

Ormiston Academies Trust

Sandymoor Ormiston Academy

Staff drug and alcohol policy

Policy version control

Policy type	OAT Strongly recommended	
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In consultation with	ASCL, GMB, NAHT, NASUWT, NEU (ATL and NUT sections), Unison	
Approved by	Carmel Brown July 2018	
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Description of changes	None – policy is new	
Adoption of this policy:	Academies transferring to OAT after 01/09/2014	Academies are required to adopt OAT policies except where the former policy is contractual and specifically protected under the terms of the TUPE transfer. Academies are required to inform staff that this policy has been adopted and fully consulted with unions at national level prior to release.
	Academies that transferred before 01/09/2014	Can choose to consult locally and adopt. In these situations, the Principal should issue the policy to all staff and academy representatives for consultation over a calendar month. The district union offices should be copied in. Once adopted, any further changes consulted with the JCC will follow the process of <i>informing</i> not consulting.

OAT Staff Drug and Alcohol Policy

1. Managing issues relating to drugs and alcohol – staff

- a) Ormiston Academies Trust recognises that the misuse of alcohol and drugs is a significant area of health and social concern. It also recognises that someone with such problems could well need confidential help and support from OAT, as their employer. It may also be appropriate for staff to seek support from their Trade Union or professional association.
- b) The term 'drug' refers to both illicit substances controlled under the Misuse of Drugs Act 1971 and non-illicit substances such as solvents and legal highs. This policy does not apply in the case of prescribed or over-the-counter medicines.
- c) Misuse of alcohol and drugs can have a detrimental effect on work performance and behaviour and OAT recognises that it has a responsibility to its employees and students to ensure that this risk is minimised.
- d) All employees must take reasonable care, whilst at work, to ensure they do not endanger themselves or anyone else by their actions.
- e) Employees with a drink or drugs problem may have higher absence levels than their colleagues. A manager should focus on how an employee's addiction is affecting their performance and how they can offer support.

2. The law on drugs and alcohol at work

- a) 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.
- b) 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.
- c) 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)
- d) 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.
- e) 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 or allow the smoking of cannabis or opium on those premises.
- f) Under common law: It is an offence to 'aid and abet' the commission of an offence under the Misuse of Drugs Act.

3. OAT's policy involves three approaches

- a) Provides reasonable, confidential assistance to the staff member with an alcohol or drug misuse problem who is willing to co-operate in the treatment of that problem
- b) Where the use of drugs or alcohol affects performance or behaviour at work, and where either an alcohol or drug dependency problem does not exist or where treatment has been offered but not accepted, it may be appropriate to consider disciplinary action.
- c) Provides that 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 work place may no longer be tenable, e.g. where the health & safety of the employee, other members of staff or pupils may be compromised.

4. Support for a member of Staff

If a Manager is concerned about the behaviour of a member of staff, they should engage in a confidential two-way discussion as soon as possible and agree a plan for improvement in conduct or performance or further action, if appropriate. Where it is suspected that the issues could be due to drug or alcohol misuse they should help the member of staff to recognise the nature of the problem through the early intervention of the Occupational Health service.

Provision of support and assistance will then depend upon the following conditions being met:

- a) The Occupational Health Service confirming an alcohol or drug misuse/dependency related problem.
- b) The member of staff recognises that he/she is suffering from an alcohol or drug misuse problem/dependency and is prepared to co-operate fully with Occupational Health and accept onward referral to and treatment from appropriate sources.
- c) If those conditions are met then Managers should provide support during the period of treatment and make all efforts to maintain confidentiality. This support may include a period of paid sick leave or the approval of a period of annual or unpaid leave at short notice.

Depending upon the circumstances it may also be appropriate for a manager to:

- d) consider temporarily amending work patterns or;
- e) transferring the person to other duties during this period and/or drafting a working agreement, to be signed up to by the employee, where progress is monitored and fitness to attend work is assessed on a daily basis by an appropriate Manager.

