



Alcohol, drugs and other substances at work

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Workplace substance misuse policy (for school based employees)

The Governing Body Approved this policy on date: 03-02-17
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Introduction

1. This policy has been developed to assist governing bodies, head teachers and managers in schools to manage employees for whom the use of alcohol, drugs and/or other substances may be an issue.
2. This policy has been adapted for schools from the Council's Alcohol, Drugs and Other Substances at Work Policy as agreed by the Corporate Health & Safety Committee.
3. This policy has been consulted on locally with unions and is recommended for adoption by governing bodies of community schools and is also recommended as best practice for voluntary aided, foundation and trust schools.
4. The London Borough of Waltham Forest, governing bodies and head teachers will recognise and accept responsibilities for providing a safe and healthy environment for its employees, pupils, visitors and members of the public.
5. Whilst drinking alcohol and using drugs, whether prescribed or otherwise, may be a part of life for some people, the use and misuse of these substances can have an adverse effect on the employee's health and ability to perform their duties at work.
6. The governing body and school leaders recognise that alcohol and drug-related problems are primarily health and social concerns and employees with such problems may require help and treatment.
7. It is also recognised that in certain circumstances the use or misuse of drugs, alcohol and/or other intoxicating substances can lead to breaches of the law.
8. For the purposes of this policy alcohol drugs and/or other substances include but are not limited to:
 - ♦ Illicit drugs, prescription medicines, over the counter (OTC) medicines; or
 - ♦ Intoxicating substances such as alcoholic drinks or other products containing alcohol; or
 - ♦ Other intoxicating substances e.g. solvents, used during the course of work, eg paint thinners, glues, etc.

Main aims of the policy

9. By introducing this workplace drugs and alcohol policy, the governing body aims to:
 - ♦ Prevent alcohol, drugs and other substances problems through raising awareness;
 - ♦ Minimise problems at work arising from the inappropriate use of alcohol or drugs or both eg sickness absences, accidents at work, and unsatisfactory performance by employees due to drugs and/or alcohol-related illnesses.

- ♦ Comply with its legal duties to ensure the health, safety and welfare of its employees and provide a safe and healthy working environment; and
- ♦ Contribute to the Council's vision for 2012 and government strategies for a healthier nation.

10. The policy will address the above aims by:

- ♦ Providing information about:
 - i. the harmful effects that the inappropriate use of alcohol, drugs and other substances can have;
 - ii. safe and sensible drinking, in line with the current national standards.

- ♦ Prohibiting the use of alcohol, drugs¹ and/or other substances during work time.
- ♦ Advising against consuming alcohol during specific non-working hours, ie before starting work and during the lunch period.
- ♦ Providing supervision and guidance so that problems can be identified at an early stage and employees encouraged to seek appropriate help; and
- ♦ Offering help to staff with problems that may be associated with the inappropriate use of alcohol, drugs and/or other substances by referring them to an appropriate agency for treatment and supporting time off work for attendance.
- ♦ Providing guidance to line managers on managing employees for whom the use of or alcohol, drugs and/or other substances may be an issue.
- ♦ Taking formal action where necessary.

11. The governing body expects all employees to refrain from using alcohol, drugs and/or other substances during work time. Work time means any time an employee is being paid as part of their working week, except for authorised absence. Examples of work time include:
- ♦ Any time spent carrying out their duties in school.
 - ♦ When engaged in school activities including when representing the school at events, etc.

12. The governing body will consider the consumption of alcohol, drugs or other substances which renders an employee incapable of carrying out his/her duties² as a disciplinary matter, regardless of when the alcohol, drugs or other substances were consumed.

¹ With the exception of prescribed medication being taken according to GP's instructions or OTC medications being used to treat specific acute conditions, eg headaches, coughs and colds, etc.

² For the purposes of this policy 'renders an employee incapable of carrying out his/her duties' means reporting for work under the influence of alcohol, drugs or other substances.

Responsibilities

13. All managers and employees are responsible for the implementation of this policy with specific responsibilities outlined below.

