



# **Model Policy for Substance Misuse**

## **Introduction**

This policy has been determined by the Local Authority in consultation with the recognised trade unions, teachers' associations and the Governors' Council. This policy is recommended to schools for adoption immediately. Should schools decide to develop their own procedure, they will need to re-open trade union consultation on an individual basis.

## **Purpose**

The purpose of this policy is to communicate the expectations that the Governing Body of Perran-ar-Worthal School is committed to ensuring a safe, healthy and productive working environment and to preventing problems at work arising from the misuse of drugs, alcohol and other substances.

This policy has been developed to actively protect and promote the health, safety and well-being of all members of staff.

It is designed to ensure that the Governing Body's interests and those of the communities it serves for an effective, efficient and safe service are maintained, whilst members of staff are treated in an appropriate manner.

Its purpose is to ensure that:

- Members of staff understand the dangers and harmful effects of substance misuse;
- Members of staff are aware of their responsibilities regarding substance misuse in relation to work;
- Problems are identified and dealt with appropriately and consistently at the earliest opportunity;
- Appropriate support and assistance is offered to those who have a substance misuse problem which may affect their work performance;
- Members of staff are assisted to acknowledge a problem, and are encouraged to voluntarily seek advice and help;
- By provision of education and information, that headteachers and managers are able to recognise signs of substance misuse, and are confident in taking action and seeking advice in accordance with clear guidelines;
- The Governing Body fulfils its legal obligations, in respect of Health and Safety legislation, in particular the Health and Safety at Work Act

## **Policy statement**

The Governing Body relies upon the goodwill, reliability and loyalty of its members of staff. As such, all members of staff are trusted to act, behave and work sensibly in order to maintain public confidence.

The Governing Body has a statutory duty under the Health and Safety at Work Act 1974 to ensure so far as is reasonably practicable, the health, safety and welfare at work of its members of staff. All members of staff must be aware of their individual responsibility for their own health and safety, and for those who may be affected by their acts or omissions whilst at work.

The Governing Body recognises that substance misuse may be an illness which requires advice and support and should be treated in a confidential and constructive manner. Early identification and appropriate treatment are the most effective ways of dealing with misuse. Notwithstanding that, it may be appropriate to apply disciplinary measures in certain circumstances, in accordance with the relevant disciplinary and capability procedures.

This policy has been developed in conjunction with employee representatives and other interested parties.

### **Scope**

The policy applies to the Governing Body and all members of staff working under a contract of employment at the school, and other workers including casual and seconded staff when engaged to work on behalf of the school.

All members of staff are responsible for adhering to the policy and reporting possible breaches of the policy.

The headteacher, other managers and the Governing Body are responsible for implementing the policy, where required, and in an appropriate manner.

### **Definitions**

Substance misuse in the context of this policy is defined as:

“Misconduct or under-performance resulting from the misuse of alcohol, illegal drugs and/or other substances which harm or have the potential to harm the individual (both physically and mentally) and, through the individual’s actions, other people or the environment.”

This definition, and the scope of the substance misuse policy, excludes smoking. The position on smoking is set out in the school’s smoking policy.

### **Prescribed medication**

If a member of staff is taking prescribed medication which may affect their ability to perform their normal duties safely, for example driving or operating

machinery, he/she must inform their manager. Depending on the nature of the member of staff's duties, medical advice may be sought from Occupational Health about the member of staff's fitness to perform their normal duties, and about any adjustments to the member of staff's work that should be arranged while taking the medication, in order to manage potential risks to safety.

### **Policy application**

Guidance will ensure that all members of staff are aware of the substance misuse policy, its aims and safeguards.

The manager's role is to monitor job performance and conduct, identifying any problems, and taking corrective action as set out in the policy and associated guidance. headteachers must take advice from the Schools' HR team, Occupational Health or Health and Safety Team as appropriate.

All members of staff are assured that support and assistance will be offered to anyone identified as having a problem related to substance misuse that adversely affects their work. Members of staff who are identified as possibly having a problem related to substance misuse will be referred to Occupational Health and may be offered referral to an external agency.

Assistance under this policy does not automatically apply to anyone who, because of substance misuse, behaves in a manner contrary to the standards of conduct required by the Council. These standards are set out in the relevant code of conduct for employees.

