



## Trinity Multi Academy Trust

<b>Policy:</b>	Drug and Substance Abuse Policy (for staff)
<b>Date of review:</b>	March 2017
<b>Date of next review:</b>	March 2020
<b>Lead professional:</b>	HR Manager
<b>Status:</b>	Non - Statutory

## **1. Purpose of policy and guiding principles**

- 1.1. Trinity Multi Academy Trust is committed to protecting the health, safety and welfare of its employees. All employees are expected to attend work without being under the influence of alcohol or drugs and have a duty under the provisions of the Health and Safety at Work Act 1974 to take reasonable care of both themselves and others who may be affected by their acts or omissions at work.
- 1.2. This policy formalises and clarifies the way in which the trust responds to alcohol or drug related incidents and substance misuse. The policy applies to all employees of the trust.
- 1.3. Substance misuse refers to the harmful or hazardous use of psychoactive substances, including alcohol and drugs. The effects of this misuse results in physical conditions or behaviours that are harmful, illegal or inappropriate. Misuse may arise both in the workplace and outside the workplace.
- 1.4. Any acts or omissions committed by an employee whilst in an intoxicated condition that does not result from a diagnosed clinical problem will be dealt with under the trust's Disciplinary Policy.
- 1.5. Consuming illegal substances or bringing illegal substances into the workplace is likely to be considered gross misconduct. Consumption of alcohol in the workplace (unless this is a recognised celebration/event arranged by the CEO/Principal) is likely to be considered gross misconduct.
- 1.6. This policy has been designed to promote a non-hostile, non-judgemental environment within the workplace to encourage employees to seek and accept help. At any point the employee can seek assistance and support from an Occupational Health provider or the employee assistance service.
- 1.7. Confidentiality will be maintained at all times.

## **2. Links with other policies or legislation**

- 2.1. This policy links with terms and conditions of employment for all staff.
- 2.2. Trinity Multi Academy Trust will treat all employees equally and consistently in accordance with the trust's Equality Policy.
- 2.3. This policy links to the trust's Disciplinary Policy and the Code of Conduct for Staff.

## **3. Consultation**

- 3.1. This policy has been developed by in consultation with recognised Trade Unions.
- 3.2. The policy was approved by the Directors after consultation and agreement with the recognised Trade Unions.

## **4. Procedure**

- 4.1. Early recognition of alcohol and/or substance misuse is an important factor in any rehabilitation programme. Therefore, the Principal, managers and fellow employees who turn a blind eye to colleagues' inappropriate behaviour or poor work performance could be adding to, rather than, helping to solve a problem that could have its origin in drug or substance misuse. Drug or substance misuse may need to be considered as a contributory factor in the application of any capability and/or disciplinary procedures. Advice should always be sought from HR. **Appendix 1** provides some guidance on recognising potential substance abuse issues.
- 4.2. Employees who believe they have a drug or alcohol related problem that affects their work may seek the assistance from their employer on their own initiative. In circumstances such as these, the manager consulted should encourage the employee to participate in the procedure which is intended to promote a recovery from a clinical condition. **Appendix 2** provides some guidance on organisations that can provide help and support.
- 4.3. Any employee taking prescribed medication must notify their line manager (and/or the Principal) and HR if there is a likelihood that the medication could affect their job performance or the safety of themselves or others.
- 4.4. Management at all levels are in the most likely position to identify a possible drug or alcohol related work problem. Work related drug or alcohol problems may possibly be identified by an

employee's poor performance, poor attendance, breach of health and safety rules and/or habitually intoxicated condition. It is also the case that some medical conditions may present similar to intoxication, including odours on the breath or other signs and symptoms. That being the case, such issues and concerns should be addressed confidentially and in line with this guidance.

- 4.5. Management have a clear responsibility to the employees they supervise and a duty to others, including students, to seek and act on a belief on reasonable grounds that any particular employee has an alcohol or drug related work problem.
- 4.6. If, during any capability/disciplinary proceedings it becomes apparent that the subject matter of the capability/disciplinary proceedings is a drug or alcohol misuse related issue, consideration should be given to suspending all capability/disciplinary action and following this procedure. However, where there is gross misconduct e.g. theft or fighting, warranting summary dismissal, formal disciplinary proceedings may be commenced, and any medical condition may need to be considered, perhaps as mitigation.

