



Drapers' Multi-Academy
Trust

Staff Alcohol & Drug Abuse/Misuse Policy

Version 1

Alcohol & Drug Abuse/Misuse Policy
Drapers' Multi Academy Trust
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Procedure Relating to Alcohol & Drug Abuse/Misuse

1 Policy and Scope

- 1.1 Drapers' Multi Academy Trust [the MAT] strongly believes and supports proactive employee health, safety and welfare policies within the workplace. In all areas of activity, The MAT pursues the reduction of risk and promotion of safety of its employees and the environment.
- 1.2 Alcohol, drugs and substance misuse threaten the health and safety of the employee, others at work and the public. Both the public and employee may be at risk in the event of incapacitation through alcohol, drug or substance misuse.
- 1.3 The MAT recognises the right of all employees to follow outside interests of their choice. Outside interests should not, however, impinge on work performance. The MAT expects its employees not to misuse either alcohol or drugs.
- 1.4 This policy applies to all MAT employees, including Principals and other members of the Senior Leadership Teams.
- 1.5 For employees who breach disciplinary rules due to being under the influence of drugs, including alcohol, during working hours such offences will be dealt with under the MAT's Disciplinary Policy. If appropriate Occupational Health will be contacted for guidance by either the employer or the employee.
- 1.6 This policy addresses the use of alcohol, illegal drugs, or other controlled substances used for non-medical purposes, which may impair an employee's efficiency and/or interfere with the quality of his/her work and/or conduct at work.
- 1.7 The policy document aims to provide guidance and assistance to Principals/other nominated members of the leadership team to enable them to deal with employees with alcohol/drug/substance related difficulties, in a fair and consistent manner. The effective implementation of this policy will minimise the problems related to alcohol or drug misuse and The MAT will be in a better position to provide an efficient and effective service.
- 1.8 Flexibility of action is necessary to ensure that individual cases, which may vary considerably and which will not conform to a precise pattern can be dealt with according to individual needs.

- 1.9 The MAT recognises that:
- Alcohol, drugs and substance misuse are primarily health problems which may require specialist help.
 - Alcohol, drugs and substance misuse interferes with the employee's health and job performance.
- 1.10 This policy is intended to encourage employees with an alcohol, drug and/or substance misuse problem to seek help and to reassure them that the MAT will support them, as far as is reasonably practicable, in their efforts to overcome this problem.
- 1.11 Employees identified as possibly suffering from alcohol, drug or substance misuse will be given the opportunity immediately to seek specialist help/advice by an initial referral to Occupational Health and access to the MAT's Employee Assistance Programme.
- 1.12 Support cannot however be offered on a totally open-ended basis. If an employee relapses within six months after completing their treatment programme they will only be given one more assisted referral opportunity subject to obtaining advice from Occupational Health.
- 1.13 Where assistance or support is not accepted and/or the problem around performance and/or conduct persists or re-occurs, the matter should be dealt with under the appropriate procedure such as capability or disciplinary action in respect of conduct issues.
- 1.14 Employees also need to be aware that if their use of alcohol, drug or substance misuse affects their work performance or conduct and they cannot overcome the problem, this could ultimately lead to their dismissal. However, employees should also note they will be given the opportunity to seek help regarding any such problems prior to dismissal being contemplated.

3 Legal Aspects

• Misuse of Drugs Act 1971

The possession, sale, supplying or purchase of illegal substances (controlled drugs) is not lawful. The MAT considers that undertaking any of the above actions whilst carrying out MAT authorised work constitutes gross misconduct and this may lead to dismissal. The MAT has an obligation to notify the local Police authority of any instance of this nature, and will do so. Employees have a duty to notify the Principal of any past,

pending or future criminal justice details, including investigation for a criminal offence; of any charges; of any cautions convictions reprimands, warnings, bindovers and acquittals. Failure to do so is likely to result in disciplinary action, which could include dismissal.

• **Health & Safety at Work etc Act 1974**

Under the Health and Safety at Work etc Act 1974, employers have a statutory duty to ensure the health, safety and welfare of their employees. Employees also have a duty to take reasonable care of the health and safety of themselves and other people who may be affected by their acts or omissions at work.

