

**The Good Shepherd Multi Academy Trust**

# **Alcohol and Substance Abuse Policy**

**October 2017**



**The Good Shepherd  
Multi Academy Trust**

**Review: October 2020**

## **Values**

Every member of the Trust family of schools will be valued and encouraged to fulfil their potential. In our Trust we believe:

- Everyone has something to offer
- Trust, honesty, empathy and social responsibility are the Christian values that frame our work
- We are here for the whole person, spiritually, morally, educationally and socially
- In working with transparency and openness

### **1. Purpose**

This procedure is a positive strategy to address alcohol and substance related problems / abuse at work. It sets out the approach to the identification, support arrangements and management action which the Trust will take.

**It should be noted that the overriding priority for the Trust in working within this policy is the safety of the children within its schools.**

It aims to help protect employees from the dangers of substances and alcohol abuse and to encourage those with an abuse problem to seek help.

This procedure is not intended to intrude upon the privacy of individuals. However, the Trust is concerned where health or behaviour impairs the conduct, safety or work performance of employees and recognises that the misuse of alcohol or substance abuse may be a cause of such impairment.

The abuse of alcohol, drugs and other substances respects no boundaries of sex, status and occupations and this policy applies to all employees.

### **2. Definitions**

The term “work” or “directed activity” means the required delivery of the individual employees job.

A drug is any substance (not food) which, when introduced into the body, creates a change in perception and / or in mood and / or how the body functions.

Substance abuse means the possession and / or use of prohibited and illegal drugs, e.g. heroin, or cocaine or the misuse of legally prescribed substances e.g. tranquillisers or sleeping pills.

This policy applies to all drugs listed under The Misuse of Drugs Act 1971.

Alcohol abuse means that the consumption of alcohol by an employee is adversely affecting their work performance and relationships at work. There are two categories:

- i) **Dependent Drinkers:** are those who are physically and / or psychologically dependent on alcohol and this continually or repeatedly interferes / impacts upon their work.
- ii) **Non Dependent Drinkers:** are those whose over-indulgence in alcohol results in socially unacceptable or dangerous behaviour and impacts upon their ability to carry out their duties at work.

### **3. Legal Position**

**The Health and Safety at Work Act 1974** – The Trust has a duty to ensure, as far as reasonably practicable, the health, safety and welfare at work of all employees.

If the Trust knowingly allows an employee under the influence of alcohol or other substance to continue working, and therefore placing themselves and others at risk, the Trust could be prosecuted.

**The Management of Health and Safety at Work Regulations 1999** – The Trust has a duty to assess the risks associated with the work and its possible effect on the employee.

**The Misuse of Drugs Act 1971** – It is an offence to possess, supply, offer to supply or produce controlled drugs without authorisation. If the Trust knowingly permits the production or supply of any controlled drugs or certain other activities to take place on Trust premises it could be committing an offence.

**The Road Traffic Act 1988** – A person who is unfit to drive through alcohol/drugs is guilty of an offence. The same applies to someone in charge of a vehicle who is unfit through alcohol/drugs. If a manager or colleague is aware of an employee who possesses or is dealing in drugs inside or outside of work, he /she must report the matter to a senior officer who will then report the matter immediately to the police.

#### **4. The Trust Approach**

The Trust recognises that it may be very difficult for employees to admit to themselves or others that they have an alcohol or substance abuse problem. They may feel that there is a stigma attached and be fearful of what will happen if they admit to any problem.

The Trust is committed to offering support and rehabilitation to employees who recognise they have an alcohol or substance abuse problem.

The general approach will be supportive and to treat alcohol and substance abuse as a health issue where an individual admits to having a problem and co-operates with a treatment programme to help themselves. If an employee does not co-operate with a treatment programme, the Trust may address the issue through the disciplinary/capability route.

However, being unfit for work through alcohol or substance abuse may be addressed through the disciplinary / capability procedure.

#### **5. Responsibilities**

**Directors** have health and safety responsibilities for the employees within the Trust, children at Trust schools and the public.

**LGB members** have health and safety responsibilities for the staff within their school, children at their school and the public.

**Managers** have health and safety responsibilities for their team, children at their school and the public.

They are required to take appropriate action when assessing if an employee poses a potential risk at work e.g. sending an employee home if they judge that they are unfit to work due to alcohol or other substances. Further information on what a manager needs to do is set out in section 12.