Governing Body

14. The governing body has overall responsibility for ensuring that this policy is implemented across the school.

School Leadership Team, Managers and Supervisors

15. Head teachers, managers and supervisors have day-to-day responsibility for implementing the requirements of this policy in their specific areas. They also have responsibility for the actions listed below.
16. Ensuring that information is available to all staff about the harmful effects of the misuse of alcohol, drugs and other substances and on safe and sensible drinking.
17. Be aware of signs that could indicate the adverse effects of the use of alcohol drugs and/or other substances. See Appendix 1, paragraphs 11-14 for advice on identifying substance misuse.
18. Ensuring that alcohol, drugs and/or other substances are not consumed on school premises or during work time.
19. Providing supervision, in line with the relevant performance management schemes for teaching and support staff, so that health or performance issues can be identified at an early stage and employees encouraged to seek appropriate help.
20. Managing their staff in line with the school's:
- ♦ sickness absence management policy and procedure
 - ♦ disciplinary and capability policies and procedures
 - ♦ health and safety policy and procedure
 - ♦ code of conduct
21. Being vigilant and offering support to members of staff who may be experiencing stress outside the workplace.
22. Follow the procedure in Appendix 1 where appropriate.
23. Institute disciplinary procedure if an employee reports for work under the influence of alcohol, drugs or other substances.

Employees

24. Employees are responsible for implementing the requirements of the school's policy on Alcohol & Drugs and other Substances at Work. They also have responsibility for the actions listed below.
25. Ensuring that information in this policy, the harmful effects of the misuse of alcohol drugs and other substances and on safe and sensible drinking, is read and understood.
26. Informing their line manager or supervisor as soon as possible of any prescribed or other medication, which may have an effect on their health and safety at work; or where the effect of such medication could have an impact on the health and safety of others.
27. Ensuring that they do not report for work under the influence of alcohol, drugs or other substances.
28. Raising issues of concern with line managers in the first instance, Trade Union Safety Representatives or CareFirst – 0800 174319.
29. Taking reasonable care of themselves and others who may be affected by their work activities.

Health & Safety Advisors

30. The Health and Safety Advisers are responsible for the actions listed below.
31. Providing up to date information about the harmful effects of alcohol, drugs and other substances and on safe and sensible drinking, in line with the current national standards.
32. Reviewing and updating the policy when necessary.

Human Resources

33. LBWF Schools Human Resources is responsible for the actions listed below.
34. Monitoring and collating sickness absence statistics.
35. Providing advice to managers on implementing the employee assistance procedure associated with this policy.
36. The school's human resources provider is responsible for providing continuing support to managers and individuals and supporting referral to occupational health and counselling services where appropriate.

Occupational Health and Employee Assistance Services

37. Occupational Health and Employee Assistance services are responsible for the actions listed below.
38. Providing specialist advice for managers on dealing with cases of alcohol, drugs and other substances misuse at work in order to get employees back to work and performing to the required standards as soon as possible.
39. Providing guidance for managers on reasonable adjustments where alcohol, drugs and other substances misuse have become an issue of disability for staff.
40. Recommending referral to specialist agencies or counselling services as required.
41. Supporting and counselling employees who have experienced or been off sick with problems related to alcohol, drugs and other substances.
42. Informing the Council and the Corporate Health and Safety Committee of best practice, or changes and developments in relation to alcohol, drugs and other substances misuse at work.

Help for those with alcohol-related problems

43. The London Borough of Waltham Forest and the governing body recognise that alcohol-related problems are primarily health and social concerns and people with such problems may require help and treatment.
44. In an effort to assist individual employees in accessing support and treatment, the following help will be provided:
 - ♦ Employee assistance procedure – Managing alcohol, drugs and other substance misuse at work (Appendix 1);
 - ♦ Occupational Health Service; and
 - ♦ CareFirst Counselling – 0800 174319
45. Telephone counselling for employees who feel anxious or otherwise about the requirements of this policy is available 24 hours a day, seven days a week via the Council's counselling service for staff.
46. Support arrangements for employees should not interfere with the delivery of services.

