

Hurst Green Primary School

Agreed at Full Governors 29/11/2021



# SUBSTANCE MISUSE POLICY & PROCEDURE

*Version & Document number: TSHR AB-0421*

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## **1. PURPOSE OF THE POLICY**

The School/Academy is committed to providing and maintaining a safe and healthy working environment for its employees and recognises that this can be put at risk by people who misuse substances such as alcohol, drugs or other substances. Substance misuse may affect an employee's health, safety, performance and conduct at work and is also likely to adversely affect their relationships with colleagues, pupils, parents and other visitors to the school.

The policy recognises that substance misuse is a condition, for which the employee may require assistance and treatment to aid recovery. It is intended to be fair and understanding to the employee whilst supporting the School/Academy in maintaining an effective and safe working environment for all staff and a safe learning environment for pupils.

## **2. SCOPE**

This policy applies to all staff employed, both teaching and non-teaching, including the Headteacher. The School/Academy may apply parts of this policy document to Governors and other volunteers.

This policy is supported by and should be read in conjunction with other schools' policies, including: Absence, Special Leave, Disciplinary, Capability and Safer Working Practices.

## **3. PRINCIPLES/AIMS**

The principles/aims of this policy are to;

- Ensure that the use of substances by any employee does not impair the safe and efficient operation of School/Academy business.
- Ensure that the use of substances by any employee does not put at risk the health, safety or welfare of other employees, pupils, visitors to the School/Academy or members of the public.

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- Provide support and advice to any employee who is identified as having a substance misuse problem which is affecting their attendance or performance at work, where they seek help from the School/Academy.
- Increase the level of awareness of substance misuse and to provide guidelines on how to recognise the symptoms and outline steps that need to be taken when problems arise.
- Reinforce the use of the School's Disciplinary Policy and other related policies where appropriate.
- Ensure that the image and reputation of the School/Academy is maintained.

#### 4. DEFINITIONS

**“Alcohol misuse”** means drinking excessively, from an employment perspective it is a level of drinking alcohol which affects an individual's work or behaviour within the workplace.

**“Controlled substances”** include all chemical substances or drugs listed in any controlled substances acts or regulations applicable under the law.

**“Drugs”** include any substance (except alcohol) that produces physical, mental, emotional or behaviour changes in the individual. The sale, possession or consumption of such drugs is illegal.

**“Drug misuse”** is when prescription drugs have not been prescribed for the person possessing or using such drugs and/or such prescription drugs are not taken in accordance with a physician's direction.

**“Legal highs”** are substances which produce the same, or similar effects, to drugs such as cocaine and ecstasy, but are not controlled under the Misuse of Drugs Act.

**“Substance abuse”** refers to the taking of drugs or a controlled substance, either intermittent or continuously.

Any of the above may interfere with an individual's health, work capability or conduct, or may affect the work performance and/or safety of themselves and others. This can be whether the misuse is deliberate or unintentional i.e. taking more or less or different prescribed drugs than instructed or coming into work still under the influence of substances which was consumed outside of working hours.

In line with the Safer Working Practices Document, there may be times, when an adult's behaviour or actions in their personal life come under scrutiny from local communities, the media or public authorities. This could be because their behaviour

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is considered to compromise their position in their workplace or indicate an unsuitability to work with children or young people. Misuse of drugs, alcohol or acts of violence would be examples of such behaviour.

For the purposes of this policy “substance misuse” will be used through out to cover alcohol, drugs and other substances, but this can be interchanged with any of the above.

## 5. LEGAL CONTEXT

The substance misuse policy should be applied fairly and in accordance with the Equality Act 2010.

The School/Academy has a duty under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare at work of employees. The School/Academy also have a duty under the Management of Health and Safety at Work Regulations 1999, to assess the risks to the health and safety of employees. If the School/Academy knowingly allows an employee under the influence of substance misuse to continue working and their behaviour places the employee or others at risk, the School/Academy could be prosecuted.

Employees also have a duty to take reasonable care of themselves and others who could be affected by what they do at work.

The principal legislation in the UK for controlling the misuse of drugs is the Misuse of Drugs Act 1971.

