



Insert Academy Logo Here

# Academy - Substance Misuse Policy

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<b>Consultation Period:</b>	10 <sup>th</sup> April 2017 -
<b>Date Approved by NET:</b>	
<b>Next Review Date:</b>	Summer 2020

# Substance Misuse Policy

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## 1. Introduction

- 1.1 As the employer of staff in our Academies, Northern Education Trust (NET) recognises the statutory responsibilities related to employment. Day to day management of staff is delegated to the Principal and line managers in each academy. Throughout this document reference is made to the responsibilities held by the Governing Body/Principal for operational purposes. Ultimate responsibility rests with the Trust.
- 1.2 The Trust and the Governing Body of XXXXXXXXX Academy is committed to providing a safe and healthy working environment for all employees. It recognises that a substance misuse problem may be an illness and should be treated in the same way as any other illness.
- 1.3 The Trust will 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 be disciplined simply because of their dependence/addiction. The Trust encourages early disclosure of any problems or issues and this early disclosure will allow the parties the best opportunity to address concerns in a supportive way.
- 1.4 Substance misuse is using a substance which negatively affects the way the user feels mentally or physically and can have a detrimental effect on the user's health and well being. It includes alcohol, illegal or legal drugs, prescription medicines (e.g. tranquillisers, anti-depressants, over the counter medicines), psychoactive substances (previously known as legal highs) solvents, glue, and lighter fuel.
- 1.5 The inappropriate use of substances can damage the health and well-being of employees and have far reaching effects on their personal and working lives. At work, substance misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks not only for the individual concerned but also for others, for example, pupils, work colleagues, members of the public etc. Furthermore, the effects of substance misuse are likely to be detrimental to the Academy's reputation, image and its ability to deliver high quality education to pupils.
- 1.6 This policy should be read in conjunction with the Academy's Attendance and Absence Management Policy, Disciplinary Policy, Capability Policy and Health and Well Being Policy.
- 1.7 This policy was ratified by the Trustees on XXDATEXX following consultation with Trade Unions. It will be reviewed from time to time in full consultation with Trade Unions.

## 2. Who Does This Policy Apply To?

This policy will apply to all employees of the Trust working in the Academy.

## 3. Aims

- 3.1 This policy has been produced to ensure that employees are aware of the risks associated with substance misuse and the consequences, including any legal consequences, of their actions.
- 3.2 The policy aims to:
  - Promote a culture of openness, where employees feel supported in making a disclosure
  - Promote a culture where substance misuse is discouraged.

- Prevent substance misuse by raising awareness of the risks and potential harm to health associated with the use of intoxicating substances.
- Provide practical guidance on how to deal with substance misuse effectively and ensure any cases are dealt with in an appropriate, fair and consistent manner.
- Recognise substance misuse problems primarily as a health matter needing help and treatment.
- Encourage employees who suspect or know they have a substance misuse problem to seek help voluntarily and provide assistance to these employees to overcome their problem.
- Maintain and improve employee performance.

## **4. Legislation**

### **4.1 The Health & Safety at Work Act 1974**

4.1.1 The Trust and the Governing Body have a duty under the Health and Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees. Under Section 7 of the Health and Safety at Work Act, employees have a duty not to endanger themselves or others and to co-operate with the Academy in meeting statutory requirements. Under the Management of Health and Safety at Work Regulations 1999, there is also a duty to assess the risks to the health and safety of employees. If knowingly allowing an employee under the influence of a substance to continue working and their behaviour places the employee or others at risk, there could be a prosecution.

### **4.2 The Psychoactive Substances Act 2016**

4.2.1 This act bans psychoactive substances, previously known as 'legal highs' in the UK and prevents the supply of these previously unregulated and frequently harmful substances for human consumption. A psychoactive effect is something which affects a person's mental functioning or emotional state by stimulating or depressing their nervous system. This act works in conjunction with the Health and Safety at Work Act 1974 and the Misuse of Drugs Act 1971.

### **4.3 The Road Traffic Act 1988**

4.3.1 The 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. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

### **4.4 The Misuse of Drugs Act 1971**

4.4.1 This Act makes the production, supply and possession of controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor). If an employer knowingly permits the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on Academy premises, this could be an offence.

## **4.5 The Equality Act 2010**

4.5.1 The Equality Act 2010 does not recognise substance misuse (e.g. alcohol or heroin dependency) as a disability under the Act but any condition arising from the abuse may be (e.g. cirrhosis of the liver arising from alcoholism).

