

# DRUG AND ALCOHOL ABUSE POLICY AND PROCEDURE

**Issue Number:** 1.0  
**Issue Date:** 07.04.14  
**Review Date:** 31.04.17  
**Reference:** SPTA/HR/HR



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## **1. INTRODUCTION**

School Partnership Trust Academies (SPTA) is committed to providing a safe and productive working environment and to promoting the health, safety and well-being of its employees. This policy is designed to ensure that employees are aware of the risks associated with alcohol and drug misuse and their consequences.

It is essential that SPTA and its employees ensure that the highest standards of health and safety are adhered to. Alcohol and drug misuse affects individuals and organisations in terms of health and safety, efficiency, productivity and attendance and can have a detrimental effect on colleagues, learners, parents, visitors and on organisational reputation.

As a caring and responsible employer, SPTA recognises the need to provide support for employees; however, this will not preclude addressing the misuse of alcohol and/or drugs by employees where necessary. The use of non-prescribed drugs is not only dangerous but also illegal under criminal law.

The Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment and to ensure the health, safety and welfare at work of their employees as well as any visitors or contractors on the premises.

It is an offence to supply, produce, offer to supply or produce controlled drugs. The Misuse of Drugs Act 1971 makes it an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs or allow the use of drugs on those premises. It is also an offence to aid or abet any of these offences.

Employees have a common law duty of care towards themselves and others in relation to the misuse of alcohol and/or drugs in the workplace.

Any reference in this policy to a non-prescription drug refers only to controlled or illegal substance and does not refer to medicines, supplements and similar substances that are legally and commercially available in the United Kingdom.

## **2. SCOPE**

This disciplinary policy and procedure applies to all employees of School Partnership Trust Academies (SPTA).

Throughout this document, the term 'Principal' refers to the Principal or Head of Academy and 'Senior Leader' refers to the Senior Department Head within the Core Team. Reference to 'SPTA' includes all Academies as well as the Core Team.

At all stages within this policy and procedure, and in accordance with the Equality Act 2010, provision will be made for any reasonable adjustments to accommodate the needs of individuals attending meetings/hearing.

### **3. AIMS OF THE POLICY**

This policy aims to:

- Ensure the organisation complies with its legal obligations
- Safeguard employees, learners, parents, EAB members, Directors and visitors
- Promote awareness of the dangers and penalties associated with the misuse of drugs and alcohol
- Encourage a culture of openness and honesty in respect of alcohol and/or drug abuse (within the boundaries of confidentiality)
- Guarantee the right of all employees to work in an environment unaffected by the misuse of drugs and alcohol
- Provide support to employees whose lives are or have been affected by the misuse of drugs and/or alcohol
- Outline a procedure that gives employees confidence in dealing with issues of alcohol and/or drug abuse

### **4. HEALTH AND SAFETY**

#### **4.1 DRUGS**

Controlled substances often possess side effects that could not only adversely affect employees health but that of their colleagues at work as well as their performance. Employees should be aware that anyone under the influence of controlled drugs is a risk to everyone around them and should be alert to possible signs of drugs abuse.

Employees should report any concerns they may have about a colleague displaying any or all of these symptoms to the Principal/Senior Leader but should not under any circumstances approach the person displaying the symptoms or discuss their concerns with any other colleagues. If the concern relates to the Principal/Senior Leader, the employee should report their concern to the next most senior manager.

It is imperative that this matter is dealt with sensitively and in a highly confidential manner, as some of these indicators could be symptoms of a medical condition (e.g. diabetes, multiple sclerosis).

#### **4.2 ALCOHOL**

In a social environment, the consumption of alcohol in moderation is an accepted part of life. In the workplace however, it can impair performance, result in inappropriate behavior and can place both the individual and those around them in danger, as well as affect their health.

In the workplace, alcohol abuse can take two different forms:

- Occasional inappropriate drinking; and
- Consistently inappropriate drinking

Problems arising from the first category are more likely to be cases of misconduct whilst the second will be more likely to involve long term health and performance

issues. In either case, the health of the individual employee will be affected and quite possibly the health and safety of those around them.

While it will be clear if an individual is drunk at work, the symptoms of larger systematic alcohol abuse may be less obvious.

