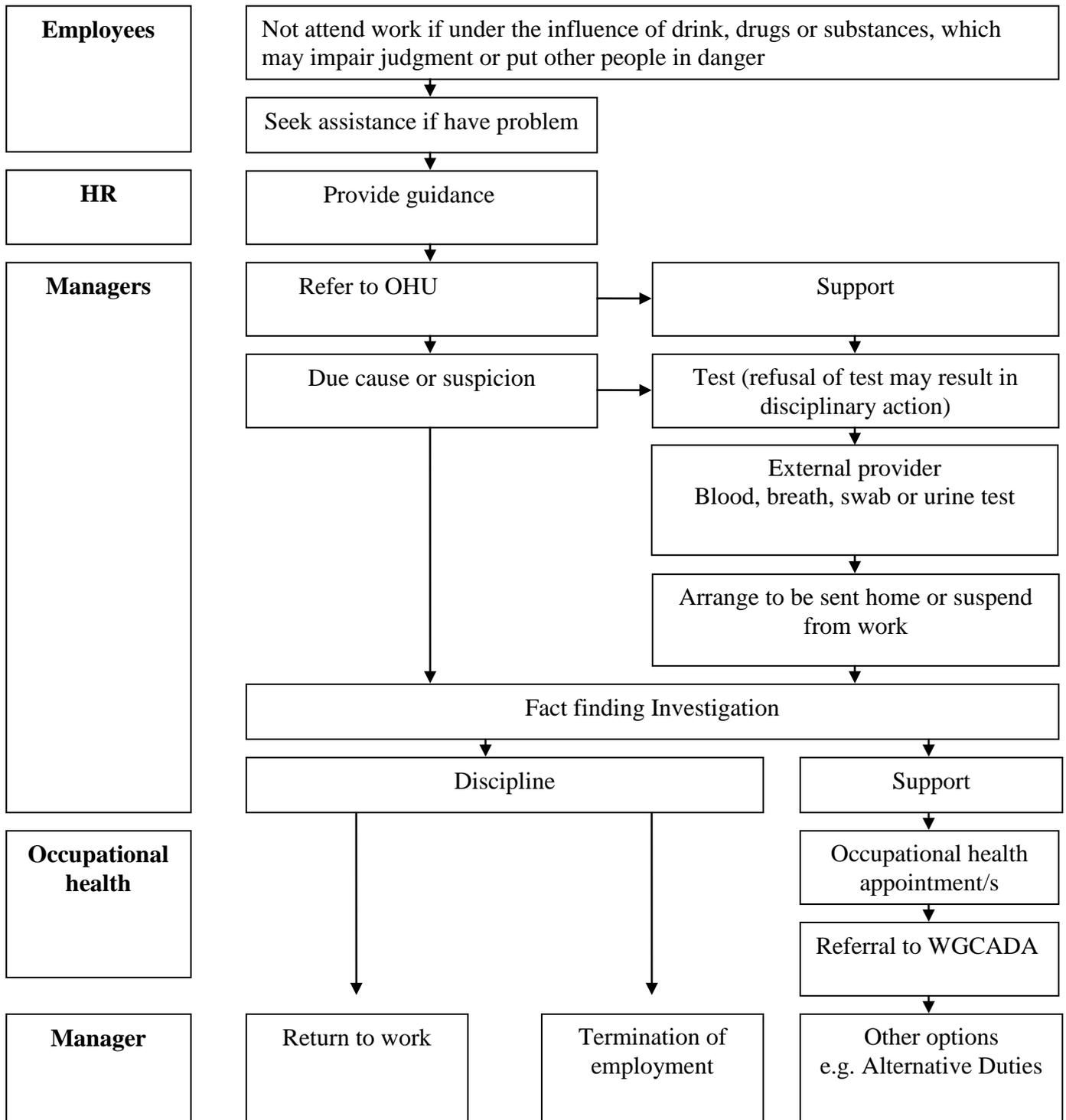
The act also lists the drugs that are subject to control and classifies them in three categories, according to the relative harm they cause when misused. The list below is an example, a full list can be obtained at: <http://www.homeoffice.gov.uk/drugs/drug-law/>

CLASS A – Ecstasy, LSD, heroin, cocaine, crack, magic mushrooms, amphetamines (if prepared for injection).

CLASS B - Amphetamines, Cannabis, Methylphenidate (Ritalin), Pholcodine.

CLASS C - Tranquilisers, some painkillers, Gamma hydroxybutyrate (GHB), Ketamine.