## **4.6 Other Legislation to Consider**

- Provision and Use of Work Equipment Regulations 1998
- Data Protection Act 1998
- Human Rights Act 1998

## **5. Responsibilities**

### **5.1 The Governing Body**

The Governing Body shall:

- 5.1.1 Ensure this policy is implemented and procedures are in place that recognise and deal with the issue of substance misuse.
- 5.1.2 Ensure that all employees have access to this policy and that new employees are made aware of it.
- 5.1.3 Actively demonstrate recognition of substance misuse problems by creating an environment where staff feel comfortable in asking for help.
- 5.1.4 Act early and provide consistent support.
- 5.1.5 Enlist the support of the Trust Human Resources function and Occupational Health when appropriate and ensure staff have access to this support.

### **5.2 The Principal/Line Managers**

The Principal/Line Manager shall:

- 5.2.1 Be familiar with this policy and guidelines and ensure that employees understand the policy and their own responsibilities.
- 5.2.2 Be aware of the signs of substance misuse and the effects on performance, attendance and health of employees.
- 5.2.3 Review relevant health and safety risk assessments in the knowledge of an employee having a substance misuse problem which could increase the risk to the employee or others – especially the potential impact on pupils.
- 5.2.4 Ensure that staff understand the policy and are aware of the support and assistance available and also of the possible implications on their employment if substance misuse affects performance, attendance or health.
- 5.2.5 Be alert to the possible indicators set out in section 6.

- 5.2.6 Liaise with the Trust Human Resource function for support to refer staff to Occupational Health or Counselling when there are concerns or absence due to substance misuse.
- 5.2.7 Review and monitor the progress of an employee who is undertaking a programme of assistance.
- 5.2.8 Ensure the provision of all reasonable support to employees.
- 5.2.9 Seek advice where necessary from Human Resources on the approach to be adopted if they are aware or suspect an employee has a substance misuse problem.
- 5.2.10 As a last resort, instigate disciplinary and or/capability procedures when and if appropriate to do so.

### **5.3 Employees**

- 5.3.1 Behave responsibly at all times to safeguard their own health and safety and that of those around them.
- 5.3.2 Co-operate with management in ensuring the implementation of this policy.
- 5.3.3 Not possess, store, trade or sell controlled drugs or psychoactive substances on Academy premises or bring the Academy into disrepute by engaging in activities outside of work. The only exception of possession or storing of drugs would be where an employee has a prescription.
- 5.3.4 Seek help if they have concerns regarding substance misuse. It is advised that staff approach the Principal or their Line Manager so that appropriate support to help speedy rehabilitation can be arranged, for example, referral to the Occupational Health service, medical professionals, professional drug/alcohol agencies etc.
- 5.3.5 Attend Occupational Health appointments or other arranged meetings unless there is a genuine reason not to.
- 5.3.6 Cooperate with any other support mechanisms offered by the Academy; e.g. Counselling.
- 5.3.7 Encourage a colleague who they suspect has a substance misuse problem to seek help. Where the individual concerned does not wish to come forward to seek help, and their colleague(s) genuinely suspect that the individual has a problem, they have a responsibility to raise their concerns with the Principal/Line Manager.

### **5.4 The Trust HR Function**

The Trust HR Function shall:

- 5.4.1 Provide the necessary professional advice and support to the Governing Body and all Academy staff when required.
- 5.4.2 Support with referring staff to Occupational Health or Counselling or signpost to other local agencies when appropriate.

## 6. Possible Indicators of Substance Misuse

The following indicators are signs of possible substance misuse, although it is important to note that these can also be caused by other factors, such as stress, physical illness, new-born babies at home, mental health problems or the effects of prescription drugs.

- Repeated patterns of depression, or fatigue from sleeplessness, which last two to three days.
- Erratic performance.
- Unusual irritability or aggression.
- Overconfidence
- Lack of self-esteem.
- Inappropriate behaviour.
- Sudden mood changes from extreme happiness to severe depression.
- Reduced response times.
- A tendency to become confused, poor concentration and memory.
- Reduced productivity.
- Absenteeism – an increase in sickness absence (especially Monday and Friday absences or long term).
- Poor time-keeping.
- Lack of discipline.
- Neglect of personal care.
- Deterioration in relationships with colleagues or pupils etc.
- Dishonesty and theft.
- Financial irregularities.
- Poor co-ordination, judgement, frequent injuries or accidents.

