



Substance and Alcohol Misuse and Smoking Policy Version 2.2

<p>Important: This document can only be considered valid when viewed on the Education Alliance website. If this document has been printed or saved to another location, you must check that the version number on your copy matches that of the document online.</p> <p>Name and Title of Author:</p>	<p>Lisa Longstaff, Director of HR and Governance</p>
<p>Name of Responsible Committee/Individual:</p>	<p>Trust Board</p>
<p>Implementation Date:</p>	<p>July 2022</p>
<p>Review Date:</p>	<p>July 2024</p>
<p>Monitoring:</p>	<p>This policy will be monitored and reviewed by the relevant body in conjunction with trade unions via the JCNC on an annual basis.</p>
<p>Target Audience:</p>	<p>All staff</p>
<p>Related Documents:</p>	<p>www.hse.gov.uk Managing drug and alcohol misuse at work. A guide for people management professionals (CIPD Guide) Expectations and Code of Conduct Teacher Standards Health and Wellbeing Policy and Procedure</p>

	Health and Safety Policy Disciplinary Policy and Procedure Capability Policy and Procedure
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1. POLICY STATEMENT

We are here to make great schools and happier, stronger communities so that people have better lives. We do this by:

- Always doing what is right
- Trusting in each other and standing shoulder to shoulder
- Doing what we know makes the difference

Doing what is right means always acting with integrity, in the interests of others and being honest, open and transparent.

The Education Alliance (the Trust) is committed to providing a safe and healthy working environment for its employees. The Trust has a legal duty to protect employees' health, safety and welfare. Understanding the signs of drug and alcohol misuse (or abuse) helps the Trust manage health and safety risk in the workplace. This policy details the Trust's expectations and approach towards drug and alcohol-related problems, and it is intended to provide clarity and support for employees. The Trust recognises that alcohol, drug and substance misuse related problems are primarily health and social concerns and staff with such problems require help and treatment. The Trust also aims to reduce the potential for other members of staff, students and other stakeholders to be exposed to the consequences of misuse by others.

As the CIPD advises, 'workplaces present opportunities for early detection, intervention and support. They are settings that can promote the health of workers and influence the health of their families and community. The stability that ensues from holding down a job is often an important factor in facilitating recovery from alcohol- and drug-related problems. Similarly, support and treatment may help to enable employees with a problem to return to work after receiving help. As a result employers, the business community, employees and their families, as well as society as a whole, can benefit.' It is the Trust's intention to provide support for employees who acknowledge they have a problem, whilst recognising there may be times where the Trust must manage conduct-related issues, potentially using the Disciplinary Policy and Procedure.

From a cultural perspective, the Trust does not serve alcohol on the premises. Drinking at lunchtime is not acceptable and other policies, such as the Expectations and Code of Conduct, encourage staff to make sound judgements, being mindful of their professional position within the community and the reputation of the Trust and its schools.

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

To ensure equality for everyone, there are no designated smoking breaks and staff who smoke must do so in their own time, away from the school site.

3. PURPOSE AND SCOPE

This Policy applies to all staff employed by the Trust, as well as volunteers, contractors and agency staff working on school premises. The policy provides guidance and clarification regarding expectations and assistance available to staff, in relation to substance and alcohol misuse, vaping and smoking. 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, and the Management of Health and Safety Regulations 1999, regarding risk assessments. The Trust is mindful of its obligations under the Data Protection Act 2018, and the Human Rights Act 1998. 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. The Health and Safety at Work Act 1974 requires both employers and employees to maintain a safe working environment and the employer, the employee or both could be liable if an alcohol-related accident occurs at work. The Trust cares about its employees and views its working environments as safe and healthy. Staff have access to support for individuals if they have concerns or are developing dependency problems. In risk assessing situations, the issue of drug and alcohol misuse is more significant in safety-critical roles, for example, where employees are operating machinery. The Trust is mindful of the potential reputational risks associated with drug and alcohol misuse, the safety of students and the credibility of staff.

This policy aims to be constructive and preventative, encouraging 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 co-operate fully with the support offered to them. The desire to support an individual employee is balanced with the requirement of the CEO to comply with their duty of care to pupils and other members of staff.