## 6. IDENTIFYING AND RECOGNISING THE PROBLEM

Substance misuse may be the cause or the symptom of a variety of problems at work. Early identification of a problem is more likely to increase the chance of success of any subsequent programme of assistance. The Headteacher and Senior Leaders will therefore monitor and seek to review the following behavioural and performance aspects, which may indicate a potential problem;

### **Absenteeism**

- frequent, unexplained or unauthorised absences
- poor timekeeping
- absence from duty when at work

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### **Poor Performance**

- mistakes and errors of judgement
- missed deadlines
- attempting to cover up poor performance
- lack of attention to detail leading to complaints
- unreliability
- fatigue/lethargy

### **Interpersonal Problems**

- irritability/aggressive behaviour
- altered relationship with colleagues / pupils
- reacting unpredictably to criticism
- borrowing money
- physical or verbal abuse of others

### **Appearance**

- lowering of standards in personal hygiene
- smell of substances on person
- weight loss
- excessive use of perfume/mints
- facial flushing and bleary eyes
- dilated/constricted pupils

### **Accident Proneness**

- increased injuries and accidents on and off the job
- careless handling and maintenance of equipment
- reduced safety sense

**This list is not exhaustive and some of the above indicators could result from problems other than substance abuse. It is therefore important that the School/Academy investigate problems with sensitivity and do not make personal judgements before consideration is given to taking action.**

Employees who are developing or already have a dependence on alcohol or drugs frequently hide the evidence and deny the existence of a problem. Concealment may stem partly from concern as to how the issue will be treated and its possible effect upon job security, future career or relationships with other employees. Identifying the symptoms in people and getting them to acknowledge their problem is the first step towards recovery.

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## 7. RESPONSIBILITIES UNDER THE POLICY

### 7.1 Role of the Headteacher/Manager

- a) To recognise the signs and symptoms of substance misuse among those employees who they have responsibility for, and deal with these incidents with sensitivity and in a confidential manner, reporting them to the Headteacher.
- b) On becoming aware of a problem, the Headteacher (or nominee) will enter into discussion with the employee and try to ascertain if their suspicions are confirmed. They will try to establish the reasons for poor performance, attitude or behaviour without being accusing or judgemental. Given the sensitivity of such issues, they may seek advice and guidance from Your HR on their approach.

#### **If the employee admits to a problem,**

- c) The available support mechanisms should be put into place. The employee can choose to seek advice from their own GP or a voluntary agency. The School/Academy can offer support to the employee via Occupational Health or via the counselling service, these can be accessed via YourHR.
- d) If an employee informs the School/Academy that they are receiving counselling or treatment for substance abuse problems they should assure the employee that confidentiality will be respected.
- e) If staff remain at work during recovery, consideration should be given to adjusting working practices in the best interest of the School/Academy and safety. If necessary, workplace risk assessments should be undertaken either by persons nominated by the Headteacher or a Health & Safety Officer if appropriate. The situation will need to be monitored at regular intervals.
- f) The Headteacher (or nominee) should ascertain from the information available i.e. Referral to Occupational Health medical reports, G.P.s notes, interviews with the employee, whether the employee is able to perform their duties satisfactorily whilst undergoing treatment. Any absence from work whilst undergoing treatment will be classified as sick leave and normal sickness procedures will apply.
- g) If the employee should relapse whilst at work, consideration should be given to the circumstances of the individual case. Support mechanisms should still

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be available; however, if the employee persistently puts the substance misuse problem before work, despite treatment, then the existing policies for absence management or action under the School's Disciplinary Policy should be considered.

**If an employee denies a problem:**

- h) The Headteacher (or nominee) must seek an explanation for the employee's observed impaired performance or behaviour, which should be monitored and recorded. The employee should be made aware that capability or disciplinary action may result if their performance or behaviour at work remains unacceptable and that monitoring will continue. The Headteacher will ensure that a record of the outcome of the meeting is kept. The School/Academy may wish to seek the advice of YourHR at this meeting.
- i) The employee should be informed that if, at any point, they require support or counselling it will be made available at their request.
- j) Headteachers must ensure that employees understand the acceptable standards of work performance, attendance, behaviour and safety expected of them.
- k) If the performance or behaviour at work remains unacceptable then the School/Academy Capability or Disciplinary Policy should be invoked.