4 Signs of Alcohol or Drug Misuse

- 4.1 It is not the responsibility of Principals, Line Managers or supervisors to diagnose alcoholism or drug dependence. This is purely a medical function. However, Principals and Line Managers are best placed for identifying employees who may be in need of help. Some of the signs that may indicate an alcohol, drug or substance misuse problem may include one or more of the following [these are not an exhaustive list]:
- **poor/inadequate work performance** including difficulty in concentration, alternate periods of high and low productivity, increasing general unreliability and unpredictability, missed deadlines, mistakes due to inattention or poor judgement, difficulty in recalling instructions, details, etc. increasing difficulty in handling complex assignments, improbable excuses for poor work performance;
 - **uncharacteristic and unacceptable behaviour** including over-reaction to real or imagined criticism, unreasonable resentments, irritability, deteriorating relationships with colleagues, borrowing money from colleagues, avoidance of supervisor or colleagues;
 - **increased absence and/or tardiness including** poor timekeeping, multiple instances of unauthorised leave, excessive sick leave including frequent self-certificated leave; frequent Monday and/or Friday absences, immediately prior/after school closures; excessive lateness.
 - **reporting to work under the influence** including coming to work in an obviously inebriated condition eg. smelling of alcohol; slurred speech

- **physical signs of deterioration** including increasingly unkempt appearance, lack of personal hygiene, hand tremors; facial flushing, bleary eyes, mood changes, irritability, lethargy
 - **high accident rate** including accidents at work, or when travelling to and from work.
- 4.2 The MAT is committed to providing support for the employee to overcome their alcohol, drug or substance misuse. However, employees will first need to recognise and accept that they have a problem. Where the employee recognises that they have a problem, if asked, their Principal or other nominated member of the senior leadership team will inform the employee of the assistance available under this policy. It is in no one's interest to cover up or ignore problems.

5 The Role of the MAT Board

- 5.1 The MAT Board will approve and agree any amendments to this policy.

6 The Role of the Principal / Nominated Member of the Senior Leadership Team /CEO

- 6.1 If the Principal or other nominated member of the senior leadership team/CEO suspects an employee of alcohol, drug or substance dependency, they should contact the MAT's HR Manager to inform them of their concerns. As this can often be a sensitive and difficult issue to deal with the MAT's HR Manager will advise the Principal, or other nominated member of the senior leadership team, accordingly especially if they are considering arranging a meeting with the employee. If this is the case the employee should be advised of the right to be accompanied by a trade union representative or a work colleague.
- 6.2 As with any performance or conduct issue, the Principal or other nominated member of the senior leadership team should:
- keep a note of the employee's performance, conduct, absence and any lateness;
 - if they consider the above performance issues are becoming a problem, arrange a private meeting with the employee;
 - discuss these work-related problems with the employee. Restrict the discussion to issues concerning the work related problems;

- not accuse the employee of having an alcohol, drug or substance misuse problem; and
 - ask the employee concerned for his/her view of the problems, their nature and reasons behind them.
- 6.3 The employee may volunteer that they have an alcohol/drug/substance problem to their Principal/Line Manager. If so, then the Principal/Line Manager should inform the employee that the MAT's HR Manager will provide support in dealing with the problem should they choose to accept that help. If the employee does not volunteer this information, then it is not appropriate for the manager to discuss the possibility of a drink, drug or substance problem at this stage.
- 6.4 It may be appropriate to arrange a confidential meeting with the employee, their trade union representative or work colleague to discuss the problem and establish if the employee is willing to accept help in dealing with the problem.
- 6.5 An outcome of this meeting may be that the Principal, or other nominated member of the senior leadership team, may refer the employee to Occupational Health for an assessment. Occupational Health will advise the Principal/ Line Manager accordingly to enable them to determine an appropriate course of action.
- 6.6 Principals/Line Managers/other nominated members of the senior leadership team are expected to act in accordance with these procedures as soon as the problem of alcohol, drug or substance misuse is suspected as any avoidance of dealing with such a problem may be considered a lack of professionalism and/or duty of care.