Legal Context

47. The Council and the school governing body has a duty to take reasonable care to protect the health of its employees and to protect those who may be affected by its activities.
48. The Council through the governing body has a general duty under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare of its employees. Employees also have a duty under this Act to take reasonable care of themselves and those who may be affected by what they do.
49. Similarly, the Management of Health and Safety at Work Regulations 1999 require the Council through the governing body and head teacher to assess the risks to health and safety to its employees. If the Council, the governing body or head teacher knowingly allows an employee under the influence of alcohol or drugs to continue working and his/her behaviour places the employee or others at risk, the Council and the school could be prosecuted.
50. The Road Traffic Act 1988 states that any person who, when driving or attempting to drive a motor vehicle is unfit to drive through the use of alcohol or drugs shall be guilty of an offence.
51. The Misuse of Drugs Act 1971 is the principal legislation for controlling the misuse of drugs. The Act makes the supply and possession of controlled drugs unlawful (except, for example, when prescribed by a doctor). If the Council/Governing Body and/or the Head teacher knowingly allows the supply of controlled substances, the smoking of cannabis or certain other activities to take place on their premises they will be guilty of an offence.
52. It is not intended that compliance with this policy is any defence or mitigation of the duties of the individual and the Council/governing body/head teacher in relation to the requirements of the law.

Sources of advice

53. Further advice can be obtained from the sources listed below:

- ♦ **Al-Anon**
Support for anyone whose life is, or has been, affected by someone else's drinking problem.
Tel: 020 7403 0888
Website: www.al-anonuk.org.uk
- ♦ **Alcoholics Anonymous**
A self-help group run by recovering alcoholics.
Helpline: 0845 769 7555
Website: www.alcoholics-anonymous.org.uk
- ♦ **Families Anonymous**
Support for the relatives and friends of people with drug problems.
Helpline: 0845 120 0660
Website: www.famanon.org.uk
- ♦ **Narcotics Anonymous**
A self-help group run by recovering addicts with a network of meetings across the country.
Helpline: 0845 373 3366
Website: www.ukna.org
- ♦ **The National Drugs Helpline**
Free help and advice 24 hours a day, seven days a week.
Tel: 0800 776600
Website: www.talktofrank.com

Appendix 1

Procedure for managing staff whose health and/or work performance may be affected by the use of alcohol, drugs or other substances.

What is this procedure about?

1. This procedure is about managing staff whose health and/or work performance may be affected by the use of alcohol, drugs and/or other substances, in order to:
 - Protect the health and well being of employees;
 - Improve health and/or work performance of affected employees;
 - Minimise the impact on service delivery and on others who may be affected by the employee's activities whilst at work.
2. It aims to provide guidance on dealing with employees whose health and/or work performance may be affected by alcohol drugs and/or other substances quickly, confidentially and effectively.
3. This procedure supersedes all previous procedures.

What are the basic principles of this procedure?

4. This procedure is principally concerned with the use of alcohol, drugs and/or other substances use, which impacts on work.
5. Where the words 'substance' or 'substances' are used, they mean alcohol, drugs or other substances.
6. For the purposes of this procedure substances include but are not limited to:
 - illicit drugs, prescription medicines, over the counter medicines; or
 - intoxicating substances such as alcoholic drinks or other products containing alcohol; or
 - other intoxicating substances eg solvents, used during the course of work, eg paint thinners, glues, etc.
7. Patterns of use and impacts can include:
 - Normally non-problematic drug and/or alcohol use outside of work leading to hangovers or 'comedowns' at work;
 - Illicit drug use by employees bringing the school/organisation into disrepute;