Managers need to be mindful of lunchtime drinking by members of their team and also need to be satisfied that employees who have been drinking the night before work are fit for work the following morning.

**Employees** who know or believe that they may have an alcohol or substance abuse problem are encouraged to take responsibility and seek help voluntarily. Their first contact may be their GP, or one of the local voluntary services. Within the Trust, help is available from their line manager.

Employees also need to be aware of any prescription medication they are taking that may have side effects that impact on their ability to work, including driving. See section 8 below.

**Colleagues** should not knowingly condone or ignore alcohol or substance abuse as it may adversely affect their colleague or others. If an individual believes that a colleague may have an alcohol or substance abuse problem they are encouraged to address the issue directly and not to cover up for the person who may have a problem as this will, in the longer term damage the person.

If a colleague feels uncomfortable about speaking with the person themselves, they should alert the appropriate manager to the situation, or seek the support of their trade union in bringing the concerns to the attention of the manager.

It is in the interest of that employee to be offered help as soon as possible, as prompt action carries the best hope of effective and successful treatment.

## **6. Specific Considerations**

### Pre-Employment Screening

- **Medical** - All employment with the Trust is subject to completion and screening of a pre-employment medical questionnaire. The type of screening depends on the type of job. Existing employees who are moving to a different job are also screened. The Trust does not routinely screen applicants for signs of alcohol or substance abuse.
- **Criminal convictions** - Some jobs are subject to a 'Disclosure' of the applicant's criminal convictions. Under the Rehabilitation of Offenders Act, criminal convictions are not regarded as 'spent' where the work involves the unsupervised access to children or vulnerable adults. For these jobs, a criminal record or other associated action e.g. a caution, which may include evidence of alcohol or substance abuse, may make the applicant unsuitable for employment. Advice is available from Trust HR support provider.

## **7. Alcohol in the Workplace**

Consumption of alcohol in the workplace is strictly prohibited. The exception is when a line manager has specifically agreed in advance that it is acceptable for a specific occasion, e.g. Christmas / retirement celebrations etc. However employees are responsible for ensuring that they remain fit for work where they are expected to continue and fit to return home afterwards.

## **8. Prescribed Medication**

If an employee has been prescribed medication by their GP, which has side effects that may affect their work, including the ability to drive, they must inform their manager. Otherwise, this could lead to an accident or injury to themselves or someone else. The manager should find out about any potential side effects and carry out a risk assessment to identify any changes in working practices or responsibilities that may be necessary. Advice is available from the Trust HR support provider.

## **9. Illegal Drugs**

The possession, supply or use of illegal drugs in the workplace is strictly prohibited. Any employee who is found to possess, supply or use them at work will be subject to the disciplinary procedure.

## **10. Confidential/Data Protection**

Employees with an alcohol or substance abuse problem have the same rights to confidentiality and support as they would if they had any other medical or psychological condition.

## **11. Signs of Substance and Alcohol Abuse**

Signs of substance and alcohol abuse are not always obvious and may be confused with other conditions or problems. Bear in mind the possibility of substance or alcohol abuse when the following signs are noticed:

### **Attendance Records**

- unexplained or frequently taken absences
- patterns of absence, e.g. frequent Monday or Friday absences
- leaving early
- lateness (especially after lunch)
- increased short-term sickness absence

### **Behavioural Changes:**

- irritability, depression, confusion etc
- abnormal fluctuations in mood, concentration and energy
- deterioration in relationships with colleagues, customers or management
- deterioration in personal appearance/ personal hygiene

### **Performance**

- unexplained changes in work performance
- difficulty in concentrating,
- work requiring increased effort,
- taking more time to complete tasks,
- problems with remembering instructions
- increased mistakes

### **Accident Levels:**

- number of accidents or near misses increased

### **Conduct / Capability:**

- any particular conduct problems/ issues

**Remember** – all these signs may be caused by other factors, e.g. stress and should be regarded only as indicators that an employee **may** be abusing substances or alcohol. Symptoms of excessive alcohol can be similar to the effects of a range of medical conditions e.g. diabetes and epilepsy. If a manager suspects an employee has been drinking/taking a substance and may pose a risk, even if consumption is denied, appropriate action must be taken.

## **12. What should a manager do?**

A manager should send an employee home if they judge the person to be unfit for work due to a suspected intake of drugs/alcohol. (The 'Directed Medical Absence' procedure within the Sickness Absence Procedure applies). Do not allow the individual to drive, but arrange for a taxi/ lift from a colleague/other appropriate means and if necessary, ensure that there will be someone at home to make sure they do not cause themselves an injury. An employee who has been sent home should be interviewed the following day to find out why they were unfit for work.