## 7. At Work

- 7.1 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.
- 7.2 Employees must not consume alcohol or drugs at any time while at work including during breaks or lunchtimes spent at or away from school premises. Exceptions apply to drugs prescribed for the individual or over the counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer) and where the safety of the individual or others with whom they come into contact is not compromised. The alcohol restriction does not apply to work-related functions or activities that take place at the end of an employee's working day after which they are not returning to work, although permission should be obtained from the Principal/Governing Body before consuming alcohol on the Academy premises for such a function. Particular care should be taken on residential events and trips when employees are responsible for the students in their care. Employees are expected to conduct themselves in a professional manner at all times.
- 7.3 Should an employee be prescribed medication or plan to take over the counter medicines that may cause side effects and impair their ability to undertake their duties safely and effectively, they must inform the Principal/Line Manager immediately, who should carry out a risk assessment / amend the employee's duties if necessary.
- 7.4 Similarly, 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 the Principal/Line Manager immediately.

- 7.5 Employees are not obliged to disclose the actual medical condition being treated nor the medication – simply the impact/side effects. However, support can only be provided for the employee based on the information provided.

## **8. Outside Working Hours**

- 8.1 Employees must not consume intoxicating substances before arriving for duty or when they may be required to attend work at short notice, for example when a caretaker may have to attend an emergency call out. Please note, this can only be enforced when it is reasonably expected that call outs may occur and should not be unrealistic, for example, it would be unreasonable to expect a caretaker who lives on site to be available at all times.
- 8.2 As intoxicating substances can remain in the system for some time and even small amounts can impair performance and jeopardise safety, employees must allow sufficient time for substances to leave their system before reporting for work.
- 8.2 Employees need to be aware that actions outside of working hours, which bring or are likely to bring the Academy into disrepute, may lead to disciplinary action and ultimately dismissal.

## **9. Procedure**

- 9.1 Substance misuse problems may come to light in various ways which may include the Principal/Line Manager identifying deteriorating work performance or behaviour, a colleague identifying signs, or the problem may become apparent during a capability, disciplinary or other type of interview or a complaint received from a pupil, parent or member of the public.
- 9.2 If an employee has, or there is evidence that they have, a substance misuse problem, all discussions will be kept strictly confidential. This will also be the case with counselling or any other treatment that the employee undertakes. It is the employee's choice whether to be open with none, some or all colleagues 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.

### **9.1 Informal Meeting**

- 9.1.1 If there are concerns regarding an employee with a possible substance misuse problem, the Principal/Line Manager should meet with the employee at the earliest opportunity to discuss their concerns.
- 9.1.2 Reasonable notice and the reasons for concerns should be given before the meeting where possible. The meeting should be conducted on an informal basis but if the employee wishes to be accompanied, this should be supported.
- 9.1.3 The purpose of the meeting is to identify the cause(s) of the concern (which may or may not be a consequence of substance misuse) and to determine the appropriate way to address the issues. If the employee confirms that the cause is related to substance misuse then a referral should be made to Occupational Health through the Trust HR function. Even if substance misuse is denied by the employee, but still suspected, a referral should be made to Occupational Health.



## **9.2 Support**

- 9.2.1 Following receipt of the Occupational Health report the Principal/Line Manager should meet with the employee to discuss the content of the report and agree a way forward in implementing any recommendations which have an impact on the employee's health, work performance and provision of education to pupils.
- 9.2.2 If Occupational Health consider the employee to be fit to attend work, the Academy should ensure, as far as reasonably practical, that they accommodate any recommendations made by them to facilitate continued attendance at work.
- 9.2.3 If the employee refuses help and support they should be informed that if the present performance/behaviour continues to be of concern it may be necessary to invoke the capability/disciplinary procedures.
- 9.2.4 If the employee is absent from work on sick leave (either short or long term), the provisions of the Attendance and Absence Management Policy will apply and the appropriate entitlement to sick pay will be paid. Once an employee returns to work, it is recognised that they may require intermittent or regular leave during their period of rehabilitation to allow for treatment. A reasonable amount of paid time off should be considered and granted for this. During the period of treatment or rehabilitation, the Principal/Line Manager should meet with the employee regularly, to ensure that all agreed support mechanisms and work arrangements have been implemented and to review the effectiveness of them. All meetings should be documented.
- 9.2.5 It is not unusual for individuals to experience a relapse whilst still having treatment for substance misuse. A second period of rehabilitation should therefore be considered in these cases. However, where treatment/rehabilitation is unsuccessful or successive relapses can no longer be accepted or when it becomes apparent that the employee will not be able to return to work in an acceptable timescale or is unable to perform their duties to the standard required, the Academy will consider the continuing employment of the employee.
- 9.2.6 Whilst every reasonable support will be given where possible, it should be noted that if the education of pupils is in jeopardy earlier action against the employee may be taken.

