



Substance and Alcohol Misuse and Smoking Policy

Version 1.1

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| Name of Responsible Committee/Individual: | Trust Board |
| Implementation Date: | 24 April 2017 |
| Review Date: | 24 April 2019 |
| Monitoring: | This policy will be monitored and reviewed by the relevant body in conjunction with Trade Union local secretaries on an annual basis. |
| Target Audience: | All staff |

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1. POLICY STATEMENT

TEAL is committed to providing a safe and healthy working environment for its employees. A key factor in this provision is to ensure that employees do not misuse drugs, alcohol or prescription medication or are exposed to the consequences of misuse by others. TEAL recognises that alcohol, drug and substance misuse related problems are primarily health and social concerns and staff with such problems require help and treatment.

2. EQUALITY AND DIVERSITY

The Education Alliance is committed to:

- Promoting equality and diversity in its policies, procedures and guidelines
- Ensuring staff are protected from unlawful direct or indirect discrimination resulting from a protected characteristic (e.g. age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex or sexual orientation)
- Delivering high quality teaching and services that meet the diverse needs of its student population and its workforce, ensuring that no individual or group is disadvantaged

3. VISION AND VALUES

The Trust's vision is seeking excellence through inspirational leadership, teamwork, innovation and challenge. We work to ensure that all of us achieve our best. Our values are:

- Working together for students
- Generating ideas and sharing outstanding practice
- Promoting independence and interdependence
- Encouraging questioning, feedback and challenge

The Trust has four guiding principles:

The Education Alliance has four guiding principles:

- Focus on learners to drive decisions
- Believe in the team
- Keep it simple, do it right
- See it, own it, make it happen

4. PURPOSE AND SCOPE

This Policy applies to all staff employed by TEAL, as well as all volunteers, contractors and agency staff working on the school premises. This Policy provides guidance and clarification regarding expectations of and assistance available to staff, in relation to substance and alcohol misuse, vaping and smoking in a fair, consistent and transparent way which adheres to legal and statutory requirements.

The Law imposes obligations on employers to ensure a safe system of work both under statute such as the Health and Safety at Work Act 1974, and Common Law, for example, in negligence claims. The terms of the Transport and Works Act 1992, Road Traffic Act 1988, Misuse of Drugs Act 1971 and Psychoactive Substances Act 2016 also impose severe restrictions on organisations in their capacity as employers in relation to the use of drugs and alcohol. The Smoke Free Public Places and Work Places Regulations of the Health Act 2006 prohibits the smoking of tobacco at work. In order to fulfil its obligations the school must

pursue a policy which secures a healthy and safe environment for all employees, ensuring staff are aware of their own responsibilities. At the same time the school must also take into account the employer's and employees' rights under UK employment protection legislation and relevant codes of practice.

TEAL's policy on substance and alcohol misuse is a constructive and preventative policy to encourage early identification of alcohol and substance misuse related problems among employees. It aims to help and support employees who are experiencing problems as a result of substance and alcohol misuse and to assist those who demonstrate determination to deal with their problem and who cooperate fully with the support offered to them. The desire to support an individual employee must also be balanced with the requirement of the CEO to comply with their duty of care to students and other members of staff.

Substance and alcohol misuse have an effect on an individual's health and wellbeing and can cause a wide range of social problems, affecting family, friends and colleagues. This policy is concerned primarily with the effects of substance and alcohol misuse on conduct at work and job performance. Substance and alcohol misuse can lead to such problems as:-

- Unhealthy role model for children.
- Reduced educational opportunities for children.
- Reduced performance in the classroom.
- Poor judgement.
- Accidents.
- Late start/early end to the working day.
- Increased absence of a short term persistent nature.

The **Board of Directors** is responsible for approving this policy.

The **CEO** is responsible for ensuring that employees are treated fairly and consistently in the application of this policy and procedure.

The **Human Resources Department** is responsible for developing, reviewing, implementing and monitoring the effectiveness of this policy, ensuring employees are aware of their rights and the processes they must follow. The HR Department will provide employees and managers with advice and guidance regarding the Policy and Procedure, ensuring the Policy is applied fairly and consistently. The team will also ensure that employees are able to readily access support and assistance.

Managers and employees with supervisory or leadership should be aware of the signs of drug, substance or alcohol misuse, the effect on performance, attendance and health, and take appropriate action, treating the employee with dignity and respect.

- Managers are responsible for ensuring that visitors and contractors are made aware of the terms of the policy.
- Managers are responsible for ensuring the overall safety and welfare of employees and others they come into contact with.
- Managers should make sure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances.
- Managers should make sure that staff are aware of the support that is available to them should they have a problem that they have easy access to the EAP.

