



Emmanuel

Diocese of Liverpool
Academies Trust

Schools' Drug, Alcohol and Substance Misuse Policy

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1. INTRODUCTION

- 1.1. The **Trust/School** is committed to ensuring the health, safety and welfare of its employees and learners. It is recognised that this may be compromised by employees who misuse or abuse alcohol, illegal, recreational and prescription drugs, medication, solvents and other substances (including new psychoactive substances – also known as ‘legal highs’. This policy has been written with reference to the ACAS guidance on drug and alcohol policies.
- 1.2. The **Trust/School** aims to ensure that the quality of services is not jeopardised or adversely affected as a consequence of misuse/abuse of alcohol, drugs or other substances. We will therefore take appropriate action to protect all employees, contractors, pupils, visitors and members of the public, where there is suspicion or evidence of misuse.
- 1.3. It is recognised that instances or activity related to alcohol and drug misuse can have an impact on the school through instances such as
- Unhealthy role model for children;
 - Reduced educational opportunities for children;
 - Reduced performance in the classroom;
 - Poor judgement;
 - Accidents;
 - Poor working relationships;
 - Lost productivity and
 - Absenteeism.
- 1.4. In some cases, such misuse may carry over from a social setting, or home life, into school. This policy aims to assist and support employees to resolve difficulties in their personal and professional lives, which will have a positive effect on their performance at work.
- 1.5. The **Trust/School** recognises alcohol and drug misuse as an illness and encourages employees who believe that they may have such a dependence to seek help. Headteachers should address this issue sensitively and in a non-judgemental way.
- 1.6. In the interests of the health, safety and welfare of employees, this policy provides for employees to be accompanied by a Trade Union representative or workplace colleague at meetings. However, this is not intended to prevent headteachers/managers from the effective day to day management of employees and reasonable dialogue.

2. SCOPE OF THE POLICY

2.1. This policy applies to all School employees.

2.2. The objectives of this policy are to:

- a) provide an appropriate framework to effectively tackle misuse and abuse;
- b) meet and surpass the employer's legal requirements;
- c) assist and support employees who seek help in addressing problems arising from misuse/abuse;
- d) assist and support headteachers/managers in dealing with cases in a sensitive, fair, non-judgemental and consistent manner;
- e) ensure that disciplinary action is considered for any serious incident or occurrence that is related to the misuse of drugs, alcohol and other substances or any breach of the stipulations in this policy.

3. DEFINITION OF DRUG, ALCOHOL AND SUBSTANCE MISUSE

3.1. For the purposes of this policy, drug, alcohol and substance misuse is divided into four main categories:

- Alcohol dependence or excessive consumption
- Taking or possession of illegal or substances (e.g. cannabis, cocaine, ecstasy, amphetamines and also including new psychoactive substances – also known as 'legal highs').
- Solvent abuse (inhalation of glues or gases)
- Prescribed or over-the-counter drugs (addiction to or misuse of)

Throughout this policy, the above will be collectively referred to as drugs, alcohol and other substances.

3.2. In most cases it is the behaviour associated with drug, alcohol and substance misuse that will be evident to headteachers/managers and colleagues. However, it is essential to bear in mind that other factors, such as certain disability conditions, illness, depression or stress can also produce these or similar signs.

4. MANAGING DRUG, ALCOHOL AND SUBSTANCE MISUSE IN THE COUNCIL

Investigating whether a problem exists

- 4.1. Where a headteacher/manager suspects that an employee has a problem with drug, alcohol or substance misuse, they should raise their concerns with the employee. Dependent on the outcome of the discussion, a further meeting may need to be arranged and the employee should have the right to be accompanied by a workplace colleague or Trade Union representative at the meeting and any subsequent meetings.
- 4.2. If this suspicion has arisen through an act of misconduct, decline in performance, period of sickness absence or unsatisfactory attendance record, other School procedures may also need to be referred to, for example, the Disciplinary Procedure, the Managing Employee Performance Procedure or the Improving Attendance Policy and associated procedures.
- 4.3. The headteacher/manager should attempt to identify the causes of any misuse, be they personal or occupational, and should take reasonable steps to assist the employee to resolve any such problems.