If a manager believes that an employee has an alcohol or substance abuse problem, they should concentrate on unsatisfactory work performance and proceed with caution **unless** they have clear evidence of a problem. Accurate records of instances of poor performance or other problems should be kept, and advice taken from the Trust HR support provider.

If the manager has **clear evidence of problems listed in the section above which they consider may result from an alcohol or substance abuse problem** they should initially discuss this with the employee in private. (Whilst there would not normally be any rights of representation at this informal stage the employee may feel more comfortable if they can bring along a colleague or trade union representative to support them.)

The Manager should:-

- discuss the employee's unsatisfactory performance, conduct or behaviour; focus on clear examples

- make clear the Trust's required standards of performance, conduct and behaviour;
- ensure that the employee understands these standards;
- ask for the employee's reasons for the poor performance/conduct/behaviour, and ask whether it could be due to a "health problem", without specifically mentioning alcohol/drugs in the first instance
- try to identify if there are any work-related causes e.g. are they struggling with the job?
- if appropriate, discuss the alcohol and substance abuse procedure with them, and encourage the employee to seek help from their GP
- tell the employee that the Trust requires his / her performance, conduct or behaviour to be improved to an acceptable standard and that failure to do so may lead to formal disciplinary/capability action
- agree with the employee what follow-up action is to be taken, including offering support, carrying out risk assessments
- arrange regular meetings to monitor progress and review actions.

### **13. Risk Assessment**

The manager must carry out a risk assessment of the employee's work place, duties and responsibilities and if necessary, decide what action to take to remove the risk or protect individuals.

If this involves adjusting or removing the employee from certain duties, this should be done in consultation with that employee, so that they fully understand the reasons for the action, the likely duration of any action and the consequences of the action. Advice should also be sought from the Trust HR support provider.

The Risk Assessment should be regularly reviewed or reviewed in light of changing circumstances and action/adjustments made accordingly.

### **14. Treatment**

Where an employee acknowledges that they have a problem, the manager should encourage them to seek support from their GP or one of the local voluntary services.

If an employee who is receiving treatment needs to be absent from work, it will be regarded as normal sickness, and will be paid in accordance with the Sick Pay Scheme. Consideration will be given to the individual circumstances in applying the Sickness Absence Procedure in respect of triggers for follow up action.

If rehabilitation or treatment requires an extended period of absence, the employee will normally return to their existing job or equivalent work. However, in exceptional circumstances, it may be in both the Trust and the individual's interests for the person to be redeployed to suitable alternative employment.

### **15. Relapse**

There may have to be a limit on the level and duration of the support provided, e.g. where progress is not being made or if a relapse occurs. Managers are advised to seek advice from the Trust HR support provider. There may be instances where supportive measures and agreements have to cease and more formal action is taken. This will not occur without first notifying the individual that the lack of demonstrable progress/relapse means that the more formal action is needed.

### **16. Disciplinary/Capability**

If an employee is offered help (e.g. counselling, treatment) and refuses the help or the help is unsuccessful, he / she should be treated as for any other disciplinary / capability problem, whichever is judged appropriate.

It may also be necessary, where either the alcohol or substance abuse directly impacts upon the nature of the job, or, the employee refuses to cooperate with any action taken as a result of the Risk Assessment to proceed to formal disciplinary or capability procedures.

If a disciplinary or capability investigation is already under way this process should be continued.

Where alcohol or substance abuse has a direct impact upon the nature of the employment such as working with children or vulnerable adults or with machinery it may also be necessary to proceed straight to formal disciplinary or capability procedures.

Dismissal for **off duty misuse of drugs or other substances** may not be fair unless employment was adversely affected, or the conduct was considered to render the employee unsuitable to continue, in their employment. This may include childcare or working with vulnerable adults or, where there is potential for / or, unsupervised access to these groups, or, where the conduct is prejudicial to the Trust's interests, reputation or integrity. These are illustrative examples only and not intended to be an exhaustive list.

#### **17. Other Relevant Policies**

Other Trust policies which are relevant to this policy include: -

- **Sickness Absence Procedure**
- **Code of Conduct**
- **Capability Procedure**
- **Disciplinary Procedure**
- **Health & Safety Policy**