**If it is suspected that an employee is under the influence of a substance in the workplace**

- l) They should be removed from the work area and arrangements made for them to be taken home, they should not be allowed to drive home. A decision may need to be made at this point to suspend the employee from work which will allow for treatment or investigation to take place if necessary. Before taking any action of this nature you should seek advice from YourHR as to the appropriate action to take. An employee should not return to the workplace until the Headteacher is satisfied that their duties can be performed satisfactorily and safely and that they do not pose a risk to pupils as identified in section 3. Any suspension should take place in accordance with the Schools Disciplinary Policy.

**Remember!**

**The School/Academy/Headteacher will not be expected to solve the employee's substance misuse problems or offer expert advice however**

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**intervention may prompt and encourage employees to seek assistance and thereby minimise any problem in the workplace.**

## **7.2 The Role of the Employee**

- a) To report a problem to the Leadership Team if they have concerns or have observed inappropriate behaviour regarding a colleague.
- b) Employees who suspect that another employee has a problem which is impacting on the work environment should seek advice from their Headteacher/Chair of Governors. They should avoid covering up or colluding with colleagues regarding substance misuse in the workplace. All employees should feel able to raise concerns without fear of victimisation.
- c) All employees have a statutory duty of care to ensure that they do not put themselves at risk or compromise the safety of others in the workplace. It is expected that the conduct and behaviour of all employees will reflect positively on the School/Academy.
- d) If any employee has a substance misuse problem which they know is having an impact on their ability to perform their role satisfactorily they should, in their own best interest, inform the Headteacher of their concerns. Help and support will be made available and communications will remain confidential. Early intervention is essential in reducing any health and safety risk and of disciplinary action being taken.
- e) Reporting for duty under the influence of any substance may be treated as gross misconduct. Employees should notify their Headteacher if they have been prescribed medication which may impair their abilities in the workplace. This is particularly important for staff that are required to drive or operate machinery. Any medical information will be treated in strictest confidence.
- f) It is expected that employees will refrain from taking any substance including alcohol and drugs, before work, during a break or at lunch time where it may affect their judgement or performance at work.
- g) When an employee is undertaking periods of `duty/rota/on call` it is expected that the employee will behave responsibly and any alcohol consumption will be kept within the legal limit for driving. Employees must be capable of performing their duties in a competent and safe manner. Consideration should

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be given to the duties the employee will be expected to undertake if they are required to attend work e.g. will they be expected to use heavy machinery.

- h) The Misuse of Drugs Act 1971 makes it an offence to possess, supply or offer to supply or produce controlled drugs without authorisation. The School/Academy will not tolerate illegal acts. Any employee found in possession, buying or selling illegal substances on School property will be regarded as committing gross misconduct and the incident will be reported to the police.
- i) Employees sometimes represent the School/Academy at functions or are on School business when alcohol is available. At such times they are expected to only drink responsibly and to not damage the School image. Safer working practices must be complied with at all times. Special care must be taken so as not to break the law on drink driving. Where pupils are present, no alcohol should be consumed.
- j) Employees whose duties include driving and have had their licences withdrawn for driving under the influence of alcohol or any other substance must report this immediately to their Headteacher who will decide whether the ban has any impact on their ability to perform their duties, see section 12.

## **8. HELP AND SUPPORT**

The School/Academy will ensure that advice and specialist help are made available to any employee who feels that they have a problem relating to substance misuse. This support will vary and be dependent upon circumstances as appropriate.

During all stages, if you are a member of a Union you may wish to seek support or advice from your Union representative.

Any employee who seeks assistance in obtaining treatment for a substance misuse problem is assured of confidentiality being respected.

The Headteacher, on behalf of the employee, can access assistance from their Occupational Health provider in relation to advice and support. This may be in the form of a referral to an Occupational Health Consultant or advice from an Occupational Health Nurse. If necessary, specialist help from an independent organisation(s) will be sought.

