

Ormiston Academies Trust

Ormiston NEW Academy Staff Drug and Alcohol policy

Policy version control

Policy type	OAT Mandatory The Trust will regularly monitor and review this policy to ensure that it is appropriate, effective, and compliant with both employment legislation and the Equality Act 2010
Author In consultation with	Melanie Wheeler ASCL, GMB, NAHT, NASUWT, NEU, Unison & Unite
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1. Policy Statement

- 1.1. Ormiston Academies Trust recognises that the misuse of alcohol and drugs is a significant area of health and social concern along with a potential health and safety at work risk. It also recognises that someone with such problems could well need confidential help and support from OAT, as their employer. Employees are also strongly advised to seek support from their Trade Union, professional association or GP and health professionals.
- 1.2. It remains our general expectation that no employee will report for work while under the influence of substances or alcohol. The Trust does not consider it acceptable for staff to be impaired by alcohol and/or substances during the conduct of their duties and this may form the basis for disciplinary action, including conduct or capability dismissal depending on the circumstances.

2. Purpose of Policy

- 2.1. The Staff Drug and Alcohol Policy is designed to ensure that all employees are aware of the risks associated with alcohol/substance misuse and the consequences, including the legal consequences, of their actions. As such, this policy aims to:
 - Ensure that employees are aware of the consequences of drug and substance misuse in the workplace
 - Ensure that employees' use of alcohol and/or substances does not impair the safe and efficient running of the academy/ Trust, or result in risks to the health and safety of themselves, other employees, students and the general public
 - Help the academy/Trust to comply with all relevant legislation in this area, principally the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations, Misuse of Drugs Act 1971, Psychoactive Substances Act 2016, and the Road Traffic Act 1988

3. Scope

- 3.1. This policy applies to all staff including agency and contract staff who work on academy/Trust premises, voluntary staff members and staff of other employers who work on our premises.
- 3.2. This policy relates to all employees during working hours and when undertaking activities on behalf of the academy/Trust or attending academy/Trust related social events. Employees should always be aware that they are representing the academy/Trust at such events and behave in a responsible manner.
- 3.3. While the academy/Trust has an interest in the well-being of its employees, what they do in their private lives is generally outside the scope of this policy unless it affects their work, interferes with the legitimate activities of other members of the academy/Trust, brings the academy/Trust into disrepute, or risks their safety or that of others.

4. Definitions

- 4.1. **Substance Misuse:** Drinking alcohol, taking drugs or a substance, either intermittently or continuously, such that it adversely interferes with an individual's health, work performance or conduct or affects the work performance and/or safety of themselves and/or others.
- 4.2. **Substances:** Includes prescription medicines where the prescription medicines have not been prescribed for the person possessing or using them and/or such prescription medicines which are not taken in accordance with a physician's direction. This includes any substance (other than alcohol) that produces physical, mental, emotional or behavioural changes in the user.
- 4.3. **Controlled Drug:** Includes all chemical substances or drugs listed in any controlled drugs acts or regulations applicable under the law.

5. The Law on Drugs and Alcohol at Work

- 5.1. **Health and Safety at Work Act 1974:** All employers have a general duty to ensure the health, safety and welfare of their employees. If an employer knowingly allowed an employee under the influence of alcohol or drugs to continue working and this placed the employee or others at risk, the employer could be liable to charges. Employees are also required to take reasonable care of themselves and others who could be affected by what they do. They, too, could be liable to charge if their alcohol consumption or drug-taking put safety at risk.
- 5.2. **The Misuse of Drugs Act 1971:** Makes it an offence to possess, supply, offer to supply or produce controlled drugs without authorisation. It is also an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs except in specified circumstances (for example drugs prescribed by a doctor) or allow the smoking of cannabis or opium on those premises.
- 5.3. **Management of Health and Safety at Work Regulations 1999:** Places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee themselves or others at risk.
- 5.4. **Psychoactive Substances Act 2016:** Makes 'legal highs' which mimic the effects of traditional drugs that are controlled under the Misuse of Drugs Act 1971 illegal. There is now a blanket ban on the production, distribution, sale and supply of legal highs which are intended for human consumption.
- 5.5. **The Transport and Works Act 1992:** It is a criminal offence for certain workers to be unfit through drink and/or drugs while working on railways, tramways and other guided systems. including school transport. The operators for whom such employees work would also be guilty of an offence unless they had shown 'all due diligence' in trying to prevent these offences being committed.
- 5.6. **Road Traffic Act 1988:** States that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.

5.7. **Under common law:** It is an offence to 'aid and abet' the commission of an offence under the Misuse of Drugs Act.

6. General Principles

- 6.1. All employees are required to familiarise themselves with this policy and comply with its provisions.
- 6.2. Employees should notify their line manager if they are taking prescribed medication that could affect their ability to work safely.
- 6.3. Strict confidentiality will be maintained when dealing with individuals under this policy, within the limits of what is practicable and within the law.
- 6.4. Provides reasonable, assistance to the staff member with an alcohol or drug misuse problem who is willing to co-operate in the treatment of that problem

7. Meeting with staff

- 7.1. Recognition of the existence of a possible alcohol or drug misuse problem is very important. Misuse of alcohol or drugs can have a number of detrimental impacts both in and out of work. It can be indicative of serious issues in a person's life and should be treated with the utmost discretion and sensitivity where practicable.