### **4.3 SYMPTOMS**

Symptoms of alcohol and/or drug abuse may include:

- Frequent absences on Mondays and Fridays
- Unusually high rates of absenteeism
- Unkempt appearance/lack of hygiene
- Spasmodic work patterns and lower productivity
- Poor relations with others
- Sudden changes in behaviour
- Confusion
- Irritability
- Fluctuations in mood and energy
- Impairment of performance
- Increase in short term sickness absence

N.B. These symptoms could also be related to an individual's medical condition and any concerns should be raised in a sensitive and appropriate manner.

## **5. PROHIBITION AND RESTRICTIONS**

### **5.1 DRUGS**

No non – prescription drugs are allowed to be consumed in or brought onto company premises, land or vehicles at any time by any person irrespective of their status in, or business with, SPTA.

The prohibition of non – prescription drugs extends to all activities carried out by employees whilst they are at work. These activities include but are not restricted to driving on company business, when on call or standby duties or when on trips for company business, training or social events.

### **5.2 ALCOHOL**

Unless it is formally approved by the Principal/Senior Leader or SPTA Director, employees may not consume alcohol during normal working hours, nor should employees be incapable of work through the consumption of alcohol.

Alcohol must not be consumed in any situation where, as a consequence, the safety of the individual, colleagues or visitors is put at risk. Alcohol must not be consumed in excess or in sufficient quantities to impinge on the exercise of any individual's duties when on Company business outside normal working hours, for example when involved in functions or in providing hospitality.

### **5.3 GENERAL**

Employees are not obliged to work with anyone they consider to be incapable through the consumption of alcohol and/or drugs and they should report the matter immediately to the Principal/Senior Leader. If the concern relates to the Principal/Senior Leader, the employee should report their concern to the next most senior manager.

Employees who are incapable of working through the consumption of alcohol and/or drugs should be immediately removed from duty and the matter reported to the Principal/Senior Leader. If the concern relates to the Principal/Senior Leader, the employee should report their concern to the next most senior manager.

Employees will be held to be contributory negligent in the event that whilst on company business they cause an accident or damages to anyone or anything, and that the incident occurred due to the employee's consumption of alcohol and/or drugs.

## **6. KEY PRINCIPLES**

If an employee is diagnosed as having an alcohol and/or drug related problem the Company will treat it as a health matter. This does not however excuse the employee from any of the disciplinary matters that may fall within the scope of the Company disciplinary policy.

All alcohol and/or drug related issues will be dealt with in a constructive and sympathetic manner. The person responsible for all such issues in the Company will also provide any interested employees with the details of where to seek further information or help.

All requests for help or advice will be treated in the strictest confidence and all information gathered as a result will be held in accordance with the Data Protection Act 1998.

After receiving any appropriate medical reports, SPTA will provide appropriate support to any affected employees. Through the Occupational Health provision, SPTA can access a direct pathway to refer employees into the NHS drug and alcohol services. Appointments can be made with keyworkers and a programme of treatment commenced. Advice from Occupational Health can also be accessed regarding one-to-one counselling services and any appropriate workplace modifications to assist in the retention of staff in the workplace.

Where an employee agrees to follow a suitable course of action or treatment any disciplinary action may be suspended.

The Company reserves the right to give affected employees lighter duties at the same rate of pay, or require them to take paid leave if it is deemed appropriate. These amendments will be discussed with the employee and their trade union representative prior to implementation.

Following effective treatment and in the absence of any disciplinary action the Company will endeavour to return an affected employee to the same role previously fulfilled by the employee. Should this not be possible, a suitable alternative position will be sought for the employee.

In the event that an employee following successful treatment for an alcohol and/or drug related problem suffers a relapse, and after all reasonable steps have been taken by SPTA in order to ensure the duty of care has been fulfilled, SPTA reserves the right not to make additional provision for any further treatment and the employee in question may face summary dismissal.

If it is considered that the working environment or culture is the cause or a contributor to an alcohol and/or drug related problem, SPTA will take all reasonably practical steps to ensure a reduction of such problems.

## **7. SOURCES OF HELP AND ADVICE**

Alcoholics Anonymous	0845 769 7555	<a href="http://www.alcoholics-anonymous.org.uk">www.alcoholics-anonymous.org.uk</a>
National Drink Helpline	0800 917 8282	
Alcohol Concern	0207 566 9800	<a href="http://www.alcoholicconcern.org.uk">www.alcoholicconcern.org.uk</a>
National Drugs Helpline	0800 77 66 00	<a href="http://www.talktofrank.com">www.talktofrank.com</a>

Care First is a confidential telephone service for information and advice or counselling and is available to all SPTA employees free of charge. The service is available 24 hours a day and every day of the year on 0800 174319.