- Prescribed medication directly affecting an employee's ability to do their job (eg may not be permitted to drive or operate machinery);
 - Inappropriate drug, alcohol and/or other substance use seriously affecting the employee's ability to perform his/her job or to work with colleagues, eg attending work smelling of alcohol.
8. However, if there is no substantial impact associated with alcohol drugs and/or other substances use, the manager's involvement may arise as a result of concern for the employee's health, safety and welfare or breaches of the school's Policy on Alcohol, Drugs & Other Substances at Work.
9. The procedure will apply to all employees on the clear understanding that:
- The employee acknowledges that a substance-related problem exists;
 - The employee takes all reasonable steps to follow this procedure and the advice given by the Occupational Health or counselling services; and
 - The employee is granted appropriate leave to receive treatment where necessary.
10. Any cases of substance-related problems dealt with under this procedure will be conducted with strict confidentiality.

Advice on Identifying Substance Misuse

11. An employee may disclose that s/he has a problem with alcohol misuse, but often you may need to initiate the procedure without the employee saying s/he has a problem.
12. A substance-related problem can usually be identified through a change in work performance, in personal behaviour or through the misuse of other procedures. For example,
 - absenteeism – lots of unauthorised leave, short periods of sickness, poor time-keeping, absences on Mondays and Fridays, lateness in the mornings, lateness getting back from lunch, frequently going missing at work, odd and improbable excuses for absence, often leaving work early;
 - sudden mood changes and behaving out of character – unusual irritability or aggression;
 - high accident rate – at home, at work and in between;
 - difficulty in concentration – work requires more effort, takes more time;
 - confusion – difficulty with complex assignments, memory lapses, difficulty in recalling instructions or own mistakes;
 - spasmodic work patterns – sometimes high productivity, sometimes low, generally unreliable and unpredictable, more often out of the workplace than is required by the job, overlong tea breaks and so on;

What is the procedure for dealing with alcohol and drugs issues at work?

14. Groundwork

15. Be clear about the problem.
 - List any problems you have had with the employee's work and attendance.
 - Assemble any supporting documents (time records, complaints etc).
 - Discuss the matter with your HR adviser.
 - Be objective, consistent and fair.
16. Decide if the procedures are appropriate for this case. For simple breaches of the policy where substance misuse is not an underlying issue, deal with the breaches as you would for any other breaches of school policy.
17. Raise the issue initially at supervision:
 - ensure privacy;
 - provide an opportunity for the employee to put his or her case or to offer an explanation;
 - if possible, ensure that the employee is not under the influence of substances at the time of the meeting.
18. Deal with the issue in line with the following principles:
 - raise the issue early. This helps to safeguard the health of the employee and deals with disciplinary problems before they escalate. It may be difficult

13.

- coming to work under the influence – smelling of alcohol, hand tremors, scruffy appearance, lack of personal hygiene;
 - worsening efficiency at work – impaired job performance, missed deadlines, mistakes, wasting time and supplies, poor judgement, bad decisions, improbable excuses;
 - poor working relationships – deterioration in relationships with colleagues, customers or management, unreasonable resentments, over-reaction to real or imagined criticism, irritability, complaints from co-workers, getting into debt, avoiding managers or colleagues.
 - dishonesty and theft (arising from the need to maintain an expensive habit).
- Remember, however, that other medical problems can be mistaken for substance misuse. The early symptoms of diabetes, for example, can be very similar to those of alcohol misuse and may even include the smell of alcohol on the breath.

- or embarrassing to address the problem, but it is not helpful to let matters drift.
- offer help in confidence.
 - invite the employee to discuss the problem. Any meetings you have on the matter are voluntary, informal and confidential.
 - be supportive, not judgmental.
 - stress that early intervention is critical to the success of any treatment.
 - discuss referral to the Occupational Health Service or CareFirst.
 - support the employee. Outline provisions of the sickness scheme; say how s/he can take time off for treatment.
19. NOTE: Managers must maintain confidentiality. Medical information relating to all staff is confidential. Divulging this information or allowing it to be accessed by unauthorised persons is a disciplinary matter. Managers need to be aware of this to ensure the protection of both the employee and the manager.
20. If issues are not resolved through the normal supervision route then managers should proceed according to the guidance below.
21. The following procedure will normally apply where:
- there is pattern of behaviour typical of alcohol misuse; and
 - this pattern is causing problems at work.

