



Staff Substance Misuse Policy

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Author/owner: Trustees

Review: Triennial

NB. 'Trustees' means the Directors referred to in the Trust's Articles of Association

History of most recent policy changes

Version	Date	Page	Change	Origin of Change e.g. TU request, Change in legislation
V1.0	September 2021		New HR policy for the Tarka Learning Partnership regarding misuse of substances	Policy written to support staff to ensure the safety of the children educated within the Tarka Learning Partnership
V2.0	November 2023		General review of the policy – no significant change to content. Inserted reference to professional standards.	

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1.0 Introduction

In the context of this policy substance misuse refers to:

- the misuse of alcohol;
- the use of illegal drugs;
- the misuse of prescribed and/or over the counter drugs (e.g. tranquillisers, anti-depressants);
- the use psychoactive substances (previously known as legal highs) such as solvents, glues, aerosols or lighter fuel.

All of which impair the individual, interfere with health, affect job performance and safety at work.

The use of the term misuse throughout the policy does not imply that illegal substances have a correct use.

Prescribed medication

The policy does not stop staff from using prescribed medication, over-the-counter medication or herbal remedies. However, medication such as tranquillisers, sleeping pills, pain-killers, decongestants, cough suppressants, antihistamines (for treatment of hay fever or other allergies) and antidepressants can make people feel drowsy and may affect their work performance or the safety of themselves or others.

If a member of staff is taking any medication they should:

- check the possible side effects with their doctor or pharmacist and inform their line manager, in confidence, that they are taking medication and the possible side effects;

Their line manager will, if necessary, make alternative arrangements for them.

It is recognised by the Tarka Learning Partnership, that prescription drugs can impact on behaviours without a misuse problem existing, and that staff should inform the school of any such prescription in order that a risk assessment can be undertaken.

The Trust recognises its duties under the Health and Safety at Work Act 1974 to risk assess all hazards, including substance misuse.

2.0 Scope

This policy covers all employees, casual workers, DPSCITT trainees, agency staff, volunteers, contractors and anyone else engaged to work at schools, whether by direct contract or otherwise. All these personnel will collectively be referred to as staff in this policy.

This policy is based on good practice to ensure a consistent and fair approach. The application of this policy will be fair, equitable, objective and will not discriminate either directly or indirectly on the grounds of an employee's gender, age, disability, gender re-assignment, marital or civil partnership status, pregnancy, maternity status, race (including colour, nationality and ethnic or national origins), religion or belief, sex and sexual orientation.

3.0 Responsibility for the implementation of the policy

Trustees have overall responsibility for the effective operation of this policy, but has delegated day-to-day responsibility for its operation to the Chief Executive Officer and the Trust's HR Leader.

Responsibility for monitoring and reviewing the operation of this policy and making recommendations for change to minimise risks also lies with the CEO and HR Leader.

All managers have a specific responsibility for operating within the boundaries of this policy, ensuring that all staff understand the standards of behaviour expected of them and taking action when behaviour falls below its requirements.

All staff are responsible for the success of this policy and should ensure that they take the time to read and understand it.

Questions regarding the content or application of this policy should be directed to the same people.

4.0 Staff responsibilities

In line with relevant professional standards, including part 2 of the Teachers' Standards, staff must behave responsibly at all times to safeguard their own health and safety, and that of those around them, ensuring that their performance at work is not affected by alcohol consumption or substance misuse.

Staff who have a substance misuse problem are advised to seek help from one or more of the following:-

- Their line manager
- Their General Practitioner
- An Occupational Health Provider
- Health Assured (Employee Assistance Programme)

Staff must not cover up or collude with colleagues whose behaviour and performance is, or could be, affected by the taking of a substance, and should urge those colleagues to seek help if they have problems arising from the use and or abuse of a substance. Staff should exercise a duty of care to their colleagues and seek the help of a more senior member of staff if a staff member, for whom they are concerned, does not seek help themselves.

Staff must advise their doctor or pharmacist of the nature of their job, and thus find out, as far as is possible, whether, as a result of taking prescribed or over the counter medication, there could be side effects, which may affect their work performance/health and safety. This is particularly important if their job is classroom based.

Staff must inform their manager (as soon as possible) before they take any prescribed or over the counter medication if they are informed that the medication may affect their work performance/health and safety.

