



**THE BAY
LEARNING TRUST**

Alcohol and Drugs at Work Policy

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ALCOHOL AND DRUGS AT WORK POLICY

1. SCOPE AND PURPOSE

- 1.1 The Bay Learning Trust ("the Trust") is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. The Alcohol and Drugs at Work Policy is designed to ensure that employees are aware of the risks associated with alcohol/drug misuse and the consequences of their actions.
- 1.2 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have far-reaching effects on their personal and working lives. At work, alcohol or drug 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 colleagues, pupils, parents and contractors. Furthermore, the effects of alcohol or drug misuse are likely to be detrimental to the Trust's reputation.
- 1.3 Drug and alcohol misuse should become a matter of concern to the Executive Headteacher and Headteacher and/or the Trust when misuse interferes with an individual's work capacity, conduct, health or attendance
- 1.4 This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines, nicotine patches and other substances that could adversely affect work performance and/or health and safety.
- 1.5 The purpose of this policy is to:
 - 1.5.1 Promote awareness and prevent alcohol and drug addiction.
 - 1.5.2 Identify and provide help and support to those with an alcohol or drug related problem.
 - 1.5.3 Encourage a sensible approach to the consumption of alcohol.
 - 1.5.4 Provide clear guidelines on the consumption of alcohol at work including off site activities.

- 1.5.5 Safeguard employees, pupils and visitors from the hazards of alcohol and drug abuse.
 - 1.5.6 Provide appropriate support and advice to Executive Headteacher and Headteacher, Local Governing Body and the Trust on how best to deal with employees who may suffer from alcohol and/or drug related problems.
 - 1.5.7 Engender a climate that encourages openness and honesty (within the boundaries of strict personal confidentiality and legal requirements) and that gives employees, the Executive Headteacher and Headteacher, Local Governing Body and the Trust confidence to deal with substance misuse problems by following a clear procedure.
- 1.6 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. 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.
- 1.7 This policy does not form part of any employee's contract of employment and it may be amended by the Trust at any time following consultation with the appropriate bodies.
- 1.8 In this policy references to personnel/bodies are to the personnel/bodies present within the Academy and/or other Trust site at which the particular member of staff reviewing the policy is engaged.

2 **WHO IS COVERED BY THIS POLICY**

- 2.1 This policy covers all employees at all levels and grades including senior managers, employees, trainees, part-time and fixed term employees (referred to as **employees** in this policy).
- 2.2 It does not apply to agency staff, volunteers and self-employed contractors.

3 **WHO IS RESPONSIBLE FOR THE POLICY**

- 3.1 The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. The Trust has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Executive Headteacher and Headteacher.
- 3.2 The Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

4 **DEFINITIONS**

4.1 **Drug Misuse**

The use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs and substances such as solvents. Drug misuse can harm the misuser both physically and mentally and through the misuser's actions, other people.

4.2 **Alcohol abuse**

A level of consumption which affects an employee's ability to carry out their duties.

- 4.3 The simultaneous use of alcohol and drugs is particularly dangerous.

5 **CODE OF CONDUCT**

- 5.1 Employees must not engage in conduct outside work which could seriously damage the reputation and standing of the Trust or his/her own reputation or the reputation of other members of the Trust or the Trust community.

6 **SEARCHES**

- 6.1 The Trust reserves the right to conduct searches for alcohol or drugs, including, but not limited to, searches of classrooms/offices, staff desks, lockers, filing cabinets and desks and packages sent to any Trust property which are on its premises.
- 6.2 Any alcohol or drugs found as a result of a search will be confiscated and action may be taken under the Trust's Disciplinary Policy.

7 **DRUG SCREENING**

- 7.1 In cases where there is reasonable cause to suspect that an employee's performance or behaviour is impaired as the result of drug misuse, an employee may be required to submit to an immediate drug screening test.
- 7.2 Any such drug screening would be conducted by an external provider. Arrangements will be discussed with affected employees should such screening be required by the Trust.

8 **RESPONSIBILITIES IN MANAGING ALCOHOL AND DRUG MISUSE**

- 8.1 All employees are expected to ensure that their personal consumption of alcohol or use of prescribed drugs does not interfere to a significant negative degree with their ability to perform their duties safely and competently. Being under the influence of drink and/or drugs while at work may lead to suspension from employment while a disciplinary investigation takes place.
- 8.2 Any employee suffering from drug or alcohol dependency should declare such dependency, and the Trust will subsequently consider whether it is appropriate to provide reasonable assistance, treating absences for treatment and/or rehabilitation as any other sickness absence.
- 8.3 An employee may be liable to normal disciplinary/capability procedures if they fail to accept help or continue with treatment or should any of the circumstances referred to within Section 14 apply.
- 8.4 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 responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work. This can apply to reporting for work the next day.