Counselling services are also available, these require a referral by the Headteacher however the outcomes would remain confidential between the employee and the counsellor.

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Counselling and Occupational Health Services are chargeable to Schools.

During any period of absence from work for agreed treatment, including counselling, normal sick pay arrangements will apply.

An employee who has been on sick leave for treatment for substance misuse problems may return to their normal duties if medically declared fit to do so.

## **9. DISCIPLINARY ACTION**

Although disciplinary action will normally be a last resort when dealing with staff with substance misuse problems, there may be circumstances when the Headteacher will have no alternative but to resort to the Disciplinary Policy. Examples of these are;

- If the employee puts themselves or others in danger or at risk as a result of their actions, judgements or behaviour.
- If the employee, despite treatment and support, persistently puts the substance misuse before work in terms of health and safety, performance, attendance or conduct.
- If an employee denies a problem, refuses help and support and their behaviour, conduct, safety, performance or attendance is unacceptable.
- Any employee found to be in possession of, or using illegal substances or buying, selling or distributing illegal substances on School/Academy property.
- An employee who fails to undergo or fails to complete treatment and their behaviour, conduct, safety, attendance or performance continues to be unacceptable. It would be justifiable for the Headteacher / manager to request to see appointment cards, letters or other proof that the employee is undertaking counselling or any other treatment, particularly if time is being allowed to be taken during working hours.
- If an employee is found to be under the influence of substances while either driving a School/Academy vehicle, operating machinery or working with children.

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Substance abuse may result in the employee facing formal action for gross misconduct, misconduct or capability, depending on the circumstances, not excluding dismissal. It is important that if Headteachers are contemplating invoking the Disciplinary or Capability Policy they take advice from YourHR.

## **10. ALTERNATIVE EMPLOYMENT**

As an alternative to formal action it may be appropriate, in certain circumstances, to find an alternative role within the School/Academy for an employee whose job has become untenable due to substance misuse. Examples of these may be to stop employees from driving, operating machinery or dealing directly with pupils within school.

The School/Academy should consider whether they can provide alternative work arrangements either on a temporary or permanent basis. This should only be put into place following advice and guidance from YourHR.

## **11. TREATMENT**

The decision to undergo treatment for substance misuse is the responsibility of the employee. No employee will be forced to accept help. However, employees will be expected to co-operate and demonstrate commitment to help and support which may be offered via the School/Academy or an external agency.

## **12. DRIVING BANS**

Where an employee's duties require them to hold a valid driving license in order to undertake their role, and they are disqualified from driving as a result of an alcohol or drugs-related offence, the School/Academy will need to demonstrate that it has acted reasonably and considered a wide range of alternatives before a dismissal can take place.

In making a decision on whether to dismiss or not the Headteacher should consider;

- a) The duration of the ban.
- b) Whether driving is an integral requirement of the employee's job or is incidental to it.
- c) Whether the employee can satisfactorily continue to carry out their duties without holding a valid licence, for example by allowing a partner to drive them or by using public transport.

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- d) Whether an alternative role within the School/Academy can be offered and if so consider whether to make such an offer.

If, after full and proper consideration, it is decided that the employee is not able to fulfil their employment contract without their licence, consideration should be given to suitable alternative employment. This would not necessarily have to be at the same level as the employee's existing position if there are no opportunities available but, at the same time, it should not be so unsuitable as to invite immediate rejection.

It may be reasonable to allow the employee to undertake a trial period of any new arrangements. Any refusal to consider the merits of any suggestion the employee makes could lead to a dismissal being unfair.

If no alternative employment can be offered, or the employee unreasonably refuses a suitable alternative, provided the steps above have been taken, the Headteacher should be able to justify recommending the dismissal of the employee.

The Headteacher should discuss the matter with the employee so that they have the opportunity to express their views on the situation and consider any suggestions made.

In all cases travel to and from work will remain the responsibility of the employee.

### **13. ALCOHOL AND DRUG TESTING**

Where an employee has had any involvement in a workplace accident or in any incident that has caused or could have caused a danger to health or safety an employer may test for alcohol and/or drugs.