4. ROLES AND RESPONSIBILITIES

The **Trust Board** 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 **HR Department** is responsible for developing, reviewing, implementing and monitoring the effectiveness of this policy, ensuring employees are aware of their rights, the expectations and rules they must adhere to and the support available to them. The HR Department will provide employees and managers with advice and guidance, ensuring this policy is applied fairly and consistently.

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

- Managers must seek advice from the HR department when substance misuse is suspected.
- 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 ensure staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances.
- Managers should ensure staff are aware of the support that is available to them should they have a problem (e.g. access to the Employee Assistance Programme (EAP), MIND, Education Support, Adult Mental Health First Aiders, Be Well Champions and Occupational Health support).
- 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 may be 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.

Employees must familiarise themselves and adhere to this policy, and they are responsible for reporting breaches of the policy to either their line manager, their Headteacher, or the HR Department. Employees are expected to co-operate with any support and assistance provided by the Trust to address an alcohol or drug misuse problem. Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of alcohol or drugs. Employees are expected to present a professional, courteous image to those with whom they come into contact at all times and therefore have a responsibility to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs. Employees who experience side effects as a result of taking prescribed or over-the-counter medicines that impair their ability to perform their duties safely and satisfactorily must notify their line manager immediately.

The Trust, through the implementation of this policy, aims 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.
- 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.
- Help managers identify individuals with alcohol, drug or substance misuse related problems
- 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.
- Provide managers with guidelines to assist them in managing alcohol, drug or substance misuse related problems.
- 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.
- Raise awareness of the Trust's policy relating to smoking/vaping.

5. DEFINITIONS

The Health and Safety Executive advises that drug and alcohol misuse is the use of illegal drugs and misuse of alcohol, medicines and substances such as solvents.

- Intoxicating substance – a substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquillisers, anti-depressants, over-the-counter medicines), solvents, glue, lighter fuel.
- Controlled drugs – these are drugs covered by the Misuse of Drugs Act 1971. They include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.
- Harmful/problematic use or misuse – use of an intoxicating substance or substances that harms health, physical, psychological, social or work performance but without dependency being present.
- Dependency – a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).
- Addiction – a state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.

Alcohol misuse refers to:

Drinking behaviours which interfere with an individual's health, work capabilities or conduct, or which affects the work performance and/or safety of others. Such behaviours may include alcohol abuse, alcohol dependence and alcohol use which is harmful to the individual and/or others.

Drug and substance misuse refers to:-

Drug and substance misuse refers to the use of a drug or substance for purposes other than that for which it was intended, or using a drug in excessive quantities. Drug misuse can include drug addiction and drug misuse can severely affect an individual's physical and mental health, social situation, decisions and behaviours.

Misuse can include:

- 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 1971, drugs are classified according to their perceived danger and the different drug classifications are detailed in Appendix 1.

Employees must not possess, consume or provide drugs while on duty (except prescription drugs prescribed to the individual). Drug possession or dealing will be reported to the police, without exception. Employees must not report for work while under the influence of drugs, and employees in safety-critical jobs who are found to be under the influence of illegal drugs will be liable to dismissal, regardless of the circumstances. Employees convicted of a criminal offence connected with drugs are likely to be dismissed, regardless of whether the offence took place at work or outside of work.

Employees on prescribed medication that may affect their ability to perform their duties must notify their line manager immediately.

Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call. Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work.

6. SMOKING AND VAPING

Staff must not smoke or vape on school premises, outside the school gates or entrances, or in areas that are visible to students. 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 who smoke must do so in their normal break times (e.g. lunch break). Catering staff must not smoke in their work uniform, in line with food hygiene requirements. In addition, staff who are required to wear a uniform or clothing with school logos (including jackets) must ensure the school logo is covered when smoking/vaping (e.g. not wearing a school jacket whilst taking a smoking break).

Tools to help with stopping smoking are available through the school's EAP. For more information, employee should speak to a member of the HR Department or access the EAP online.

7. 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 immediately, to enable a risk assessment to be undertaken.

Employees may seek professional help either personally or through the Trust's EAP. The HR Department will work with managers and staff to facilitate a structured support programme wherever possible.

8. 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 them 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.