Appendix D: Role and Responsibility Flowchart



Drugs & Alcohol Procedure

1. Principles

- 1.1 This procedure should be read in conjunction with the Drug and Alcohol Policy for Staff in Schools (insert link), which includes an outline of employee and manager responsibilities. Confidentiality should be maintained, unless it is unlawful to do so.

Note: For the purposes of this procedure, the term ‘Manager’ refers to the nominated manager for the relevant staff member, e.g. Governor, Headteacher, Deputy Headteacher or Bursar (this list is not exhaustive).

- 1.2 Human Resources are available to provide advice at any stage of this procedure and should always be consulted where formal disciplinary or capability action is being considered.

2 Nature of Concern (see Drug and Alcohol Misuse Flowchart at Appendix A)

2.1 Minor

Where a change in the employee’s behaviour, performance or appearance, which gives cause for concern but is not a cause for formal action under the Disciplinary Procedure or the Capability Procedures, is observed, the Manager should arrange to meet the employee informally. This meeting may lead to a referral to the Occupational Health Unit (see below).

2.2 Serious

Where there is either:

- an incident or accident at work; or
- “due cause”, i.e. “a reasonable belief that an employee is under the influence of drugs and/or alcohol at work to such an extent that there is a risk to colleagues, service users or the public”;
- or the employee has made the manager aware of a police matter involving him/her being under the influence of drugs and/or alcohol

the manager will:

- ensure that he or she is not permitted to carry out work, until a risk assessment has been carried out;
- and/or, in the case of high risk employees, suspend him/her from normal duties, until testing (see below) has been carried out and the results are known.

Paragraph 6 of the Disciplinary Policy (insert link) will then apply.

3 Referral to Occupational Health Unit

- 3.1 The OHU will encourage the employee to seek treatment through their own General Practitioner, or refer him/her to an external specialist agency.
- 3.2 Where treatment is accepted and a rehabilitation agreement signed, OHU will monitor the employee's progress and report back to the manager. Help and guidance will be provided at the workplace as deemed appropriate by the Occupational Health Unit, with the ultimate aim of complete rehabilitation.
- 3.3 Payment for time off for agreed treatment will be provided in accordance with the Council's occupational sick pay scheme.

4 Testing

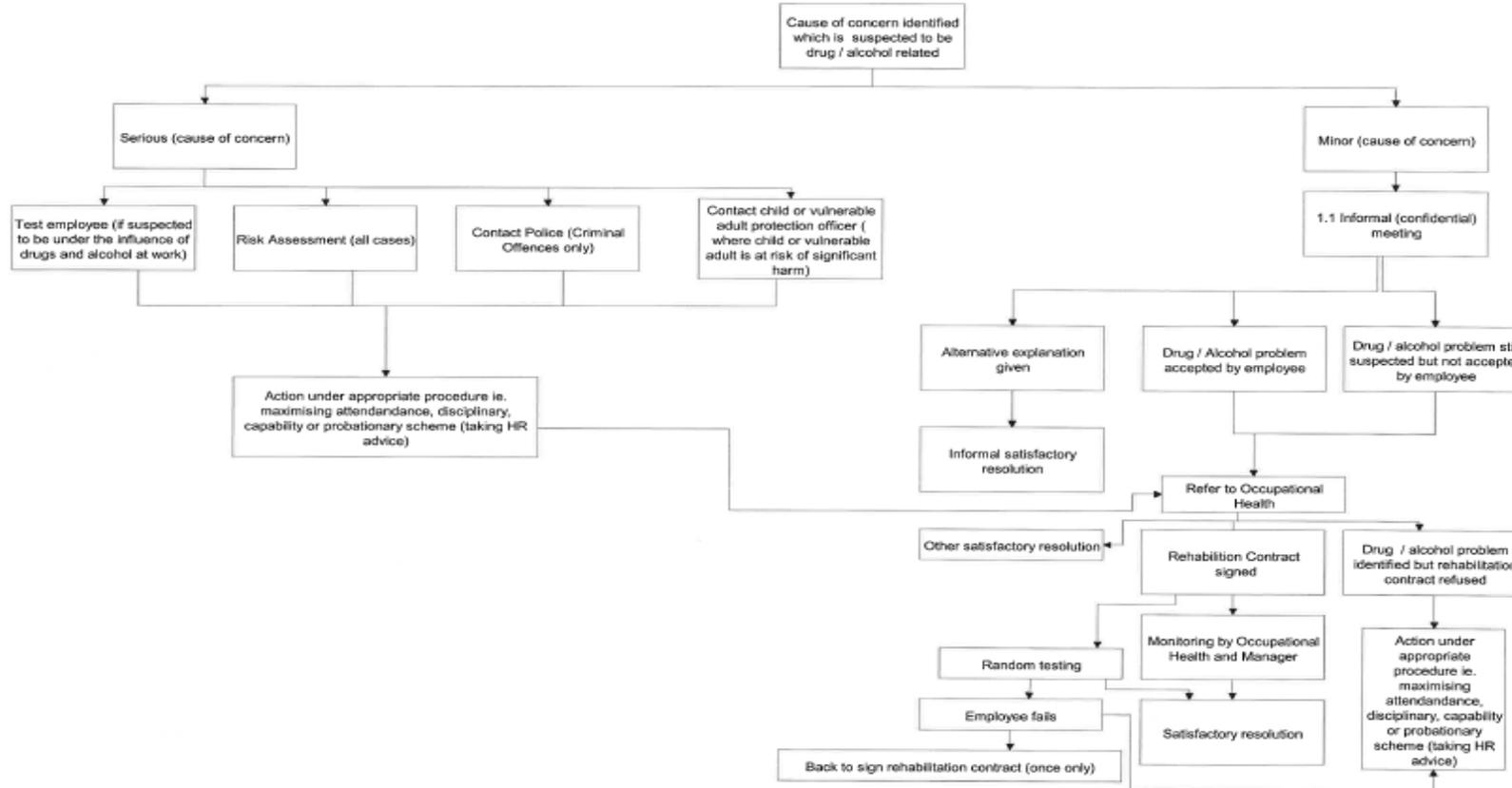
- 4.1 The manager will instruct the testing organisation to carry out a breathalyser and drug test, where there is:
 - an accident or incident
 - "due cause" (see above)
 - a disclosure from the employee of a police matter involving him/her being under the influence of drugs and/or alcohol
 - during agreed rehabilitation processes.

