



# Endeavour Multi Academy Trust

## ALCOHOL AND SUBSTANCE ABUSE POLICY

### Application

This policy covers all employees of the Endeavour Multi Academy Trust. Agency staff will also be advised of this policy and that impairment resulting from the misuse of alcohol or substances will not be tolerated. The use, possession, production or supply of illegal drugs on site is never tolerated and will be reported to the Police.

### Introduction

The welfare of its employees is important to the trust. In the first instance, and for as long as this continues to be productive, the trust will respond to alcohol or substance misuse problems as a health issue. Someone who misuses alcohol or substances can put themselves, their colleagues and service users at risk of harm and it is with these matters that we, as an employer, are concerned.

The purpose of this policy is to reduce the detrimental effects that can be caused by alcohol or substance misuse such as accidents, incidents, absenteeism, reduced productivity, legal costs, public and client alienation and business reputation.

### Aims and Objectives

- To promote an understanding of the effects and risks associated with misuse of alcohol and drugs, including prescribed medication, by providing employees with information.
- To encourage employees with an alcohol or a substance misuse problem to seek early help.
- To enable supervisors and managers to identify job performance problems that may be attributable to the effects of alcohol or substances and take the appropriate action through the provision of training in attendance management.

- To ensure that service users or colleagues are not put at risk as a result of an alcohol or substance misuse by employees.
- To communicate to employees that concealing, condoning or colluding with colleagues having problems related to alcohol or substance misuse is counterproductive, does not help the individual and is incompatible with this policy.
- To make available appropriate assistance – in the form of confidential support, advice and counselling to employees who suspect or know that they, or colleagues, have or may be developing a dependency problem.

## **Definitions**

Substance – covers legal substances such as alcohol, over the counter medication, prescription drugs such as codeine, and workplace chemicals such as solvents, as well as illegal drugs such as cannabis, cocaine and heroin.

## **The Arrangements for Applying the Policy**

### **Standards of Behaviour**

The following statements express how the trust expects employees to conduct themselves in order to ensure that alcohol or substance misuse does not have a detrimental effect on their work, irrespective of the nature of that work.

- a) The trust acknowledges that the use of alcohol outside of working hours remains the choice of the individual, although employees are urged to follow health guidelines relating to its use. However, either before or during periods of duty employees should not consume alcohol or substances that will cause impairment or impact upon their ability to work safely and/or to required standards.
- b) Just as staff should ensure that their conduct and performance in the workplace is not impaired, so staff on trust business away from trust premises must ensure that the use of alcohol does not result in professional misconduct or impairment, and does not compromise either their own safety or the safety of others.
- c) It is not acceptable that staff will use alcohol for personal use during working hours or on business premises.
- d) The possession, use, production or supply (selling or giving) of illegal drugs on site will not be tolerated. Aside from being a serious breach of this policy, justifying disciplinary action, such conduct is also a criminal offence and any instances will be reported to the police in line with our statutory responsibility under the Misuse of Drugs Act 1971.

- e) It is the responsibility of employees in consultation with their GP or Pharmacist to ensure that prescribed or over the counter medication does not impact upon their conduct or ability to work safely or to required standard during periods of duty. Any employee with concerns in this regard should confer with their manager; the manager will determine whether any further action would be appropriate, such as an adjustment to duties and/or referral to Occupational Health.
- f) Vehicle drivers have responsibilities under the Road Traffic Act 1991 which sets the legal limit for driving at 35 micrograms of alcohol in 100 millilitres of breath (or 80 milligrams of alcohol in 100 millilitres of blood) and the Road Traffic Act 1988 where a person must not drive, attempt to drive or be in charge of a motor vehicle under the influence of a substance (drugs or alcohol). The Occupational Road Risk Policy and Driving for Work Guidance requires that drivers do not consume any alcohol during the working day and drivers should be aware that alcohol from drinking the day before can still be in the blood for an indeterminable time. Managers who suspect that an employee is in breach of this legislation must take suitable action and where necessary report this to the police for investigation.

## **Support**

The trust, as a responsible employer, will facilitate help and advice with rehabilitation for those seeking it, and will encourage employees who suspect or know they have an alcohol or substance misuse problem to take advantage of the support offered.

Managers who identify instances of apparent misuse must ensure that their response is open-minded, confidential and sympathetic. They are responsible for ensuring that the employee is aware of the sources of support available and how to access them, which in most instances will be via the Occupational Health Unit. Managers must balance this with their responsibility to ensure health and safety management in the workplace. If the individual is in a safety critical role they must also implement testing and challenge the misuse of alcohol /substances.

Absences for assessment or treatment will be recorded as 'a medical appointment' in accordance with the councils Managing Attendance at Work Policy.