Testing may also be carried out where there are robust grounds to believe or suspect that the employee is or may be under the influence of alcohol or drugs. This would be done in consultation with the Occupational Health Provider or Nurse and advice must be sought from YourHR.

An employee must give consent for any testing.

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## APPENDIX 1 – USEFUL CONTACTS

We Are With You – [www.addaction.org.uk](http://www.addaction.org.uk)

Confidential support to people who have issues with drugs, alcohol or mental health.

Alcoholics Anonymous – [www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk) – 01384 482929 Help and support if your drinking has reached a point where it worries you.

Atlantic Recovery Centre – [www.changegrowlive.org](http://www.changegrowlive.org) – 01384 426120 Get information and advice about drugs and alcohol.

Drink Aware – [www.drinkaware.co.uk](http://www.drinkaware.co.uk) – 020 7766 9900

Provides independent alcohol advice, information and tools to help people make better choices about their drinking.

FRANK – [www.talktofrank.com](http://www.talktofrank.com) – 0300 1236600 – or text 82111 Information regarding drugs, their effects and the law.

Relate – [www.relate.org.uk](http://www.relate.org.uk) – 021 643 1638 Relationship counselling.

Re-solv – [www.re-solve.org](http://www.re-solve.org) – 01785 817885

Overcome the misuse of solvents, gases and legal highs.

Samaritans – [www.samaritans.org](http://www.samaritans.org) –116 123 – 01384 78111 Someone to talk to if you are having a difficult time.

The What Centre – [www.thewhatcentre.co.uk](http://www.thewhatcentre.co.uk) – 01384 379992

A Mental Health charity which supports young people aged 10 to 25 years old.

The Counselling Service

email:

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**DOCUMENT ADMINISTRATION**

<b>Name of Document</b>	Substance Misuse Policy
<b>Applicable to</b>	Services provided to schools by Your   HR Support for Schools
<b>Version number</b>	V1
<b>Document Number</b>	TSHR – AB-0421
<b>Status of Document</b>	Your   HR Support for Schools
<b>With effect from Date</b>	[date]
<b>Template provided by</b>	Your   HR Support for Schools
<b>Date of Review</b>	April 2024
<b>Applies to: (Tick School type)</b>	<input type="checkbox"/> All (services provided by Your   HR Advisory for Schools, DMBC) <input type="checkbox"/> Voluntary Controlled <input type="checkbox"/> Community <input type="checkbox"/> Voluntary Aided <input type="checkbox"/> Academies <input type="checkbox"/> Maintained <input type="checkbox"/> Pupil referral units <input type="checkbox"/> Foundation
<b>Contact</b>	[Insert name and details of school contact] Victoria Kelly, Headteacher

<b>Amendment and summary of changes with revised document number</b>	<b>Date</b>	<b>Amended by</b>
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Revisions to the support contact details which clearer identifies the organisations who support the different types of substance misuse; Inclusion of the option for Academy Schools to adopt the Dudley Policy; Policy is now "Accessibility" Compliant including the removal of diagrams	April 2021	Alison Birch

### CONSULTATION

The following organisations have been consulted on this document:

#### Trade union

- NASUWT (Consulted on - not agreed)
- NEU
- ASCL
- NAHT
- GMB
- UNISON

### COLLECTIVE AGREEMENTS

This document should be read in conjunction with the relevant collective agreements.

- **For teaching staff** - Conditions of Service for School Teachers in England and Wales (Burgundy Book)
- **For non-teaching staff** - National Joint Council for Local Government Services (Green Book)

In the event there is a conflict between the conditions sets out in the relevant collective agreement and this document, the relevant collective agreement shall prevail. In the absence of a defined procedure/process within the relevant collective agreements relating to the conditions of service on the specific matter, every effort shall be made to adhere to industry best practice principles (e.g. ACAS guidance and/or any updated and new statutory guidance issued by the Department of Education "DFE").

### Approval for use in Schools

Amendment/changes Approved by:	Approval Date	Name of Approving Chair
[insert name of panel/full Governing board]	[date]	[name]

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