Admittance of a problem

- 4.4. Where an employee admits that they have a problem with drug, alcohol or substance misuse and asks for assistance, they should be referred to the Council's Occupational Health service for advice on support and/or treatment. Employees should be encouraged to either seek help voluntarily or through the Occupational Health service. The headteacher/manager should consider whether other School procedures still apply at this stage.
- 4.5. Where support or treatment is identified, the employee will be allowed to access this support during working hours, where this is practical, for a defined treatment period as recommended by Occupational Health. There will be some provision for a reasonable amount of paid time off, however, this does not mean limitless time away from the workplace. Time off for treatment will not be recorded as sickness absence, however, health incapacity relating to the misuse problem will be recorded as sickness absence. The employee's headteacher/manager may seek confirmation from the employee, or through Occupational Health advice, of the employee's attendance and co-operation in their treatment and support programme. The employee's performance and behaviour will continue to be monitored throughout the period of treatment or support. The headteacher/manager and employee will meet regularly to discuss progress.
- 4.6. The headteacher/manager and employee should consider whether any work-related factors may have contributed towards the problem or may hinder the period of treatment and support. Where the employee suggests this may be the case, the headteacher/manager has a responsibility to explore this.

- 4.7. Any employee who seeks support or treatment should not have his/her job security or promotional opportunities jeopardised purely as a result of his/her request or admittance of a misuse problem.

Denial of a problem

- 4.8. Where an employee denies that they have a problem with drug, alcohol or substance misuse, the headteacher/manager will need to consider appropriate action under other School procedures dependent on the nature and severity of the misconduct or decline in performance or attendance.
- 4.9. If the headteacher/manager continues to suspect that the employee has a problem with drug, alcohol or substance misuse, the employee should be referred to the Council's Occupational Health service. As part of the assessment, the employee may be asked to undertake a drug/alcohol test (see section 6). Refusal to co-operate with a drug/alcohol test will be taken into account (together with the reasons given by the employee) by the headteacher/manager when deciding on a way forward along with the advice from Occupational Health.
- 4.10. Where the Occupational Health assessment does not suggest that there is a misuse problem, yet the employee's performance and behaviour is still causing concern, it may be necessary to refer to other School procedures.
- 4.11. Where the Occupational Health assessment suggests that there is a misuse problem, the employee should be given the opportunity to seek support and treatment, either voluntarily or through the Occupational Health service. Refusal to accept or undertake any support or treatment may result in disciplinary action.

Health and Safety

- 4.12. Whether an employee admits to a problem or this is indicated through testing, a risk assessment should be undertaken of their role to ascertain whether they are able to carry on in that role. Control measures may need to be put into place to protect the employee and others, for example, a temporary change of duties. Where this is the case, the School will make reasonable efforts to find temporary alternative duties where this is practical. Guidance on this issue is available from Occupational Health and Human Resources.

5. RESPONSIBILITIES

Employees

- 5.1. Under the Health and Safety at Work Act 1974, all employees have a responsibility to ensure their own health and safety and the health and safety of others who may be affected by their actions whilst at work. Employees should therefore familiarise

themselves with the School's Health and Safety Policies and implications resulting from a breach of the policy.

5.2. All employees are expected to comply with the rules of this policy, have an acceptable level of attendance, and perform and behave to a satisfactory standard at all times. Even if an employee is in receipt of support or treatment for a drug, alcohol or substance misuse problem, this does not prevent the School from invoking other policies or procedures to deal with their conduct, attendance and performance.

5.3. Employees should present themselves for work free of any impairment due to drugs, alcohol or other substances.

5.4. In accordance with the School's "zero-tolerance" stance, employees should not consume alcohol, drugs or other substances (except the recommended dose of any prescribed or over-the-counter drugs) during the course of the working day, including unpaid breaks.

5.5. The **Trust**/School recognises that accidents caused by drug, alcohol or substance misuse may leave the individual or the School liable to legal action. If an employee operates machinery or vehicles it should be recognised by everyone concerned that even small amounts of alcohol may affect the ability to work safely and is a risk to the employee and others. The long lasting effects of alcohol can mean that employees could still be over the legal limit to drive to work in the morning after drinking the previous evening. All employees, but particularly those who are:

- regular car users
- employed to drive as part of their normal duties
- operators of machinery
- employed to work with chemicals
- carers of children or vulnerable adults

should bear in mind drinking alcohol outside of the working day, e.g. in the evening, and whether this will have any affect on their performance or working ability the following day.

5.6. Employees should seek advice from their doctor or pharmacist where prescribed drugs or those bought over the counter have side effects which may impair their performance at work or endanger themselves and others. Employees should make their headteacher/manager aware of any medication they are taking if their performance or welfare at work is likely to be affected by the side effects.