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

9. PROCEDURES FOR SUBSTANCE AND ALCOHOL MISUSE

Whilst the Trust aims to support staff who admit to drug or alcohol misuse, the Trust must also ensure that employees are aware of the potential consequences of breaching this policy. Where an employee acknowledges that they have a problem with alcohol or drugs they may approach their line manager, a trade union representative, a work colleague or the HR Department for advice and the employee should be given encouragement and support to facilitate access to appropriate services.

The Trust will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction. This means that employees seeking assistance for a substance misuse problem will not have their employment terminated simply because of their dependence/addiction. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable. Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and may result in the summary dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are:

- deliberate disregard for personal safety and that of others associated with the use of intoxicating substances
- unacceptable behaviour in the workplace associated with the use of intoxicating substances
- being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs
- consuming intoxicating substances during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice
- possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on work premises or engaging in such activities outside of work
- being disqualified from driving as a result of alcohol- or drug-related offences (employees required under their contract of employment to drive a vehicle)
- making malicious or vexatious allegations that a colleague is misusing intoxicating substances.

This list is illustrative only and should not be regarded as exclusive or exhaustive. Disciplinary action will be in all cases proportionate to the circumstances of the breach of the policy.

Where a manager has concerns that an employee may have a problem with alcohol or drug misuse, they should seek advice from the HR Department, and the Headteacher should also be notified. It may be helpful for a meeting to take place with the employee, informally, to discuss the concerns and potential supportive measures, alongside a risk assessment, considering how any risks may be managed. It's important that the approach taken at the initial meeting is supportive rather than confrontational, to leave open the possibility for the employee to request assistance in the future. When discussing the problem with the employee, any safeguarding issues and 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 issue(s) that have been occurring should be defined and possible reasons or causes discussed (not assumed). Once a problem is declared, the manager and HR should reassure the employee of confidentiality and that help will be offered within certain parameters. The actions that could be taken by all parties should be discussed, a plan should be agreed and put into place and areas for improvement should be agreed, alongside the monitoring period. Once the employee declares a

problem with alcohol or drugs, the HR Department will seek the employee's consent for a referral to be made to the Occupational Health Department. The HR Department will also share signposting information with the employee, to ensure they are aware of the support options available to them. The employee may be offered onward referral to supportive counselling and treatment agencies. Once a way forward has been determined, the line manager should work with HR and the employee (and their trade union representative if they have one) to formulate a reasonable timescale for actions and improvements to be made, alongside monitoring methods, ensuring progress is jointly monitored.

When an employee admits to a drug or alcohol problem and they seek support, current/relevant disciplinary proceedings may be suspended and the organisation will assist the employee in their rehabilitation. Where an employee has been diagnosed as having a drug or alcohol problem, reasonable time off with pay will be allowed for counselling. If an employee has successfully completed a course of counselling or other treatment and later relapses, the Trust will consider whether to permit another period of treatment or to invoke the Disciplinary Procedure. During the period of treatment, the Occupational Health Department will keep the manager and the HR Department up to date regarding the employee's progress, the likely return-to-work day and whether alternative employment needs to be considered. After the return, the manager, the employee and the HR Department will review the employee's progress.

The school will continue to hold the employee accountable for their 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. When people are recovering from drug or alcohol problems, they often lack self-esteem and lose confidence in their skills and in socialising with their work colleagues. If they have been absent from work, returning to work can be easier for the employee if their line manager has been regular contact with them. When arranging contact with an employee, the manager should agree the mode and frequency with them, to ensure it works for both parties. An employee may need some time to settle back into the workplace after an absence due to a drug or alcohol problem. Psychological vulnerability can result in a relapse; for this reason employees returning to work should be given the time to settle into their responsibilities and avoid stressful environments.

Where an employee has concerns that another employee is suffering from alcohol or drug misuse, they should raise their concerns with either their line manager or HR. Confidential support is also available for staff supporting family/friends through substance or alcohol misuse, addiction or dependency, via the EAP and Education Support.

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 their version of events as per the Disciplinary Policy and Procedure. Depending on the outcome of the investigations, disciplinary action may follow up to and including dismissal for gross misconduct. Where disciplinary action is taken, it will be proportionate, reasonable and fairly applied. Alternatively, if it is established through investigations that the employee has an alcohol addiction advice on options for support should also apply.