Refusal to be tested in the circumstances above will lead to formal action under the Disciplinary Procedure.

- 4.2 The manager will inform the employee of his/her right to be accompanied at the test by a trade union representative or work colleague. The manager will also be present at the test to ensure that the employee does nothing to invalidate the test during the waiting period.

Appendix A

Drug and Alcohol Misuse Flowchart.igx



Drug and Alcohol Misuse - Managers Guidance

Note: this guidance is intended to help managers (i.e. Governor/Headteacher/Bursar or other nominated person) with the implementation of the Council's **Drug and Alcohol Misuse Policy for Staff in Schools** (insert link) and **Procedure** (insert link).

Background - Facts & Figures

25% of men report that they drink over the recommended maximum 21 units of alcohol a week, while 17% of women consume over the 14 recommended units of alcohol for their gender. Source: ONS (2004) "Living in Britain: Results from the 2002 General Household Survey"

Between 6% and 15% of the 176 million working days lost to sickness absence in 2001 was due to alcohol-related sickness. Source: Leontaridi 2003 study, CIPD's "Managing Drug & Alcohol Misuse at Work"

The rate at which alcohol metabolises varies but in an otherwise fit man, weighing 12 stone, the rate will be 1 unit per hour. Heavy drinking in the evening will mean that blood alcohol concentrations the next morning will still be high and impairing performance.

In all, 36% of 16-59 year-olds have used one or more illicit drug during their lifetime, with 12% having used an illicit drug at least once last year. Among 16 to 24 year-olds, 28% have used an illicit drug in the previous 12 months. Source: Home Office (2002) "The British Crime Survey 2001/2002"

Most people with an alcohol or drug problem are not the stereotypical alcoholic or drug addict. Of those drug users who seek help, 20% to 30% are in work and most people with drink problems have a job.

Where people with alcohol and/or drug problems are provided with help by their employers by referral to specialist treatment or through rehabilitation support, more than 60% remain working with the organisation after successfully overcoming their problems. Source: CIPD 2007 Managing Drug & Alcohol Misuse at Work survey.

Striking a Balance

The Policy aims to help managers to strike a balance between:

- providing support where individuals have acknowledged they have a problem,
- consideration of formal action under the disciplinary or capability procedure for serious incidents; and
- ensuring the safety of employees and the public.

The workplace presents opportunities for the early detection, intervention and support. The stability that ensues from holding down a job is often an important factor in facilitating recovery from alcohol and drug related problems.

Raising awareness

At a team briefing/s (and individual induction), the manager will make employees aware of the content of the new Drug and Alcohol Misuse Policy for Staff in Schools, including the following:

- that there is help available via supervision, the Occupational Health Unit and the support networks as set out in Appendix 2 of the Policy
- employee responsibilities, as set out in paragraph 8 of the Policy
- School/Council-run drug and alcohol health promotional and training activities.