Guidance for dealing with an employee who may have a problem with substance misuse and whose health and/or performance are affected by it

22. Basic principles. Deal with the issue:
- as a matter of poor attendance, unsatisfactory performance or misconduct;
 - in confidence; and
 - early, to safeguard the health of the employee, and to eliminate the need for disciplinary procedures. It is not helpful to let matters drift.
23. **The first meeting**
24. The objective of the meeting is to:
- allow constructive discussion of work problems;
 - set standards for work, and to show the employee how his or her work does not meet these standards;
 - give the employee the chance to explain his or her side of things;
 - explain the Policy on Alcohol, Drugs & Other Substances at Work;
 - get the employee's commitment to overcome shortcomings;
 - get agreement to refer the employee to the Occupational Health Service.
25. **Advice on how to handle the meeting**
26. You do not have to convince the employee that s/he has a problem with substance misuse. You are not expected to be a medical expert, but you are expected to seek and take account of medical advice.
27. Be objective and not judgmental. It is not helpful to insist the employee is an alcoholic or has a drug problem and so on. Explain the Policy on Alcohol, Drugs & Other Substances at Work; say how the pattern of problems that the employee is showing falls within the policy, and say that you wish to get the advice of the Occupational Health Service.
28. If the employee does not wish to be referred to the Occupational Health Service; Explain that referral to the occupational health service is not a punishment; it is there to help both parties to resolve the issue.
- Explain that you will not be able to suspend any action under the disciplinary or capability procedure, and that you will have to progress the matter without medical advice.
 - Take action under the appropriate procedure.
29. After the meeting, write to the employee to record;

30. At the next stage, there are normally two options:
- what was said at the meeting,
 - what has been agreed,
 - any targets and time scales for improvement,
 - whether or not the employee agreed to be referred for medical advice.
31. If an employee refuses to attend the Occupational Health Service, or if the medical report is that the employee does not have an alcohol misuse problem, deal with any problems with the employee's work through the Council's, disciplinary procedure, or capability procedure, or sickness procedures.
32. If the Occupational Health Service recommends treatment, arrange a second meeting with the employee and any trade union or other representative s/he may wish to bring.

31. The second meeting to consider the medical advice

32. The purpose of the meeting is to allow you to...
- consider the medical report,
 - hear what the employee has to say,
 - review any assistance already given to the employee,
 - make further proposals if necessary.

33. At the meeting ...

- make clear to the employee the work difficulties caused by the problem.
- review any problems with the employee's attendance, discipline or performance.

34. Tell the employee that:

- you will offer what support you can, but unless s/he accepts treatment, and the treatment is successful, you will not be able to suspend action under the appropriate procedure.
- if the treatment involves absence from work, the provisions of the sick pay scheme for teachers or support staff will apply.
- you will review the position regularly (normally during supervision or at 4 week intervals).

35. After the meeting, write to the employee recording:

36. Remember ...
 - the recommendation of Occupational Health Service.
 - the assistance you have already offered.
 - that you will suspend action under the disciplinary or capability or sickness monitoring procedure, whilst the employee seeks the help they need/undergoes treatment.
 - that you will continue to offer reasonable support.
 - your concerns about his/her work.
 - that his/her ability to work satisfactorily must be shown over time.
 - that you will keep his or her conduct, performance and attendance under continuous review.
37. If the,
 - employee withdraws from the treatment, or
 - pattern of behaviour does not improve to the standards of work which were set at the first meeting and agreed to by the employee, or
 - employee suffers a relapse, then -
38. Write to the employee, either:
 - initiating action under the formal stage of the appropriate procedure, or
 - stating that you will take action for future incidents.
39. At the formal stage, the hearing officer may wish, within a reasonable timescale, to review progress and medical reports at a subsequent hearing, and may opt to continue to suspend or to discontinue action, dependent on the progress made.