## **8. PROCEDURE**

When an employee is, or appears to be, under the influence of alcohol and/or drugs whilst on work premises, the Principal/Senior Leader should request the employee to meet with them in a private setting immediately.

Where possible, the employee will have the right to accompaniment by a trade union representative during this meeting, ensuring they maintain confidentiality. If it is not possible to wait for appropriate representation, it is advisable for a suitable person to attend. The Principal / Senior Leader should ask the employee whether they are under the influence of alcohol and/or drugs.

Where the employee of concern is the Principal / Senior Leader, the role of the Principal / Senior Leader outlined in this procedure should be carried out by a SPTA Director.

In all cases, SPTA HR must be contacted as soon as possible.

### **8.1 Employee admits to being under the influence**

The Principal / Senior Leader should arrange for the employee to go home to prevent risk to themselves or others. Consideration must be given to whether they are able to return home safely or whether alternative transport arrangements are

required and whether it is appropriate to contact the employee's next of kin or medical practitioner.

## **8.2 Employee denies being under the influence**

The Principal / Senior Leader should consider the employee's fitness for work by assessing whether they are exhibiting any of the following characteristics:

- Smell of alcohol
- Slurred speech
- Unsteady posture
- Confusion and/or memory loss

This assessment should also be verified by the third party present.

Following this assessment, if the Principal / Senior Leader considers the employee to be under the influence of alcohol and/or drugs, the employee will be sent home in accordance with the procedure outlined in section 8.1.

## **8.3 Employee discloses an alcohol and/or drug related problem**

The Principal / Senior Leader should arrange a meeting with the employee to discuss their concerns. The employee may be accompanied to this meeting by their Trade Union representative or work colleague. SPTA HR will also attend this meeting.

The Principal / Senior Leader should suggest to the employee that they seek advice by them being referred to the Occupational Health service. The employee will be informed that their co-operation is required during the referral process in order for Occupational Health to be able to provide appropriate advice. The employee should also be provided with the opportunity to take up the support mechanisms outlined in section 7.

If the employee is undertaking treatment for alcohol and/or drug abuse, they should provide medical evidence of this (e.g. certified evidence of appointment attendance from either their GP or specialist counselling agency). Reasonable paid time off should be granted for specific elements of this treatment over an agreed time period and every effort will be made to assist the employee in returning to good health and efficiency.

The employee should return, as far as possible, to their normal duties during and after treatment. This will depend on a workplace risk assessment as well as their ability to perform those duties.

Whilst SPTA accepts that employees should receive support if they admit they have an alcohol and/or drug problem, this disclosure does not preclude the possibility of disciplinary action as outlined in section 9.



## **9. DISCIPLINARY ACTION**

SPTA will adopt a constructive and supportive approach when dealing with employees who may be experiencing alcohol and/or drug problems. This means that employees seeking assistance for such a problem will not have their employment terminated simply because of their dependence/addiction. However, if performance, attendance and/or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.

There may be circumstances where breaches of this policy, whether dependency related or not, may be treated as a disciplinary matter and may ultimately result in dismissal.

Examples of issues that may lead to disciplinary action being taken, including the possible outcome of dismissal, are:

- Deliberate disregard for personal safety and that of others associated with the misuse of alcohol and/or drugs
- Unacceptable behaviour in the workplace associated with the misuse of alcohol and/or drugs
- Being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol and/or drugs
- Consuming alcohol (without prior permission) during the working day, including breaks and lunchtimes
- Possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on work premises or engaging in such activities outside of work
- In the case of employees required to drive for company business; being disqualified from driving as a result of alcohol and/or drug related offences
- Making malicious or vexatious allegations that a colleague is misusing alcohol and/or drugs

Where disciplinary action is appropriate but the employee has an alcohol and/or drug related problem, this may be taken into account as a mitigating factor.

In such cases, the matter will be dealt with under the SPTA Disciplinary Policy and Procedure.

In addition, the following should also be considered when assessing whether disciplinary action should be taken (this list is illustrative only and not intended to be exhaustive):

- The employee refuses to accept they have a problem with alcohol and/or drugs, refuses treatment or treatment has failed
- The employee has an alcohol and/or drug problem but they have refused to accept offers of support or treatment
- The employee is not co-operating with, or following their treatment programme
- The employee discontinues a recovery programme before completion
- After the successful completion of a recovery programme, the employee at any time reverts to an unsatisfactory level of conduct, attendance and/or work

performance related to alcohol and/or drug abuse

In all cases, disciplinary action will be proportionate to the circumstances.