Where an individual employee is referred to Occupational Health by their line manager or is interviewed as a result of disciplinary action they have the right to be accompanied by their Trade Union representative, work colleague, or professional advocate. In relation to Occupational Health appointments employees will have an initial discussion with the occupational professional privately and then trade union/other individuals can join the appointment.

Employees seeking support with alcohol/substance misuse will be requested to enter into a behavioural agreement. This is to ensure that all parties are clear on the terms upon which support is offered and the potential consequences of failure to adhere to the agreement.

## **Confidentiality**

Any employee with an alcohol or substance misuse problem will be treated in confidence subject to the provision of the law.

Information will only be shared amongst services involved in treatment and support if a consent form to that effect has been signed by the employee. The purpose of reports from Occupational Health will be to provide managers with a medical opinion of the employee's capability to undertake their job. Information will only be provided to a manager by Occupational Health following discussion with the employee.

## **Sickness**

Absence for alcohol or substance misuse treatment and rehabilitation will be regarded as normal sickness. It is expected, if an employee is signed off as sick due to alcohol or substance misuse problems, that treatment is received during that period and that management are kept fully informed of treatment processes and outcomes.

## **Treatment**

If an employee requests or is offered help and support having identified an alcohol or substance misuse problem, support and advice on treatment services will be offered without undue delay. Employees are encouraged to enlist confidential help by referral through Occupational Health who will recommend the use of external specialist treatment and monitor the progress of the employee in conjunction with their manager.

Employees attending appointments for treatment should give reasonable notice to their manager. The absences for treatment will be recorded as 'a medical appointment' in accordance with the trust's Managing Attendance at Work Policy.

## **Returning to Work**

When an employee returns to work they will be offered support in re-integrating back into the workplace, safely. During this period of assistance, and where this would assist rehabilitation, the employee will be considered for redeployment to other duties. Alternatively, adjustments to current duties may be considered, especially where it is felt that there are safety issues related to their re-integration. In certain instances, recertification of license to drive may be required before the employee can return to their contractual duties.

## **Relapse**

The trust recognises that relapses may recur during the period of recovery, which may lead to a person returning to misusing alcohol or the substance they had previously stopped using. Should this occur, the trust will continue to offer support towards full recovery as in the first instance. If the offer of support and treatment is not taken up, or where there is little or no evidence of change and improvement, then recourse may be made to the disciplinary procedure.

Employees who refuse or discontinue with treatment/professional help, despite their attendance/performance continuing to be affected, must understand this will be addressed in accordance with the Managing Attendance at Work Policy/Disciplinary Policy.

## **Challenging Misuse of Alcohol, Drugs and Substances**

Where there are concerns regarding the misuse of alcohol or substances the manager will speak to the employee privately. The manager should inform him/her of the suspicion that he/she may be unfit to work through the effects of alcohol, drugs or other substance and arrange for him/her to be relieved of duty immediately. An interview will then be held between manager and employee. The manager should note the employees response and where appropriate should contact the testing service. If the manager is satisfied that alcohol/substances is not the cause for the behaviour and there are other reasons then testing may not be appropriate. Managers must make this decision on an individual basis and should make a record of the discussion on the Record of initial Interview regarding "for cause" testing HSF 61. .

Managers may seek advice from the HR provider regarding the longer term management of the situation. HR provider will be able to advise whether the individuals should be suspended from duty as a neutral act pending formal investigation inline with the Discipline Policy.

In conjunction with the CEO, the Manger will decide if police involvement is required as detailed in this policy.

**Testing** - (This section only applies to staff in safety critical roles as defined in this document)

The trust has established testing procedures to support managers in having an additional option to confirm an individual is under the influence of alcohol.

It is not always practicable to undertake testing. Not having undertaken testing does not preclude management action and Managers are expected to follow the procedure.

The trust will take action, in the form of seeking consent for testing for the presence of alcohol (trust does not operate testing, at this stage, for drugs) if they have cause to believe that an employee, in a safety critical role, is under the influence of alcohol, breaking the law, or whose standards of behaviour are increasing the risk of harm to themselves or their colleagues. The testing of an employee will take place if both criteria for the test are met which are:

- a) that the employee works in a role defined as safety critical and
- b) there is cause

The position with regard to testing is:-With cause for staff working in safety critical occupations.

Where testing takes place, the individual will be invited to give written consent. Failure to give consent or refusal to provide a sample without good cause will be considered to be a breach of procedure and will lead to disciplinary action being taken, up to and including dismissal.

If employees refuse consent to be tested then managers must record this and arrange an interview with the employee.

Testing will be carried out by a competent independent contracted organisation who will send a Testing Officer to site following a request by the line manager.

The Testing Officer will, upon consent, take a breath test from the employee and record the results.