5.7. Any employee who is concerned about a work colleague and suspects that they may have a drug, alcohol or substance misuse problem should raise their concerns confidentially with their headteacher/manager or with Human

Resources. If this suspicion is proven to be malicious or vexatious, disciplinary action may be considered.

5.8. Employees who have a drug, alcohol or substance misuse problem are required to:

- advise their headteacher/manager of the problem if it has a detrimental effect on either the health and safety of themselves or others, or affects their work performance and/or behaviour;
- seek and accept assistance either voluntarily or recommended by their manager and the Council's Occupational Health service;
- restore their work performance and behaviour to an acceptable standard as soon as possible where there is a deterioration in performance and/or behaviour.

Headteachers/Managers

5.9. In addition to the rules applied to all employees, headteachers/managers must also ensure that:

- if they suspect that an employee has a drug, alcohol or substance misuse problem, they make their concerns known to the employee as soon as possible;
- if an employee admits to having a drug, alcohol or substance misuse problem, they are referred to the Council's Occupational Health service and are given reasonable opportunity to receive help and support;
- when an employee admits to having a problem or this is confirmed by an Occupational Health assessment, a risk assessment of their work is carried out to ascertain whether they are able to carry on in that role and control measures adopted to protect the employee and others;
- disciplinary procedures are considered in accordance with section 7 of this policy;
- other School policies and procedures are considered for dealing with employees' conduct, attendance, performance and behaviour, and, where appropriate, used in conjunction with this policy;
- any information divulged by an employee is kept confidential (unless this information is used as part of a formal procedure);
- guidance and assistance is requested from the Occupational Health service and Human Resources at any time in determining an appropriate course of action.

- 5.10. If an employee presents themselves for work and their headteacher/manager suspects that they are under the influence of drugs, alcohol or other substances, to the extent that they are a hazard to themselves or others and/or their work is impaired, the employee should be suspended from duty pending an investigation in line with the School's Disciplinary Procedure. This is a breach of School rules and may constitute gross misconduct. The investigation will determine the appropriate course of action, for example, disciplinary action and/or support/treatment. This still applies if the employee is already in receipt of support/treatment for a drug, alcohol or substance misuse problem. If the headteacher/manager suspects that the employee is likely to attempt to drive their vehicle, the headteacher/manager should try to make other arrangements to escort the employee home, for example, order a taxi. However, it must be stressed that the responsibility is on the employee (and not the headteacher/manager) to get themselves home in a safe and legal manner.

6. 'WITH CAUSE' TESTING

- 6.1. All employees may be asked to undertake a 'with cause' test. 'With cause' means that there is a reason/justification for the test (see below), rather than it being purely random. An employee cannot be forced to undertake a test, however, failure to respond to a request for testing, or to provide the necessary samples, will be taken into consideration by the headteacher/manager (together with the employee's reasons) when deciding on a way forward. There are two specific circumstances where testing procedures are likely to be invoked:

(i) When an individual's appearance or behaviour gives rise to suspicion

Any judgement must be based on objective evidence that may suggest drug, alcohol or substance use.

(ii) Following an incident or accident on site

If there are reasonable grounds for suspicion or to suggest that the employee involved might be under the influence of drugs, alcohol or other substances.

The wellbeing of the employee will be of paramount importance and a test will only be requested when the employee is judged to be stable. In the event that it is impossible to undertake a test, and if an investigation into the incident/accident reveals that there are grounds to believe that the employee may have been under the influence of drugs, alcohol or other substances at the time of the incident/accident, he/she may, on return to work, be asked to undertake periodic unannounced testing during a defined review period.

- 6.2. The decision to request a test will normally be taken by a headteacher/manager following discussion with Human Resources.

6.3. Prior to a test, the employee will be required to complete a pre-test form disclosing any recent consumption of drugs or medication. It is essential that any drugs, either prescribed by a GP or bought 'over the counter', are disclosed as these may interfere with the testing procedure and produce misleading results.

6.4. The following tests will be carried out:

- Alcohol - breath test, or urine sample
- Drugs - urine sample

At no time will a blood sample need to be taken.

6.5. Due to the **Trust/School's** stance on alcohol and substance use when at work or reporting for work, any trace of alcohol or substances will be considered a positive reading. However, this test result will form part of an overall occupational health assessment, and will be taken into account with other relevant factors when determining further action.