## **10. Breaches of the Policy**

- 10.1 The Governing Body will, where appropriate, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction.
- 10.2 Employees seeking assistance for a substance misuse problem will not have their employment terminated simply because of their problems. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.
- 10.3 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 disciplinary action being taken which could lead to dismissal. Examples of such circumstances associated with intoxicating substances include, but are not exhaustive to:
  - 10.3.1 Deliberate disregard for personal safety and that of others.

- 10.3.2 Unacceptable behaviour in the Academy.
- 10.3.3 Being found incapable of performing normal duties satisfactorily and safely.
- 10.3.4 Consuming intoxicating substances during the Academy day or when liable to be called out at short notice.
- 10.3.5 Possession, consumption, dealing/trafficking, selling, storage of controlled drugs or psychoactive substances on Academy premises or engaging in such activities at work.
- 10.3.6 Being disqualified from driving as a result of alcohol or drug related offences where a driving licence is essential to the post or where the offence seriously undermines the reputation of the Academy.
- 10.3.7 Making malicious allegations that a colleague is misusing intoxicating substances.
- 10.3.8 Conduct which could bring the Academy into disrepute.
- 10.4 There may be instances where the Academy will be obliged to inform the police of any activity or behaviour for which there are concerns as to its legality.

## 11. Useful Contacts

### **Addaction**

[www.addaction.org.uk](http://www.addaction.org.uk)

A UK-wide treatment agency, helping individuals, families and communities to manage the effects of drug and alcohol misuse.

### **Adfam**

[www.adfam.org.uk](http://www.adfam.org.uk)

A national charity working with families affected by drugs and alcohol. Adfam operates an online message board and database of local support groups.

### **Al Anon**

<http://www.al-anonuk.org.uk>

The AA support group for families and those affected by a problem drinker.

### **Alcoholics Anonymous**

[www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk)

(AA) is a free self-help group. Its '12-step' programme involves getting sober with the help of regular support groups. AA's belief is that people with drink problems need to give up alcohol permanently.

### **Drinkline**

[www.patient.co.uk/support/Drinkline](http://www.patient.co.uk/support/Drinkline).

The national alcohol helpline. If you're worried about your own or someone else's drinking, you can call this free helpline, in complete confidence, 24 hours a day. Call 0800 917 8282.

### **Drug Action Teams**

[www.drugs.homeoffice.gov.uk/dat](http://www.drugs.homeoffice.gov.uk/dat)

Many drug action teams (DATs) have lots of useful information on their websites about local organisations that can provide help and advice on a whole range of issues. Use this link to find your nearest DAT.

### **European Association for the Treatment of Addiction (EATA)**

<http://www.eata.org.uk/>

European Association for the Treatment of Addiction is the largest membership organisation for the independent drug and alcohol treatment and aftercare sector. Their aim is to ensure that people with substance dependencies get the treatment they need.

### **Helpfinder – Treatment Database**

[www.drugscope.org.uk](http://www.drugscope.org.uk)

DrugScope have developed a database of drug treatment services in England, Wales and Scotland. It is searchable by several different criteria, including service name, treatment offered and geographical region.

### **National Treatment Agency for Substance Misuse**

[www.nta.nhs.uk](http://www.nta.nhs.uk)

The National Treatment Agency (NTA) is a special health authority, created by the Government to improve the availability, capacity and effectiveness of treatment for drug misuse in England. You can find further information on the NTA's website about types of treatment, access to treatment and treatment providers.

### **NHS Choices**

[www.nhs.uk/conditions/Drug-misuse](http://www.nhs.uk/conditions/Drug-misuse)

The NHS Choices website has further information about drug misuse and where to get help.

### **Residential treatment directory**

[http://www.nta.nhs.uk/about\\_treatment/treatment\\_directories/residential/resdirectory](http://www.nta.nhs.uk/about_treatment/treatment_directories/residential/resdirectory)

An online directory provided by the National Treatment Agency of residential rehabilitation services in England and Wales for drug and alcohol misusers.

### **Talk to Frank**

[www.talktofrank.com](http://www.talktofrank.com)

Helpline: 0800 77 66 00

The FRANK campaign provides information and support for young people to ensure they understand the risks and dangers of drugs and their use and that they know where to go for help and advice.

## HR CONTACTS

For advice on the content of this policy please contact:

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Employees are also encouraged to contact their trade union representative for advice and support where appropriate.