Where an individual is found to be over the drink-driving limit (35 micrograms of alcohol in 100 millilitres of breath) the employee will be informed. The testing officer will inform the Manager who will suspend the employee on full pay, pending further disciplinary investigations.

Managers should not try and stop the employee from leaving the workplace, but should advise them not to drive. It is not the manager's responsibility to remove the employee's car keys. A manager may try and help the individual to arrange transport by allowing access to the telephone. If the manager believes that an employee is driving under the influence of alcohol they may consider informing the police that an employee has potentially committed a criminal offence which may require the Police to investigate.

Taking no action places the manager in the position of having committed an offence by failing in their statutory duties under health and safety legislation

Where an individual is found to be under the drink driving limit (35 micrograms of alcohol in 100 millilitres of breath), but some level of alcohol is detected, the employee will be informed, and the level recorded. The manager will determine if it is acceptable for the employee to continue their duties, and then arrange a meeting to discuss any support the employee may need. If the cause for testing was serious misconduct, a return to work may not be appropriate.

If the result of the test detects no alcohol then the employee will be informed, and the manager will discuss any outstanding concerns regarding behaviour that lead to

them arranging testing. The employee is then able to return to work, unless serious misconduct was the original reason for testing. If serious misconduct was identified managers need to consider initiating disciplinary procedures, in line with the Trust's Disciplinary Policy.

## **Testing Service - Contact Details**

**ScreenSafe UK** are the organisation appointed to undertake testing where the criteria "With cause, for staff working in safety critical occupations" is met.

To arrange for testing the Headteacher should telephone the ScreenSafe coordinator on 08450 505590.

## **Safety Critical**

Safety critical refers to a position which requires the post holder to perform duties which are directly related to the safe operation or security of a facility, piece of equipment or vehicle, handling of chemicals, supervision of young people or vulnerable adults, or work at height or in confined spaces and which, if not performed properly, could result in a serious safety risk or environmental hazard to employees, service users, young people, a facility or the general public.

An employee who has the responsibility of supervising employees who perform such duties shall also be considered as occupying a safety critical position.

All customer-facing posts will be deemed to be safety critical due to the responsibility an employee has for a customer on trust premises.

In addition to the above any employee who drives or may be expected to drive whilst undertaking their trust duties will also be deemed to be safety critical.

## **With Cause**

'With cause' means if an employee's conduct, behaviour, appearance etc give management due cause to believe that the employee is unable or unsafe to undertake their duties to required standards. (See appendix 2)

## **Disciplinary Process**

The aim of this policy is to encourage people with problems to acknowledge the need for help and seek support and treatment in order that they can continue in work or return safely to work. Managers will be responsible for taking decisions about disciplinary action if:

- help and support are refused and performance continues to be impaired
- testing is refused without good cause

- if a positive test result is received

Any employee whose performance is impaired through drug or alcohol misuse could be subject to disciplinary action in accordance with the council's disciplinary procedure.

Action will be taken by the trust in the case of the illegal possession, production or supply of drugs on any site and will be reported to the police.

## **Information and Training**

All managers and staff will have access to the policy and in order to promote awareness and greater understanding publicity materials will be provided along with appropriate guidance and training.

## **Contractors**

Managers are expected to request that any contractor who appears to be affected by alcohol or substance misuse stop their activities. The contractor's employer should be contacted immediately and informed so that they can take suitable action regarding their employee. The person who arranged for the contractor to complete the work must also be informed, so that they can discuss any actions required with the organisation.

## **Legislative Framework**

### **The Health and Safety at Work etc Act 1974**

### **The Management of Health and Safety at Work Regulations**

**Misuse of Drugs Act 1971** - The possession, supply (dealing whether selling or giving) or production of drugs on any site will be immediately reported to the police and action will be taken within the disciplinary procedures of the company. This law describes the most commonly misused substances in the UK. This Act also outlines that it is an offence for companies to allow their premises to be used for supplying or producing drugs and contravention carries severe penalties.

**Road Traffic Acts 1991 and 1988** - The Road Traffic Act 1991 sets the legal limit for driving at 35 micrograms of alcohol in 100 millilitres of breath or 80 milligrams of alcohol in 100 millilitres of blood. The Road Traffic Act 1988 states that a person must not drive, attempt to drive or be in charge of a motor vehicle whilst unfit through a substance (drink or drugs).

## **Standard Documents**

Appendix 1 The Misuse of Drugs Act 1971

Appendix 2 Guidelines for Identifying Alcohol and Substance Misuse

Appendix 3 National Helpline Numbers

Appendix 4 Alcohol Testing Procedures

Appendix 5 Breath Test Information

Appendix 6 Record of interview regarding “For Cause” testing

Appendix 7 Example Behavioural Agreement

Appendix 8 Frequently Asked Questions

Appendix 9 Costs of Testing

**Amended:**                      **May 2018**

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