6.6. It may be necessary that following the assessment, the employee is suspended from duty, on full pay, whilst further investigation is undertaken (including waiting until confirmation of the test result is known).

6.7. All tests will be carried out through the Council's Occupational Health service. However, where the need for a test arises outside of their opening hours, it is possible that a physician will attend the Council's premises to conduct the test. Further information is available from Human Resources.

6.8. A conclusive test result will not always be necessary when taking action against an employee. The absence of such a result will not prevent the **Trust/School** from invoking its various policies and procedures, provided that there are reasonable grounds.

7. DISCIPLINE

7.1. The School's Disciplinary Procedure may be invoked following a breach of the rules in this policy and also under the following circumstances as appropriate:

- where an employee denies having a drug, alcohol or substance misuse problem but there is clear evidence to suggest that a problem exists (for example, a positive test);
- where an employee fails to take up the support and treatment made available to them and/or following treatment there is no sustained improvement in performance/conduct;

- where an employee commits a serious act of misconduct whilst under the influence of drugs, alcohol or other substances;
- selling or supplying illegal drugs/substances on School or any Council premises and/or during working hours;
- possession of illegal drugs/substances in the workplace;
- any employee caught or suspected of consuming drugs, alcohol or other substances (except the recommended dose of any prescribed or over-the-counter drugs) during the course of the working day;
- any employee who presents themselves for work who are clearly under the influence of alcohol, drugs or other substances;
- any employee caught or suspected of consuming illegal drugs, alcohol or other substances in any School or Council premises;
- any employee unable to carry out their duties or risk the health and safety of themselves and others due to drug, alcohol or substance misuse;
- any employee arrested or convicted for selling or supplying drugs or illegal substances.

7.2. These rules still apply to employees who have admitted a problem with drugs, alcohol or substance misuse and are undergoing a course of treatment or support.

7.3. Headteacher/managers will need to consider many factors when considering disciplinary action, for example, the severity of the employee's conduct, and the timeliness of the admittance of a problem. These factors will assist in deciding the appropriate action, for example, dismissal or support.

8. SOURCES OF SUPPORT AND ASSISTANCE

8.1. Any employee who thinks they have or may have a drug, alcohol or substance misuse problem should seek advice, help or treatment by approaching their headteacher/manager. In such cases all staff have the same rights to confidentiality and support as for any other medical or psychological condition.

8.2. The Council's Occupational Health service is available to provide help and guidance to employees.

8.3. Some examples of specialist agencies to help employees with a drug, alcohol or substance misuse problem are as follows:

CGL (Pathways to Recovery) – Warrington's commissioned community alcohol and drug treatment service, providing free, confidential advice and support.

Tel: 01925 415176

Website: <http://www.changegrowlive.org>

Footsteps – Local organisation offering free, confidential support to those affected by someone else's drug or alcohol use.

Tel: 01925 244524

Website: <http://www.footstepsforfamilies.org>

Alcoholics Anonymous - Self-help support group providing free group support from recovering alcoholics for those who wish to remain teetotal.

Website: www.alcoholics-anonymous.org.uk

National Helpline: 0845 769 7555

Drinkline - A Government funded free information Service, offering advice on any aspect of drinking.

Helpline: 0300 123 1110

'Frank' - National Drugs Helpline - Also funded by the Government and offers a free, confidential, 24 hour service providing information and advice on all aspects of drug use.

Helpline: 0300 123 6600

Website: www.talktofrank.com

Adfam National - National umbrella organisation working specifically with and for families effected by drugs and alcohol.

Website: www.adfam.org.uk

Helpline: 020 79288900

Release - Offers a range of services dedicated to meeting the health, welfare and legal needs of drug users and those who live and work with them.

Website: www.release.org.uk

Helpline: 0207 324 2989

Re-Solv - Provides information for the prevention of solvent abuse.

Website: www.re-solv.org

Helpline: 0808 800 2345

9. FURTHER INFORMATION

- 9.1. Further advice and guidance on this policy or a specific case or circumstance can be obtained from your directorate Human Resources Business Partner.
- 9.2. If you would like to comment on the content of the policy, please contact Human Resources on 01925 442941.
- 9.3. The policy is also available in alternative formats such Braille, large print, on audio tape or community languages if requested.
- 9.4. This policy will be reviewed periodically in line with good practice and experience gained through implementation. Any amendment to it (other than factual amendment) will be subject to consultation with the recognised Trade Unions through the appropriate Joint Consultative Panels.