9 **CONSUMPTION OF ALCOHOL AND/OR DRUGS DURING THE WORKING DAY**

9.1 **Alcohol**

To ensure the safety of all children and staff, all Trust employees including those who have direct or indirect contact with children are forbidden from consuming alcohol at any time during the working day, including breaks. Any breach of this condition is likely to be investigated under Trust's Disciplinary Policy. (For guidance on the consumption of alcohol on school trips, social events etc. please see Appendix 2.)

9.2 **Illegal Drugs**

The use of illegal drugs or the misuse of other drugs is forbidden at any time during the working day, including breaks and if alleged is likely to be investigated under the Trust's Disciplinary Policy.

9.3 **Prescribed Drugs**

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. Employees must notify the Executive Headteacher and Headteacher or the relevant designated person should they be prescribed medication or plan to take medication that may cause side effects and impair their ability to undertake their duties safely and effectively. In such cases the employee may need to have reasonable adjustments made to enable them to continue working or be certified sick as appropriate.

10 **POSSESSION OR DEALING IN DRUGS**

10.1 Observation of possession or dealing in drugs at work should be reported immediately and the following action must be taken:

10.1.1 Inform the Executive Headteacher and Headteacher;

10.1.2 Do not alert the employee of the intention to call the police and do not send him/her home.

10.1.3 Contact the LADO (Local Authority Designated Officer).

10.1.4 Contact the police.

10.1.5 Wait for further instruction from the LADO and police.

11 **DRIVING BANS RELATED TO ALCOHOL OR DRUGS**

11.1 Where employees who are required to drive as part of their conditions of employment are disqualified from driving as a result of an alcohol or drugs related offence the Executive Headteacher and Headteacher may consider redeployment, if appropriate within the Trust and in consultation with the CEO of the Trust. If redeployment within the Trust is not an option then the employee's continuing employment may be at risk. Consideration should be

taken to the possibility of the employee bringing the Trust into disrepute, which may then require an investigation under Trust's Disciplinary Policy.

12 PROCEDURE

- 12.1 If the Executive Headteacher or Headteacher is the subject of concern, the Chair of the Board of Directors should be responsible for following the steps identified below.
- 12.2 If an employee appears to be under the influence of drugs and/or alcohol while at work:
 - 12.2.1 The Health and Safety Executive guidance states that if an employer knowingly allows an employee under the influence of excess alcohol or drugs to continue working and thereby placing the employee or others at risk, the employer could be prosecuted. Therefore, where suspected consumption of alcohol or drugs is judged to affect work performance or conduct, the Executive Headteacher and Headteacher or a designated person will need to take immediate action, as detailed below in 12.2.2 and 12.2.3.
 - 12.2.2 Send the employee home so that they and others are removed from potential risks. Consideration should be taken to their ability to return home safely, e.g. for them not to drive themselves home.
 - 12.2.3 Consider whether it is appropriate to initiate a disciplinary investigation under the Trust's Disciplinary Policy.
- 12.3 If an employee appears to have a drug and/or alcohol problem the following action will be taken:
 - 12.3.1 Employees who are identified as possibly experiencing alcohol/drug related problems (see Appendix 1 for examples), whether by observation, poor performance, conduct or by their own voluntary admission, may in appropriate instances be given the following assistance:
 - 12.3.1.1 If the Executive Headteacher or Headteacher has concerns that an employee may have a drug or alcohol problem, he/she may first arrange an informal meeting to discuss his/her concerns with that employee. The employee may be accompanied by a trade union representative or a work colleague and no one else.