Confidentiality

As stated in paragraph 8 of the Policy, it is the manager's responsibility "to maintain confidentiality (unless it is unlawful to do so)". The Exceptions to Confidentiality are set out below and it is good practice to let the employee know these when offering support.

Employees with a drink or drug problem have the same rights to confidentiality and privacy as they would if they had any medical or psychological condition and all related information and reports must be handled securely and confidentially. This includes all notes, emails and documentation, in which the drink or drug problem is mentioned.

It is the employee's choice whether to be open with none, some or all colleagues about their situation. Openness can result in greater understanding and support from colleagues; however, legally, this is and must be the choice of the employee.

Exceptions to Confidentiality

The manager's responsibility for confidentiality is subject to the following exceptions, where:

- it is considered that an individual or individuals are in immediate danger, and/or;
- there are potential criminal investigations or safety implications.

Managers should also note that all School employees are required to report, via the child or vulnerable adult protection procedures as appropriate, should there be a concern that a child/vulnerable adult is at risk of significant harm. In such cases, advice should be sought from the HR officer.

Suspicion of Drug or Alcohol misuse

The definition of alcohol or drug misuse is set out in paragraph 2 of the Policy.

Managers should be alert to changes in employees' behaviour, performance or appearance, using the guidance list of indicators of drug or alcohol misuse as set out in paragraph 3 of the Policy. If in doubt, the Occupational Health Unit can advise on whether the observed

changes are likely to be caused by alcohol or drug misuse, or by some other illness or condition.

Dealing with Drug & Alcohol Misuse

It is good practice to approach problems with alcohol or drug misuse from a supportive standpoint – unless the facts allow for an obvious and immediate assessment of inappropriate behaviour. A disciplinary approach would be appropriate in instances of serious drunkenness at work or an employee taking, storing or dealing drugs on the premises. Issues relating to illegal drugs and the articles associated with them on the premises come under the Misuse of Drugs Act (see Appendix 3 of the Policy) and require immediate police notification.

If the manager has concerns regarding the employee's behaviour, performance or appearance, which do not involve an immediate cause for disciplinary action (as above), he/she should arrange to meet the employee. This may be arranged as part of the normal supervision process, as appropriate. It can be difficult for people to admit to themselves or others that their alcohol/drug misuse is out of control. The manager should make clear, at the beginning of the meeting, the School's policy on health support once a problem is declared and to reassure the employee of confidentiality (including the exceptions, as above), job security and the help that will be offered, within certain parameters. In summary the manager should:

- confidentially discuss with the employee his/her concerns;
- offer support;
- refer employee to OHU if there is a suspicion of an ongoing problem. The consequences for refusing help should be made clear at this stage. The Manager needs to make clear that if the offer of help is accepted, the employee would be subject to random testing during the rehabilitation period.

If the employee does not consider him/herself to have an alcohol/drug problem and problems regarding attendance, performance or conduct continue, then the School's Maximising Attendance, Capability or Disciplinary Procedure should be applied in the normal way.

If the employee accepts that he/she has a dependency problem, he/she should be referred to Occupational Health and asked to sign and adhere to a Rehabilitation Contract (see Appendix 1 of the Policy). The manager, in consultation with HR and Occupational Health, will offer as much support as is reasonably practicable in the circumstances.

Testing

The line Manager who suspects someone of being under the influence of drugs or alcohol should stop the employee from starting his/her shift.

The Headteacher (or where appropriate, Chair of Governors) will make the decision whether to call in the testing company. If the testing company is called out, the following will apply:

- the employee is offered the right to be accompanied by a trade union representative or work colleague;
- the employee is informed that refusal to be tested will result in formal disciplinary action;
- the results of the test/s are treated confidentially
- If the test proves positive, or results are awaited from the Lab, the Manager will consider the need to suspend and investigate in accordance with the School's Disciplinary Procedure.
- In the case of drugs testing, the Manager will be informed immediately if the employee is clear. If the test is positive, the manager should ask the employee what substances he/she has taken. The lab result will take two weeks from the time of testing.
- arrangements are made to ensure that the employee is able to travel home safely, including supplying alternative transport, where appropriate

Road Traffic Incidents

If the Police are involved, it is highly likely that the police will test the employee for drugs and/or alcohol. In these circumstances, no further testing action will be taken by the School. The police results will be taken as evidence of misuse or not.