Staff must understand that they can be sent home by their line manager or Head Teacher/ Deputy Head Teacher if it is believed that they are considered incapable of performing their duties efficiently, effectively or safely and it is reasonably believed that this is due to substance abuse.

5.0 Head Teacher/Deputy Head Teacher and Line Manager responsibilities

The Head Teacher/ Deputy Head Teacher/Line Manager must review relevant health and safety risk assessments in the knowledge of an employee having a substance misuse problem which could increase the risk to other members of staff and especially the potential impact on pupils.

The Head Teacher/ Deputy Head Teacher/Line Manager must be alert to, and monitor changes in, work performance, attendance, sickness and accident patterns and take appropriate action. The line manager should take an objective and non-judgemental approach when interviewing staff due to poor work performance.

If an employee or the Head Teacher/Deputy Head Teacher/Line Manager (on behalf of the employee) requests a referral to occupational health for assistance, HR advice should be sought to provide support with the referral. The occupational health provider should be contacted, to be advised of the nature of the case and the need for a prompt referral.

The Head Teacher/ Deputy Head Teacher/Line Manager must review and monitor the progress of an employee who is undertaking a programme of assistance.

6.0 Policy

In recognition of the continued and growing problems of substance misuse in society, the Tarka Learning Partnership will act to prevent, in so far as it is reasonably practicable, any such misuse by staff which increases the potential for ill health, accidents, absence, poor performance, or which adversely affects the Tarka Learning Partnership (including its image, business and reputation), its staff, pupils, parents, guardians, Trustees and Governors.

If, despite the Trust's attempts at prevention, substance misuse problems do occur the Tarka Learning Partnership will, within reason, support the employee in a programme to overcome their problem but only with the full commitment of the employee and under the advice and monitoring of a medical professional. It is important that these issues are dealt with in a way that is as consistent, supportive and fair as possible.

If an employee comes forward voluntarily and seeks help for an alcohol or drug problem they will be given help and support by the Trust. If an employee thinks they have a problem and may be violating this policy as a result, the Trust strongly encourages them to come forward and seek help.

The Trust will be sympathetic and ensure the employee gets the help and support they need which may include direction to external specialists.

If an employee volunteers information to the Trust that they have an alcohol or drug problem they will be treated with dignity at all times. Any discussions will be in the strictest of confidence.

The Tarka Learning Partnership recognises that staff may continue to struggle with alcohol or drug dependency even after they have sought and are receiving assistance.

The Trust will make every effort to provide ongoing support to staff.

Subject to staff social events (detailed below), the use of alcohol or the misuse of substances or drugs on the premises is forbidden and will be regarded as a disciplinary offence should it occur. Criminal activity in the workplace involving drugs will, in every case, require the school/Trust to alert the police.

In the case of staff social events outside of normal working hours, then the Head Teacher or CEO have the authority to approve that alcohol may be brought and consumed in moderation on the premises. Staff must not consume alcohol whilst in charge of, or responsible for, children or vulnerable adults.

Any member of staff or volunteer taking medication likely to affect behaviour or cause other noticeable side effects should inform their line manager immediately.

Staff must not drink or take drugs prior to coming to work to such an extent, or within the timescale, that it will affect their ability to perform their work.

If an employee attends work and the smell of alcohol is evident, or it appears that the person is under the influence of alcohol or another substance, Head Teacher, Deputy Head Teacher, HR Leader or senior member of staff from the Tarka Learning Partnership will ask them to go home and this may also include non-school based staff.

Alternative travel arrangements should be made if appropriate for staff who are sent home from work due to being suspected of being under the influence of alcohol or other substances.

The employee is responsible for their own conduct at all times, but where capability or disciplinary issues arise, each case will be considered on its merits, with the needs of the Trust and its responsibilities being paramount.

Disciplinary action must not be taken simply because a member of staff has a misuse problem.

7.0 Procedure

The following will apply should any employee be found to be under the influence of alcohol or any other substance whilst at work. This may be noticed through observation, poor performance or unacceptable conduct but cannot be presumed in the absence of other evidence of a substance problem, such as it being proffered as an excuse by the employee.

Where performance is adversely affected then the use of the capability procedure may be appropriate with support to improve, which could include a medical referral via our occupational service provider. In such circumstances the employee will be suspended immediately without prejudice, pending an investigation which must include a report from occupational health.