- 12.3.1.2 During the initial meeting, the Executive Headteacher and Headteacher should suggest to the employee that support is provided by way of a referral to the Occupational Health Unit. The employee should be made aware that his/her co-operation is required during the referral process in order for the Occupational Health Unit to be able to provide full support and advice. See the Trust's Sickness Policy for further guidance in this respect.
- 12.3.1.3 The Executive Headteacher and Headteacher should make it clear to the employee that any necessary time off will be granted for treatment/support in accordance with the Trust's Leave of Absence Policy.
- 12.3.1.4 The employee should return, as far as possible, to their normal duties during and after treatment. This will depend on their ability to perform those duties or on the consequent risk of relapse due to a return to those duties. If a return to normal duties is not considered to be appropriate, redeployment or other suitable options may be considered by the Executive Headteacher and Headteacher.
- 12.3.2 For the avoidance of doubt, however, all employees should be aware that nothing in this policy will prevent the Trust's right to deal with conduct or performance issues arising from the misuse of alcohol or drugs under Trust's Disciplinary or Capability Policy as appropriate.

13 **CONFIDENTIALITY**

- 13.1 The Trust aims to ensure that the confidentiality of any member of staff who experience alcohol or drug-related problems are maintained appropriately. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary.
- 13.2 If an employee seeks help with an alcohol or drug-related problem directly from the Senior Leadership Team or Executive Headteacher or Headteacher and he/she wishes to keep matters confidential from his/her line manager and colleagues, this will be respected unless there is reason to believe that this could put the employee, his/her colleagues or anyone else at risk or carries some other material risk for the Trust. In those circumstances the Senior Leadership Team or Executive Headteacher or Headteacher will encourage

the employee to inform his/her line manager and will give him/her sufficient time to do so before discussing the matter with them.

14 **PERFORMANCE AND DISCIPLINARY ISSUES**

- 14.1 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.
- 14.2 Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary and/or capability matter and may in some cases result in the summary dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are:
 - 14.2.1 working under the influence of alcohol or drugs;
 - 14.2.2 incapacity through alcohol or being under the influence of illegal drugs;
 - 14.2.3 being convicted of any criminal offence connected with alcohol or drugs, regardless of whether the offence took place inside or outside the workplace;
 - 14.2.4 reasonable suspicion of activities, such as possession, consumption, dealing/trafficking, selling, storage of controlled drugs, either on work premises or engaging in such activities outside of work.
- 14.3 This list is not exclusive or exhaustive. Disciplinary/capability action will in all cases be proportionate to the circumstances of the breach of this policy.

APPENDIX 1 - SIGNS OF ALCOHOL AND DRUG ABUSE

Listed below are examples of the kind of symptoms which someone with an alcohol or drugs related problem may present. **Not all these symptoms will appear in every instance and it is possible that some of these symptoms may not be connected with alcohol or drugs**, in which case signs which give cause for concern should be addressed appropriately.

1 Absenteeism/Irregular attendance

- 1.1 Multiple instances of unauthorised leave
- 1.2 Frequent Monday or Friday absences
- 1.3 Unusually high absenteeism (e.g. for colds, flu, gastritis and general malaise)

2 Reporting for work

- 2.1 Excessive lateness, for example on a Monday morning or returning from lunch
- 2.2 Smelling of alcohol
- 2.3 Unkempt appearance/lack of hygiene

3 Absenteeism whilst at work

- 3.1 Repeated absences from the post, more often than necessary
- 3.2 Frequent trips to the toilet
- 3.3 Overlong tea/coffee breaks
- 3.4 Leaving work early

4 Lack of concentration and confusion

- 4.1 Work requires greater effort
- 4.2 Jobs take an unreasonable time to complete
- 4.3 Difficulty in recalling instructions and details
- 4.4 Increasing difficulty in handling complex assignments
- 4.5 Difficulty in recalling errors

5 **Spasmodic work patterns and deteriorating performance**

- 5.1 Alternate periods of high and low productivity
- 5.2 Increasing general unreliability and unpredictability
- 5.3 Missed deadlines
- 5.4 Mistakes due to inattentiveness or poor judgement
- 5.5 Complaints from colleagues about behaviour
- 5.6 Attempts to borrow money from colleagues
- 5.7 Avoidance of manager or colleagues

APPENDIX 2 - CONSUMPTION OF ALCOHOL ON SCHOOL TRIPS,

SOCIAL EVENTS ETC.

Whilst this policy stresses in section 9.1 that the consumption of alcohol during the working day, including breaks, is forbidden, there may be circumstances where the consumption of alcohol may be permitted at the discretion of the Trust.

It is the responsibility of the Trust to clearly define the occasions when the sensible consumption of alcohol will be permitted, e.g. school trips and social events. Clear guidelines must be put in place so that all employees are fully aware of what the expectations are for the consumption of alcohol at such events and the consequences of a breach of such guidelines (e.g. investigation under Trust's Disciplinary Policy).