Disciplinary investigations will include the following considerations:

- safety-critical work
- alcohol (the most commonly used drug in the world)
- illegal drugs – taken during leisure time
- illegal drugs brought on to company premises for own use or to deal

- prescription medicines
- solvents
- one-off incident or a pattern of incidents
- dependency
- repeat problems or a relapse

At all stages of the procedure, the employee will be encouraged to access the EAP for confidential support, and the HR Department will also signpost the employee to other forms of support.

If an employee is alleged to have attended work in possession of drugs, or alleged to have been dealing in drugs, the Trust must report the alleged offence to the police.

Employees with a drink or drug problem have the same rights to confidentiality and privacy as they would if they had any other medical or psychological condition. Health information is sensitive personal data under the Data Protection Act, and all information and reports surrounding possible drug or alcohol misuse must be handled securely and confidentially. The right to privacy includes the content of lockers, therefore if a search is deemed necessary; this should be conducted by the police.

It is the employee's choice whether to be open with none, some or all colleagues about the reasons they may need extra time off and what they're doing about their problems. Openness can result in greater understanding and support for the person concerned; however, legally, this is and must be the choice of the employee.

10. GRIEVANCES

Employees who wish to submit a complaint regarding the policy and/or its application, should use the Trust's Grievance Procedure to submit their complaint.

11. MONITORING COMPLIANCE WITH AND EFFECTIVENESS OF THE POLICY

Effectiveness and compliance will be monitored by the HR Department on an annual basis.

12. REVIEW

This policy will be reviewed within 2 years of the date of implementation with recognised trade unions via the JCNC.

DRUG CLASSIFICATION

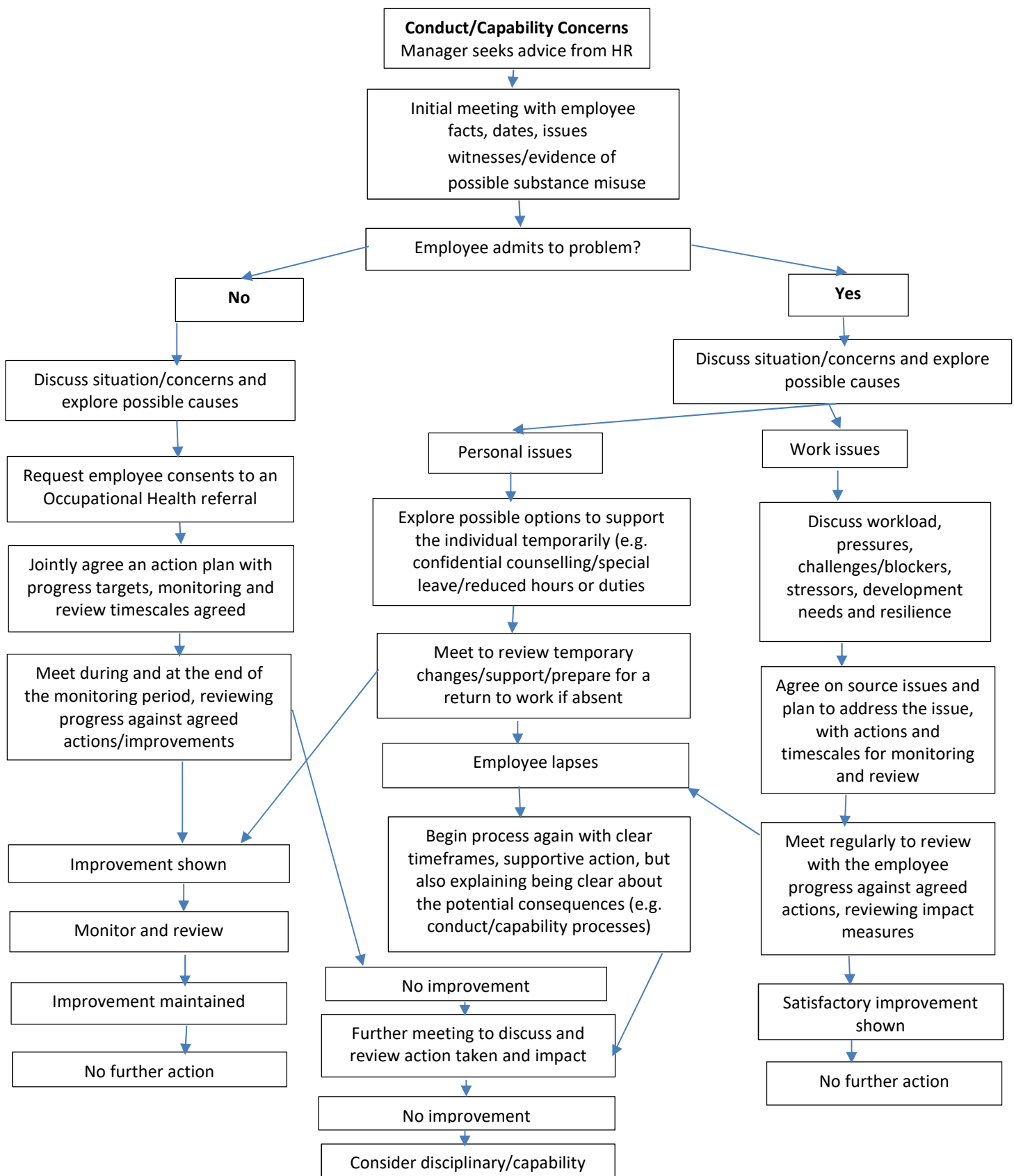
Class	Drug
A	Crack cocaine, cocaine, ecstasy (MDMA), heroin, LSD, magic mushrooms, methadone, methamphetamine (crystal meth)
B	Amphetamines, barbiturates, cannabis, codeine, ketamine, methylphenidate (Ritalin), synthetic cannabinoids, synthetic cathinones (eg mephedrone, methoxetamine)
C	Anabolic steroids, benzodiazepines (diazepam), gamma hydroxybutyrate (GHB), gamma-butyrolactone (GBL), piperazines (BZP), khat
Temporary class drugs*	Some methylphenidate substances (ethylphenidate, 3,4-dichloromethylphenidate (3,4-DCMP), methylnaphthidate (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