## **5. Initial Action**

- 5.1. Irrespective of how a potential drug or alcohol issue has been identified, initial action remains the same. The employee's manager or another person nominated by the Principal (or by the Chair of Governors, if action needs to be considered regarding the Principal) should arrange for an HR representative to attend a meeting with the employee and themselves. Employees can be accompanied by a Trade Union representative or work colleague at the meeting.
- 5.2. The purpose of the meeting is to establish the employee's own views regarding concerns that have indicated that an alcohol or drug related issue may exist.
- 5.3. In some cases, depending on how the issue has been identified it is possible that this meeting may be convened initially under the disciplinary policy. A decision as to whether to continue with the disciplinary policy or refer to this misuse policy will be taken following this initial meeting.
- 5.4. It is important that this meeting discusses any illnesses, medical conditions or prescribed medication which means the employee experiences similar symptoms or behaviours that could be misconstrued as substance abuse. In these instances consideration should be given to training and support for the employee's colleagues to understand their condition. This would be in consultation and agreement with the individual.
- 5.5. In all cases consideration should be given to seeking Occupational Health advice and support to ensure the health, safety and wellbeing of all staff.

## **6. Further Action**

- 6.1. If as a result of the above meeting the senior leader/manager and HR representative consider that a work related problem exists that may be as a result of alcohol or substance misuse, the following procedures should be implemented.
  - 6.1.1. Arrangements will be made for the employee to attend an appointment with the trust's Occupational Health providers for a medical examination.
  - 6.1.2. If the Occupational Health provider confirms the opinion that the employee has a drug or alcohol related problem, the possibility of a rehabilitation programme will be explored in consultation with the employee, the employer, Occupational Health and any other medical/clinical bodies/institutions considered appropriate. Further assistance and support that can be provided by the trust will be discussed during any rehabilitation programme.
  - 6.1.3. On successful completion of such a rehabilitation programme the employee will continue to receive informal support from their employer until such support is considered by all parties to be no longer necessary.
- 6.2. The action specified above should be implemented as appropriate, but the following circumstances may also apply:
  - 6.2.1. if the Occupational Health provider is of the opinion, after the medical examination, that the employee does not have an alcohol or drug misuse problem affecting their work, the Principal, having regard to all the circumstances, should consider whether disciplinary or capability action is appropriate, or no further action is required

- 6.2.2. if the employee fails to engage with, or complete, any rehabilitation programme implemented as a result of the Occupational Health examination, and agreed by the Principal, disciplinary or ill-health capability action should be considered
- 6.2.3. if the employee refuses to be referred to Occupational Health, disciplinary action should be considered
- 6.2.4. if during any investigation or meetings there is reasonable grounds to conclude that the work related problem is not as a result of a clinical condition related to misuse, then it may be appropriate to manage the situation using disciplinary, capability or ill health capability procedures. This includes if the employee claims that any work related problem is not a result of alcohol or substance misuse.
- 6.3. In situations where the issue is not related to alcohol or substance misuse then the matter should be managed in line with the appropriate policy e.g. disciplinary, capability or ill-health procedures.
- 6.4. In these cases the employee will be given very specific clear guidance of the requirements of the post and professional expectations of working for the trust. This discussion will be recorded and where no formal action has been agreed the Principal/line manager would be advised to monitor the employee's performance and conduct, this would normally be for a period of one – three months. Within this timeframe any informal support training or coaching will be provided, to support the employee to meet expectations.
- 6.5. This monitoring will include regular meetings between the employee and his/her manager and the employee may be accompanied by a Trade Union representative or work colleague at these meetings.
- 6.6. If at the end of the above monitoring period the concerns of the academy no longer exist, no further action needs to be taken. If, however, no progress has been made in reducing the academy's concerns at the end of the monitoring period the employee can be referred or re-referred to Occupational Health.
- 6.7. At any stage during this monitoring, disciplinary or capability procedures may be started, whilst further medical advice is being gathered.

## **7. Suspension**

- 7.1. Nothing in this guidance affects the right of the Principal and/or Governing Body to suspend an employee from work as a result of an alcohol or substance related problem where they consider that the employee constitutes a significant risk to the health, safety and welfare of themselves, other employees, students or members of the public, or where there is a significant risk of destruction of, or damage to, property, or the risk of damage to the reputation and standing of the trust in the local community. Suspension should also be considered where there is a serious misconduct issue. Please refer to the Staff Disciplinary Policy for information on suspension from duties.
- 7.2. Immediate referral to Occupational Health will take place when the decision has been made to suspend the employee. If medical information received that states the employee is medically unfit to undertake the duties of his/her post the absence from work shall be considered as sickness absence.