- Managers should intervene at an early stage where changes in performance, behaviour, sickness levels, and attendance patterns are identified to establish whether alcohol or drug misuse is an underlying cause.
- Managers should provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery.
- Managers should be aware of their own limitations, seek advice, facilitate support, and monitor outcomes.
- **Managers must seek advice from the HR department when substance misuse is suspected prior to the above steps being taken.**

Employees must comply with the requirements of this policy and procedure.

5. AIMS OF THIS POLICY

- To increase the general awareness/knowledge of employees regarding the risks associated with alcohol consumption and the misuse of drugs, or prescription and non-prescription medication.
- To provide a framework for staff who are experiencing alcohol, drug or substance misuse related problems and to access help and support at an early stage.
- To help managers identify individuals with alcohol, drug or substance misuse related problems
- To create a culture whereby all staff realise the importance of not covering up for individuals with known or suspected alcohol, drug or substance misuse problems.
- To provide managers and the Governing Body with guidelines to assist them in managing alcohol, drug or substance misuse related problems.
- To promote a healthy safe working environment and thereby protect the welfare of all individuals (employees, students and visitors) avoiding risks associated with the use of drugs, alcohol and legal highs.
- Reduce and help prevent the incidence of alcohol, drug or substance misuse related work impairment.
- To make staff aware of the school's policy relating to smoking.

6. DEFINITIONS

Alcohol misuse refers to:

Any drinking, either intermittent or continuous, which interferes with an individual's health, work capabilities or conduct, or which affects the work performance and/or safety of others.

Drug and substance misuse refers to:-

- The use of any controlled drug as defined by the Misuse of Drugs Act 1971 or any statutory re-enactment.
- The accidental or intentional misuse of prescribed or 'over the counter' medication.
- The misuse of substances, e.g. solvents which can impair behaviour, judgement or job performance of the individual.
- The use of psychoactive substances 'legal highs', not controlled under the Misuse of Drugs Act 1971 with the exception of those in everyday use such as medicines, alcohol, cigarettes and caffeine.

Under the Misuse of Drugs Act drugs are classified according to their perceived danger and the different drug classifications are detailed in Appendix 1.

7. SMOKING AND VAPING

Staff must not smoke or vape on school premises, outside the school gates or near the perimeter of the school. They must also ensure they do not smoke in front of students whilst undertaking work related activities (e.g. trips and visits). To ensure equality for all employees, there are no designated smoking breaks therefore staff choosing to smoke must do so in their normal break times (e.g. lunch break).

Tools to help with stopping smoking are available through the school's employee assistance programme. For more information please speak to a member of the HR department or access the EAP online.

8. PRESCRIPTION MEDICATION

Certain prescription drugs and over the counter preparations can affect performance and create a safety risk. All employees should check with their doctor or pharmacist before taking any medicines which could impair their work performance or cause drowsiness. Where an employee is taking prescription drugs or over the counter preparations which could affect performance and/or create a safety risk, he/she should inform their line manager.

Employees may seek professional help either personally or through the school's Employee Assistance Programme in an effort to deal with their alcohol, drug or substance misuse problems. The HR Department will work with managers and staff to facilitate a structured support programme wherever possible.

9. ALCOHOL, DRUGS AND NON-PRESCRIPTION MEDICATION

No employee or other person under the school's control shall, in connection with any work-related activity:

- a) report, or endeavour to report, for duty having consumed alcohol, drugs or non-prescription medication likely to render him/her unfit and/or unsafe for work;
- b) consume or be under the influence of alcohol or drugs while on duty.
- c) store alcohol or drugs in personal areas such as lockers and desk drawers; or attempt to sell or give alcohol, drugs or legal highs to any other employee or other person on the school premises.
- d) consume alcohol during working hours or at break times (e.g. lunch or on-call duties) or while undertaking work-related duties e.g. trips and visits (*Please refer to the Educational Visits Policy and Educational Visits Guidelines*).

There will be no consumption of alcohol on the school premises unless agreed by the CEO during staff or social events outside of the normal school day.

The misuse of legal drugs and legal highs is prohibited, as is the use, possession, sale or distribution of illegal drugs. The following incidents are considered to be serious offences which could lead to dismissal subject to the school's Disciplinary procedure:-

- e) possessing, using or selling illegal drugs in the workplace
- f) being convicted of any criminal offence connected with drugs, regardless of whether the offence took place inside or outside the workplace

10. PROCEDURES FOR MISUSE OF THE POLICY

If an employee is found to have deliberately misused this Policy the matter will be dealt with under the Disciplinary Policy and Procedure.