Flowchart detailing support and disciplinary processes



Support Available to Employees

Drinkline – a government-funded free service. Can provide advice to the alcohol drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker.

Helpline: 0800 917 8282 Website: www.drinkaware.co.uk

Talk to FRANK – a government-funded free service, previously named the National Drugs Helpline. Can provide advice to the drug user or anybody concerned about the drug user. Has a database of local support and treatment services that can help the drug user. The focus of the helpline is for young people and concerned parents, but will also assist adult drug users.

Helpline: 0800 77 66 00 Website: www.talktofrank.com

Alcoholics Anonymous – the largest self-help group for people who acknowledge they cannot handle alcohol, and want a new way of life without it. Services are free.

Helpline: 0845 769 7555 Website: www.alcoholics-anonymous.org.uk

Narcotics Anonymous – the largest self-help group for people who want to stop using drugs. Services are free.

Helpline: 0845 373 3366 Website: www.ukna.org (includes details of local groups)

Cocaine Anonymous – national self-help group specifically for cocaine users.

Helpline: 0800 612 0225, open 10:00am to 10:00pm Website: www.cauk.org.uk/index.html

Adfam National – the largest non-statutory organisation that works with and on behalf of families affected by drug and alcohol problems. Helpful for the family of the alcohol or drug user.

Helpline: 020 7553 7640 Website: www.adfam.org.uk

The Home Office website for drugs policy includes a contact list of drug (and alcohol) action teams responsible for coordinating drug and alcohol treatment services in each English local authority area. These local teams should be able to advise on which specific treatment agency the alcohol/drug user should approach in their local area.

Website: www.drugs.gov.uk/dat/directory

Advice for the employer England and National

Health & Safety Executive (Great Britain) Helpline: 0845 345 0055

www.hse.gov.uk

Alcohol Concern – a non-statutory organisation that provides information, advice, consultancy and training on workplace and a wide range of alcohol policy issues. The consultancy and training service is fee based.

Helpline: 020 7264 0510 Website: www.alcoholconcern.org.uk

Release – a registered charity able to advise on specialist areas of drugs law.

Helpline: 0845 4500 215 (legal matters), open 11:00–13:00 Monday–Friday Website: www.release.org.uk