Managers and Staff must also recognise the following limits to the assistance that can be provided:

- f) Where a member of staff consistently fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the normal Managing Capability or Disciplinary Procedures.

g) 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.

5. Note for schools

Where appropriate, references in this policy to “Manager” include the Principal or other members of the Leadership team. References to the Occupational Health Service or the HR Service include the relevant Occupational Health or HR service provider for the school. References to OATs Disciplinary or Managing Capability procedures should be taken to mean the school’s procedures for dealing with capability or misconduct.

6. Meeting with staff

Recognition of the existence of a possible alcohol or drug misuse problem is very important. Misuse of alcohol or 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.

7. Establishing the existence of an alcohol or drug misuse problem.

- a) The immediate line manager will be responsible for responding to such situations by carrying out a private two-way discussion with the member of staff, supported by a more senior Manager if appropriate.
- b) In the discussion, the possible existence of an alcohol or drug misuse problem should be explored. However, the line manager is not required to diagnose the existence of an alcohol or drug misuse problem, merely to assess whether such misuse is a possible factor.
- c) As is normal practice in any such circumstances, the employee should be invited to be accompanied by a friend, trade union representative or fellow employee if they so wish.
- d) Should the discussion lead to the conclusion that an alcohol or drug misuse problem might exist and the member of staff accepts referral, the manager should immediately refer the matter to Occupational Health.
- e) Occupational Health will be responsible for an assessment of the member of staff, collecting relevant information and providing a management report.
- f) Disciplinary action should not normally commence until Occupational Health advice is obtained, unless gross misconduct has occurred.
- g) However, Managers do still need to consider at this point whether an employee should be suspended from duty if their continued presence constitutes a risk to other staff or students.
- h) If the interview fails to lead to the conclusion that an alcohol or drug misuse problem exists, or the member of staff rejects, or fails to co-operate in any referral, then disciplinary action should commence immediately if the situation justifies it.

8. Confirmation that an alcohol or drug misuse problem exists and treatment arrangements.

- a) If a positive diagnosis of an alcohol or drug misuse problem is made, and the member of staff agrees to co-operate in treatment, then support should commence.
- b) Where necessary, the Occupational Health Service will advise the member of staff regarding treatment and relevant services and review as medically indicated.
- c) Where medical certificates are submitted, sick leave should be given. 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. In such circumstances, annual or unpaid leave should be approved first. Suspension should only be considered if their continued presence constitutes a risk to other staff or customers and the Disciplinary Procedure is being invoked. Please refer to your HR contact at EPM for a Suspension Risk Assessment template.
- d) If a member of staff has been off 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.
- e) 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 if it is predicted that the employment will need to be terminated on the grounds of incapacity (ill health).

Situations where a disciplinary situation does not exist.

There may be situations where the possible existence of alcohol or drug misuse problems affecting a member of staff comes to a manager's attention, although there is, or has been, no discernible effect on work performance or behaviour.

- f) This could arise if a member of staff confides in their manager about an alcohol or drug misuse problem, or a manager could see a need to approach a member of staff after observing possible "indicators" of an alcohol or drug misuse problem i.e. an absence pattern, information provided by the member of staff's colleagues, etc.
- g) In such situations, the academy would wish staff to feel they could seek help from their employer (in complete confidence) without worry that their job security would be in jeopardy.
- h) If managers are faced with a situation of this type they should discuss the issues with the member of staff and, if appropriate, offer to arrange for the member of staff to be referred to the Occupational Health Service.
- i) The Occupational Health Service would then play a facilitating role in seeking to establish whether a problem exists, advising and directing the member of staff towards appropriate forms of treatment and help. These steps cannot be taken without the co-operation of the member of staff. If the member of staff does not wish to co-operate, no further action should be taken.

9. Sources of advice for staff

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-judgemental 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.