Where an employee acknowledges that he/she has a problem with alcohol or drugs he/she may approach their line manager or Human Resources for advice and the employee should be given encouragement and support to facilitate access to appropriate services.

Suggested options for support may include:-

- Directing the employee to seek treatment from his/her G.P;
- Seeking referral to the Employee Assistance Programme

Where a manager has concerns that an employee may have a problem with alcohol or drug misuse a meeting should be arranged with the employee, informally, to discuss his/her concerns. Advice and guidance should be sought from the Human Resources Department.

When discussing the problem with the employee the desire to assist the employee should be uppermost in the mind of the manager. It is important that accusations are not made, but details of concerns should be clearly stated and openly discussed. Where the employee acknowledges the problem, advice on options for support should apply.

The school will continue to hold the employee accountable for his or her performance and/or conduct, regardless of whether or not the employee has admitted an alcohol or drug related problem, however, the support the employee accesses and the resulting outcomes will also be taken into consideration.

Where an employee has concerns that another employee is suffering from alcohol or drug misuse they should raise their concerns with a member of the Senior Leadership Team.

If an employee is suspected of not being fit for work due to alcohol or drug misuse, suspension with full pay, pending an investigation may be deemed appropriate. The school should make it absolutely clear that the employee is not permitted to drive and a taxi, if necessary, should be organised to take the employee home. Following investigation the employee will be recalled to the workplace to attend an investigatory interview to establish his or her version of events as per the Disciplinary Procedure. Depending on the outcome of the investigations, disciplinary action may follow up to and including dismissal for gross misconduct. Alternatively, if it is established through investigations that the employee has an alcohol addiction advice on options for support should also apply.

At all stages of the procedure, the employee will be encouraged to access the Employee Assistance Package for support.

11. ABSENCE AND RETURN TO WORK

During periods of absence employees are required to adhere to the procedures laid down in the schools absence policies and procedures. Employees are also expected to make use of the support services and should actively seek and cooperate with help and treatment.

Where an employee has been absent due to medical reasons the School may require confirmation via a referral through the school's health service provider as to the employee's fitness to resume duties. An employee returning to work may need ongoing support and treatment, for example, ongoing counselling sessions and such absence should adhere to the procedures laid down in the relevant school policies and procedures.

12. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY

Effectiveness and compliance of this Policy will be monitored by the HR Department. The Governing Body will monitor the outcomes and impact of this policy on a regular basis in conjunction with local union secretaries.

13. REFERENCES

Health and Safety at Work Act 1974
Transport and Works Act 1992
Road Traffic Act 1988
Misuse of Drugs Act 1971
Psychoactive Substances Act 2016
Smoke Free Public Places and Work Places Regulations of the Health Act 2006
www.cipd.co.uk
acas.org.uk
www.gov.uk
RELATE and other self-help groups

14. ASSOCIATED DOCUMENTATION

Conditions of Service for School Teachers in England and Wales (Revised August 2000) Burgundy Book
National Agreement on Pay and Conditions of Service
Disciplinary Policy and Procedure
Health and Wellbeing Policy and Procedure

15. REVIEW

This policy will be reviewed within 2 years to evaluate its effectiveness and all employees should have access to a copy of this agreed policy. A copy can be found on the school website or a hard copy can be obtained from the Human Resources Department.

DRUG CLASSIFICATION

| Class | Drug |
|------------------------|---|
| A | Crack cocaine, cocaine, ecstasy (MDMA), heroin, LSD, magic mushrooms, methadone, methamphetamine (crystal meth) |
| B | Amphetamines, barbiturates, cannabis, codeine, ketamine, methylphenidate (Ritalin), synthetic cannabinoids, synthetic cathinones (eg mephedrone, methoxetamine) |
| C | Anabolic steroids, benzodiazepines (diazepam), gamma hydroxybutyrate (GHB), gamma-butyrolactone (GBL), piperazines (BZP), khat |
| Temporary class drugs* | Some methylphenidate substances (ethylphenidate, 3,4-dichloromethylphenidate (3,4-DCMP), ethylnaphthidate (HDMP-28), isopropylphenidate (IPP or IPPD), 4-methylmethylphenidate, ethylnaphthidate, propylphenidate) and their simple derivatives |

*The government can ban new drugs for 1 year under a 'temporary banning order' while they decide how the drugs should be classified.

Reference: <https://www.gov.uk/penalties-drug-possession-dealing>

N.B. This document is subject to change in line with current legislation