## **10. CONFIDENTIALITY**

All investigations, meetings, reports and any subsequent disciplinary/appeal hearings will be dealt with in the strictest of confidence.

The Principal/Senior Leader (or SPTA Directors) should not discuss a case with anyone other than a SPTA HR Advisor. Any issue of this kind should be referred to the investigating officer.

## **11. REVIEW**

This policy will be reviewed every three years, or when there are changes to relevant legislation.

## **SPTA Drug and Alcohol Policy**

### **Key points**

- SPTA is committed to providing a safe and productive working environment and to promoting health, safety and well-being of its employees
- SPTA recognises the need to provide support for employees; however this will not preclude addressing the misuse of alcohol and/or drugs by employees where necessary. The use of non-prescribed drugs is not only dangerous but also illegal under criminal law
- The Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment and to ensure the health, safety and welfare at work of their employees as well as any visitors or contractors on the premises
- The Misuse of Drugs Act 1971 makes it an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs or allow the use of drugs on those premises. It is also an offence to aid or abet any of these offences
- Employees have a common law duty of care towards themselves and others in relation to the misuse of alcohol and/or drugs in the workplace
- Employees should be aware that anyone under the influence of controlled drugs is a risk to everyone around them and should be alert to possible signs of drugs abuse
- Employees should report any concerns they may have about a colleague to the Principal / Senior Leader but should do so with sensitivity and in a highly confidential manner. Employees should also consider that any signs may be associated with a medical condition which has not been disclosed to them (e.g. diabetes, multiple sclerosis)
- The consumption of alcohol can impair performance, result in inappropriate behaviour and can place both the individual and those around them in danger, as well as affect their health.
- No non-prescription drugs are allowed to be consumed on or brought onto SPTA premises, land or vehicles at any time by any person irrespective of their status in, or business with, SPTA
- The prohibition of non-prescription drugs extends to all activities carried out by employees whilst they are at work, including (but not restricted to) driving on SPTA business, when on call or standby duties, or when on trips, training or social events
- Unless formally approved by the Principal / Senior Leader or SPTA Director, employees must not consume alcohol during normal working hours, nor should employees be incapable of work through the consumption of alcohol
- Alcohol must not be consumed in any situation where, as a consequence, the safety of the individual, colleagues or visitors is put at risk.
- Employees are not obliged to work with anyone they consider to be incapable through the consumption of alcohol and/or drugs and they should report the matter immediately to the Principal / Senior Leader
- Employees will be held to be contributory negligent in the event that whilst on SPTA business they cause an accident or damages to anyone or anything, and the incident occurred due to their consumption of alcohol and/or drugs
- If an employee is diagnosed with an alcohol and/or drug related problem, SPTA will manage this in a supportive and sympathetic manner. Occupational Health will be consulted and relevant support and advice provided to the employee, including medical support and reasonable adjustments to their job role may also be considered
- All requests for help or advice will be treated in the strictest confidence and all information gathered as a result will be held in accordance with the Data Protection Act 1998
- If performance, attendance and/or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable

### **Process overview**

- Principal / Senior Leader meets with the employee offering the right to accompaniment
- Second opinion should be obtained in relation to assessing the employee
- Arrangements must be put in place for the employee to return home safely (i.e. not driving if they are under the influence)
- Support to be discussed with the employee where an alcohol/drug problem is disclosed
- Where relevant, disciplinary action to be taken in line with the SPTA Disciplinary Policy

## **APPENDIX 1 ROLES AND RESPONSIBILITIES**

### **Principal / Senior Leader / Director**

- Communicate and implement this policy
- Ensure the policy is applied in a consistent manner
- Decide the appropriate action to take when it is brought to their attention that an employee is or appears to be under the influence of alcohol and/or drugs
- Be alert to early indicators of a potential problem and offer support, where appropriate, in a professional and non-judgmental manner, referring employees to the Occupational Health service and/or Care First where appropriate
- Where evidence warrants, to inform the police of illegal drug use or any activity or behaviour over which there are concerns as to its legality (e.g. reporting criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a company vehicle)
- Seek advice from SPTA HR where there are concerns over an employee with regard to this policy