8. Supporting staff

- 8.1. Managers should seek guidance from HR if they suspect a member of staff is under the influence of alcohol or a substance. It is the responsibility of the manager to discuss with employees as soon as possible if their behaviour, performance or absence may indicate a possible problem with substance misuse.
- 8.2. Any employee who is concerned that they may have a dependence on drugs or alcohol is encouraged to seek help from their GP. They should also approach their line manager and/or HR so that appropriate workplace support can be considered to assist rehabilitation and aid recovery.
- 8.3. Any employee who believes that a colleague is dependent on drugs or alcohol should confidentially speak to the principal to ensure the employee receives suitable support and any risks are addressed. Advice should be sought from HR.
- 8.4. If the line manager/principal believes that an employee is dependent on drugs or alcohol, they may be referred to the Occupational Health Service for assessment. Where necessary, the Occupational Health Service will advise the member of staff regarding treatment and relevant services available. Advice may also be sought from the individual's GP or counsellor as appropriate (with the consent of the member of staff concerned).

- 8.5. Reasonable periods of absence for advice and treatment for dependence on alcohol or drugs will be treated in accordance with usual policies on sickness absence and time off for medical and/or counselling appointments.
- 8.6. Where medical certificates are submitted, sick leave should be recorded.
- 8.7. If a member of staff has been absent from work during the period of treatment, before returning to duty, they will be seen by the Occupational Health Service who will advise management regarding the capability for continuation in their own post and whether any special supervision or other arrangements are required.
- 8.8. Every effort should be made to comply with the advice provided by the Occupational Health Service. If it is not reasonably practicable to do so, and as a result, the member of staff is not able to resume duty then it is important to refer the matter to HR. They will advise managers on the steps to be taken
- 8.9. Should the employee continue to be fit for work during the period of treatment, they should be permitted to continue in their post or alternative work unless such an arrangement would have an adverse effect on services. Medical suspension should only be considered if their continued presence constitutes a risk to themselves, other staff or students
- 8.10. In some cases an employee who has successfully recovered from a dependency on alcohol or drugs may become unable to continue working in a particular environment due to possible relapse. In such cases and wherever possible a suitable alternative post may be sought.

9. Relapse

- 9.1. It is acknowledged that relapse is common with alcohol and drug problems, subsequent relapses will be treated on a case-by-case basis. During any review, the line manager/principal will take into account individual circumstances, the needs of the department and the business needs of the trust/academy.
- 9.2. Line manager/principal should make sure that employees are aware that disciplinary procedures may begin following subsequent relapses.

10. Disciplinary action

- 10.1. It has been recognized that alcohol and drugs can affect performance and behaviour at work, either through serious misconduct at work, (where there is a direct and demonstrable breach of the disciplinary rules regarding alcohol or drug misuse at work), or where there is a fall in standards of work performance or behaviour, and misuse of alcohol or drugs is a possible cause.
- 10.2. Where the use of drugs or alcohol affects performance or behaviour at work, and/or an alcohol or drug dependency problem exists or where treatment has been offered but not accepted, it may be appropriate to consider disciplinary action.

- 10.3. Disciplinary rules may be enforced as gross misconduct with a consequence of summary dismissal, where an employee displays behaviour or undertakes an act under the influence of drugs and alcohol, which means their presence in the workplace may no longer be tenable.
- 10.4. Where help is refused or treatment unreasonably discontinued by the individual or where there is no improvement in behaviour and/or work performance, will be dealt with through the normal managing capability or disciplinary procedures may be resumed and/or initiated and in some cases dismissal may be unavoidable.
- 10.5. If the process of referral and treatment is completed but the member of staff becomes involved again in disciplinary situations resulting from alcohol or drug misuse related problems, these may be dealt with through the Managing Capability or Disciplinary Procedures.
- 10.6. Where evidence warrants, the police and/or designated safeguarding team (LADO or Local Authority Designated Officer) will be informed of illegal drug use or any activity or behaviour over which there are concerns of a safeguarding or criminal matter.
- 10.7. If a disclosure of alcohol or drug dependency is made as a mitigating factor during any disciplinary or other formal action, the action may be suspended for an appropriate period to allow the individual to seek treatment and support, such as attendance at a rehabilitation programme, counselling, or other intervention.

11. Sources of advice for staff

- 11.1. The following web pages and telephone helplines provide very useful sources of information relating to drug and alcohol misuse. Support may also be sought from your Trade Union or professional association.
 - **Action on Addiction** is a national charity which provides high quality, effective rehab and community-based addiction treatment – www.actiononaddiction.org.uk Tel: 0300 330 0659.
 - **FRANK** for friendly, confidential advice about drugs. Tel: 0300 123 6600. – www.talktofrank.com
 - **Re-Solv** is a national charity dedicated to the prevention of solvent and volatile substance abuse. Tel: 01785 810762 (helpline) www.re-solv.org
 - **Alcohol Concern** is the national agency on alcohol misuse. It works to reduce the incidence and costs of alcohol-related harm and to increase the range and quality of services available to people with alcohol-related problems. Tel: 020 7264 0510 www.alcoholconcern.org.uk
 - Contact details for a number of alcohol support services can be found at www.drinkaware.co.uk
 - **Samaritans** provide confidential non-judgmental emotional support, 24 hours a day for people who are experiencing feelings of distress or despair, including those which could lead to suicide. Helpline: 08457 909090 www.samaritans.org

- **OAT staff counselling** through DAS tel. 03448939012 a free service for all OAT employees.