## **8. Roles and responsibilities**

- 8.1. The role of the CEO/Principal
  - 8.1.1. The role of the CEO is to ensure that this policy is applied fairly and consistently across the trust.
  - 8.1.2. The CEO will ensure that this policy is available to Governing Bodies to review and adopt.
  - 8.1.3. The role of the Principal is to ensure that this policy is applied fairly and consistently across their academy.
  - 8.1.4. The Principal will delegate roles appropriately to senior leaders.
- 8.2. The role of the Governing Body/Directors
  - 8.2.1. Directors will monitor, evaluate and review policies in line with statutory and best practice guidelines. This duty has been delegated to the HR team.

8.2.2. The Governing Body has a duty of care towards the health and safety of employees, ensuring that their academy is a safe place to work.

8.3. The role of the employee/other staff

8.3.1. All staff are expected to attend work without being under the influence of alcohol or drugs.

8.3.2. Employees are responsible for seeking support from their employer or their own medical professionals e.g. GP.

8.3.3. Employees are responsible for raising any concerns about themselves or their colleagues at the earliest opportunity.

8.3.4. The HR team are responsible for arranging the OH provider, making referrals or other appointments.

## **9. Monitoring and Evaluation**

9.1. This process will be treated with confidentiality.

9.2. This policy should be reviewed at least every three years to ensure compliance to legislation, educational needs, national and local terms of employment and good practice.

9.3. Any reviews to this policy will be in consultation with staff, including representatives of unions and associations recognised by the trust.

9.4. This policy will be promoted and implemented throughout the trust.

## Appendix 1

### Guidance on recognising alcohol and drug misuse

It is important to recognise that the following characteristics in isolation may appear insignificant, but when appearing in combinations may indicate the presence of a drug or substance abuse related problem. Advice and help should be taken from the academy's HR team and Occupational Health in interpreting these characteristics. It should be noted that these signs are not exhaustive.

#### a. Absenteeism

- excessive sick leave
- instances of unauthorised leave
- absence on certain days, particularly near weekends
- excessive lateness, particularly after weekends
- unusual/improbable reasons for absence
- leaving work early
- frequent occurrences of certain illnesses e.g. diarrhoea, colds, flu, gastritis etc.

#### b. High accident rate

- frequent accidents both in and out of work

#### c. Difficulty in concentration

- work requires greater effort
- tasks take more time
- difficulty in recalling instructions, details etc
- increasing difficulty in handling complex assignments.

#### d. Spasmodic work patterns

- alternate periods of high and low productivity
- increasing general unreliability and unpredictability
- poor timekeeping (if unusual)
- frequent trips to the toilet.

#### e. Generally deteriorating job efficiency (unusual for the individual)

- missed deadlines
- mistakes due to inattention or poor judgement
- wasting materials, supplies etc
- making bad decisions
- improbable excuses for poor work performance.

#### f. Poor employee relations at work (unusual for the individual)

- over-reaction to real or imagined criticism
- unreasonable resentments
- irritability, aggression, mood changes or lethargy
- complaints from co-workers
- avoidance of line manager or colleagues
- dishonesty, borrowing money.

#### g. Changes in behaviour

- hand tremors, flushed face, slurred speech, unsteady gait or bleary eyes
- deterioration in personal hygiene or appearance
- unusual marks or stains on body or clothes
- unexplained infections, sores or abscesses.

#### h. Confusion

- sudden changes in usual behaviour patterns
- difficulty in dealing with complex assignments

- difficulty in identifying or recalling own mistakes (if unusual)
- possible hallucinations
- unbalanced emotions or mood swings

## **Appendix 2 – Sources of support**

Employees can seek support for any concerns regarding drug or substance misuse from the following sources:

Kade Counselling (employees only)

Alcohol Concern [www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)

Drink Aware [www.drinkaware.co.uk](http://www.drinkaware.co.uk)

NHS Alcohol Misuse [www.nhs.uk/conditions/Alcohol-misuse/Pages/Introduction.aspx](http://www.nhs.uk/conditions/Alcohol-misuse/Pages/Introduction.aspx)

Drugscope (the UK's leading independent centre of expertise on drugs) [www.drugwise.org.uk](http://www.drugwise.org.uk)

Turning Point [www.turning-point.co.uk](http://www.turning-point.co.uk)

Health and Safety Executive (HSE) [www.hse.gov.uk](http://www.hse.gov.uk)

Re-Solv (charity dedicated to the prevention of solvent and volatile substance abuse)  
[www.re-solv.org](http://www.re-solv.org)

Acas [www.acas.org.uk](http://www.acas.org.uk)