7 The Role of Occupational Health

- 7.1 Occupational Health will be responsible for assessing the employee and providing regular feedback to the respective Principal or other nominated member of the senior leadership team on the progress of the employee.
- 7.2 The support provided to employees will include a review of the case by Occupational Health and/or the Counselling Service via the Employee Assistance Programme (EAP) service, a referral to outside sources such as agencies and/or treatment centres that offer professional help.
- 7.3 All individuals involved in the case will maintain the confidentiality required in such a sensitive area.

- 7.4 Occupational Health will advise on whether the employee requires time off work for treatment. This time off will be treated as absence for sickness and the MAT's sickness policy will apply.
- 7.5 After treatment the employee will be expected to return to the same job unless advice from Occupational Health states that the resumption of that job would be inconsistent with the full recovery from the illness, in which case redeployment where available, in consultation with the employee will be considered and discussed if appropriate.
- 7.6 If redeployment cannot be achieved or is not an option, consideration will be given to the termination of employment on the grounds of incapability or in line with the relevant procedure i.e. MAT Sickness Absence Policy.

8 The Role of the Employee

- 8.1 It is the employee's responsibility under the MAT's Health and Safety Policy, "Not to consume any alcohol, drugs or other substances that will impede their ability to work safely".
- 8.2 Employees will first need to recognise and accept that they have an alcohol, drugs or substance dependency. They should endeavour to speak to their line manager, occupational health, and counselling service or outside agencies for advice and/or assistance.
- 8.3 If an employee refuses treatment, and the performance and conduct problems persist, the employee may be subject to disciplinary action as outlined in the MAT's disciplinary policy or dealt with under the MAT's capability policy.
- 8.4 If following successful treatment (at the end of the treatment) the employee subsequently relapses into alcohol, drug or substance dependence within six months, only one further opportunity to accept and co-operate with agreed treatment will be provided by management depending on particular circumstances.
- 8.5 If an employee, who has completed treatment fails to maintain an acceptable level of performance or displays unacceptable behaviour, the employee may be subject to the poor work performance / capability measures or disciplinary action, which could lead to dismissal.
- 8.6 If an employee who is performing satisfactorily is worried about their alcohol, drugs or substance dependence and wants to seek help, they may discuss the issue with Occupational Health in confidence or the Counselling Service via the MAT's EAP service provider.

- 8.7 An employee may wish to approach their trade union representative to access any help or support available.
- 8.8 Failure to notify the MAT of an alcohol, drug or substance problem could lead to disciplinary action.

9 Confidentiality

- 9.1 All parties involved in implementing this policy must ensure that confidentiality is maintained, except where otherwise required by this policy.
- 9.2 Any employee who wishes to self refer to the Counselling service via the MAT's EAP can be assured that this is a totally confidential service. No reports will be submitted to the MAT.
- 9.3 In respect of self-referral to Occupational Health, the Principal [or the Local Governing Body in the case of Principals] will not be informed of the employee's problem without his/her permission.

10 Conclusion

- 10.1 It is hoped that by early detection and support such problems can be addressed and resolved. However, if despite efforts to help and support employees, the problem persists, an eventual outcome could be the termination of employment on the grounds of lack of capability or misconduct or ill-health. This procedure intends to identify and deal with problems at an early stage so that serious action can be avoided wherever possible.
- 10.2 Suspected cases of alcohol, drugs and substance misuse should be investigated fully before the appropriate action is decided upon.

11. DATA PROTECTION

- 11.1 The MAT will process any personal data in accordance with the MAT's Data Protection Policy and retention schedules.

12. PROCEDURE FOR CASE MANAGEMENT/HANDLING FLOW CHART GUIDANCE

- 12.1 After initial discussion between the employee and his/her Principal or the CEO, the following procedure should be followed regarding employees who are possibly suffering from alcohol or drug abuse.

Procedure Handling Flow Chart