In the event that unprofessional conduct or aggressive behaviour is reasonably believed to be a result of drink or drugs, the emphasis will still be on appropriate medical referral; in the absence of any alternatives consideration will be given to suspending the employee if their condition or behaviour is judged to be an immediate and significant risk to children or a hazard. Employees remain responsible for their own behaviour and our colleagues deserve the right to be protected at work in all circumstances and the safety of our pupils is our highest imperative. Where aggressive behaviour is considered by a disciplinary panel to have taken place it may be considered a gross misconduct.

Therefore, in such circumstances the employee will be suspended immediately without prejudice,

pending an investigation which must include a report from occupational health.

Alternative travel arrangements should be made if appropriate for staff who are suspended from work.

In the event that an informal approach is felt to be the most appropriate action, the focus will be on the need for professional help, advice and/or referral to Occupational Health.

The Head Teacher or Deputy Head Teacher, CEO or HR Leader will arrange for the person's work performance and behaviour to be monitored closely for a specified period and this will also apply to our non – school based staff.

Should poor performance continue, or further instances of being incapable be observed, the Trust's capability or disciplinary procedure will be followed, which could result in termination of employment at all stages of these procedure accurate records will be kept of all communication between the Head Teacher/Deputy Head Teacher/Line Manager and member of staff involved.

8.0 Symptoms

The following may be symptoms of a problem and as such, a discussion needs to take place to determine the cause, although conclusions should not be jumped to.

- Absenteeism – increase in sickness absence - short (especially Monday and Friday absences) or long term
- Impairment of work performance
- Poor co-ordination/judgement, frequent injuries/accidents at work
- Sudden change in behaviour pattern – mood swings, irritability, lethargy
- Poor time-keeping
- Concentration and memory affected
- Deterioration in relationships with other people
- Neglect of personal care
- Financial difficulties
- Incursions with the law
- Smell of alcohol around the person - this may be noticed by pupils/parents/colleague and can have a very damaging effect on the reputation of the Tarka Learning Partnership so must be reported to a senior manager and action taken promptly.

9.0 Off duty conduct

If an employee misuses substances when “off duty”; the issue may be less about the actual misuse of a substance, but more about the effect on the employment relationship.

The Tarka Learning Partnership may be justified in taking action where the use of drugs or another substance occurs, because it is, or has become known, to pupils, parents or the wider public, and significantly undermines the employer's reputation.

The Tarka Learning Partnership reserves the right to investigate such instances under the disciplinary policy, which could lead to a formal suspension followed by an investigation which could result in termination of employment.

If behaviour which indicates that an employee is under the influence of a substance occurs during a Tarka Learning Partnership event for pupils and/or colleagues. This may include such as activities as Trust trips and excursions, or whilst representing the Trust or any of its schools or any action which is likely to constitute gross misconduct if they are responsible for the care of pupils, or in the presence of pupils at the time could result in termination of employment.

Any criminal conviction or loss of a licence due to a conviction for driving while over the legal alcohol limit might be considered by the Trust, in terms of the ongoing employment of the employee which may result in termination of employment.

Where an employee has to drive as part of their job, dismissal may be a consequence although the possibility of alternative work during the period of the driving ban should be first considered. The Tarka Learning Partnership HR Leader should be consulted for advice and support.

10.0 Internal and external support

Sources to help and support staff and managers can be found below:

- Health Assured Employee Assistance Programme (EAP) which provides 24/7 confidential support, advice and guidance including financial advice and support <https://healthassuredeap.co.uk/>
- Access to additional HR support;
- Nacro offer recovery services seeking to reduce the harm caused by drug and alcohol addiction to people, their families and the communities they live in; they provide help and support via one-to-one and group sessions. <https://www.nacro.org.uk>
- Action Addiction experts provide life-saving treatment for individuals and families affected by all kinds of addiction including alcohol, drugs (prescribed and non-prescribed), gambling, gaming, sex and love, and some food-related disorders. <https://www.actiononaddiction.org.uk>
- Turning Point enable people with serious problems related to drug and alcohol misuse, mental health and learning disabilities to lead more independent lives by providing high quality community services. <https://www.turning-point.co.uk>
- Drinking and You provide advice about sensible alcohol consumption, national government guidelines and your health. <http://www.drinkingandyou.com>
- DrinkAware is an independent charity working to reduce alcohol misuse and harm in the UK