### **SPTA HR**

- Support the Principal / Senior Leader / Directors in the application of this policy

### **Line Managers**

- Be aware of signs of alcohol and drug abuse and the effects on performance, attendance and health of employees
- Ensure the health, safety and welfare of employees and others with whom they come into contact
- Ensure employees understand the policy and are aware of the rules and consequences regarding the use of alcohol and drugs
- Ensure employees are aware of the support available to them should they have a problem
- Intervene at an early stage where changes in performance, behaviour, sickness levels and/or attendance patterns are identified to establish whether alcohol and/or drug abuse is an underlying cause
- Provide support and assistance where appropriate and for a reasonable period to employees who are dependent upon alcohol and/or drugs to help in their recovery
- Instigate disciplinary procedures where appropriate and in accordance with the SPTA Disciplinary Policy and Procedure (in conjunction with the Principal / Senior Leader and SPTA HR)
- Ensure matters are dealt with confidentially as far as is legitimately and legally possible

### **All employees**

- Comply with this policy and procedure at all times
- Ensure they are capable of carrying out their duties in a safe and responsible manner and not report for duty or be on the work premises whilst under the influence of alcohol and/or drugs
- Should not consume alcohol during the course of the working day (including breaks and lunchtime) unless they have the express permission of the Principal/Senior Leader or SPTA Director to do so

- Ensure their personal consumption of alcohol and/or use of prescribed drugs does not interfere with their ability to perform their duties safely and competently
- Allow sufficient time for intoxicants to leave their system before reporting for duty or being on work premises. It is recommended that employees avoid drinking heavily the night before work in order to ensure they are not under the influence of alcohol
- Ensure they inform the Principal / Senior Leader / Director as soon as possible should they suffer from a medical condition which may result in the appearance of intoxication and/or have been prescribed drugs such as opiate based painkillers, anti-epilepsy drugs or tranquilisers which may affect their performance, safety and/or conduct. This will enable the appropriate risk assessment to be completed and ensure that their behaviour cannot be misconstrued. Where appropriate, the Principal / Senior Leader / Director may refer this to the Occupational Health service in order to seek clarification from the employee's medical practitioner
- Ensure they do not drive their own or a company vehicle on business whilst under the influence of alcohol and/or drugs, nor should they attempt to drive or be in charge of a vehicle whilst under the influence
- Ensure they seek assistance by approaching the Principal / Senior Leader / Director if they have, or suspect they have an alcohol or drug related problem. Appropriate support and help offered will be confidential and handled in a sensitive manner
- Cooperate with any support and assistance to address an alcohol and/or drug abuse problem
- Encourage colleagues that they suspect may have an alcohol and/or drug abuse problem to seek assistance. If the concern continues, they should discuss the matter in confidence with the Principal / Senior Leader / Director

#### **Trade Union representatives**

- Provide support to their member through the application of this policy
- Encourage their member to seek assistance if they have, or suspect they have an alcohol or drug related problem.

## **APPENDIX 2    DEFINITIONS**

**Alcohol** is any beverage which contains ethyl alcohol including beer, wine, liquors and spirits.

**Illicit drugs** are drugs which cannot be legally possessed under UK Law, including a wide range of street drugs (e.g. cannabis, cocaine, LSD, heroine, etc.).

**Prescription drugs** are drugs which have been legally obtained from a medical practitioner and are being used by the named individual for the purposes for which they were prescribed or manufactured.

**Under the influence** refers to the impairment of physical and/or mental ability due to the influence of alcohol and/or drugs. Where employees are driving a vehicle or operating machinery, legal limits also apply.

**Alcohol abuse** is the use of alcohol which affects an employee's ability to carry out their duties safely and effectively and/or conduct themselves appropriately.

**Drug abuse** is the use of illicit drugs, the use of prescribed drugs not obtained from a medical practitioner, the use of prescription drugs not obtained from a medical practitioner for use by the named individual, the use of prescribed drugs not being used for the purposes for which they have been prescribed or manufactured, the use of over the counter drugs not being used as directed, the use of 'legal highs' or substances such as solvents, which affect an employee's ability to carry out their duties safely and effectively and/or conduct themselves appropriately.

**Alcohol dependence** is alcohol abuse combined with tolerance, withdrawal and an uncontrollable need to drink.

**Drug dependence** is drug abuse combined with tolerance, withdrawal and an uncontrollable need to take drugs.