Nothing in this policy and procedures or their application shall be construed so as to prevent or inhibit the law. The Governing Body is under a duty to uphold the law where a drug is a controlled substance under legislation. It is a criminal offence for any member of staff to possess, supply, offer to supply or produce controlled drugs. The Governing Body forbids the possession, use or distribution of illegal drugs on, in or from any of its premises, vehicles or plant. Involvement in these activities will be treated as gross misconduct. The police will be informed of any activities connected with controlled drugs on Council property or in Council vehicles or plant.

### **Information, education and training**

The Governing Body is committed to providing members of staff with information about substance misuse and undertakes to offer information, training, advice and support to members of staff on the dangers associated with substance misuse and to give advice on sensible limits for alcohol consumption.

Specific education, training, and support will be provided to headteachers and managers to help them recognise problems and deal with the consequences.

### **Help and support**

Early identification and appropriate treatment are the most effective ways of dealing with problems relating to substance misuse. Members of staff who believe they have a problem relating to substance misuse are encouraged to seek help and treatment voluntarily, either through self-referral to Occupational Health, through their own GP, or through specialist agencies. Members of staff are also encouraged to approach their headteacher or line manager. Members of staff can bring a colleague or trade union representative to discussions for support.

Occupational Health will provide advice to members of staff seeking help. Advice in relation to fitness to work will be provided to headteachers where the headteacher has made a management referral.

On receipt of advice from either the member of staff's GP, or Occupational Health, that treatment is necessary and may entail absence from work, such absence will be treated as sick leave, and dealt with in accordance with the relevant school attendance policy. Completion of the treatment and confirmation of the member of staff's fitness to return to work must be supported by a medical certificate.

Following any return to employment after or during treatment for a problem relating to substance misuse, if work performance or conduct should again suffer as a result of substance misuse, each case will be considered on its merits and, if appropriate, a further opportunity for help and treatment may be offered.

### **Confidentiality**

All discussions with members of staff in the context of this policy are confidential, subject to the over-riding obligations of the Governing Body not to conceal criminal behaviour or risks to the health and safety of the member of staff themselves, other members of staff, or the public. The confidential nature of any records of members of staff with a problem related to substance misuse will be strictly maintained.

### **Consumption of alcohol, drugs and other substances**

Research has proven that individuals who are under the influence of drink or drugs will not achieve their full work potential and may pose an increased risk of industrial accidents.

Therefore, the consumption of alcohol, or drug/substance use

- during working hours or while 'on duty';
- while 'on call' or 'on standby' (where attendance at work is a requirement on receipt of the call-out); or
- during breaks
- is potentially detrimental to job performance, and potentially incompatible with good practice in terms of health and safety.

The effects of substances can continue for some time after use and members of staff must take account of this.

The consumption of alcohol, drugs or other substances has a range of possible effects. These may include, for example, lack of concentration, poor judgment, slower reaction times and reduced coordination. These effects are factors which may be critical to safety. The Governing Body therefore reserves the right to set standards for particular roles or operations, which may specifically include the prohibition of alcohol or other drugs/substances in the circumstances described above. The setting of such standards for particular jobs or operations will be based on a risk assessment approach.

The consumption of alcohol, drugs or other substances in direct contravention of a specific management instruction or regulation will constitute gross misconduct, and may result in dismissal.

### **Driving duties**

All holders of driving licences should be clear that driving when above the legal alcohol limit (80mg/100ml of blood) or driving while unfit through drugs or other substances are offences which can result in loss of licence. Members of staff who are required to drive as part of their duties must not be legally unfit to do so through use of alcohol, drugs or other substances.

Furthermore, it is recommended that any member of staff undertaking driving duties is strongly advised not to consume any alcohol prior to undertaking those duties.

Members of staff are advised that the use of alcohol and/or drugs can seriously impair judgement, perception and co-ordination resulting in a serious threat to own safety and that of passengers and other road users. Members of staff should also exercise caution in the use of prescribed medication.

### **Statement on drug and alcohol testing**

The Governing Body believes that testing is not the general solution to combating substance misuse. Investment in information, education and training will generally have more impact on safety, performance and productivity than drug and alcohol testing at work. However, the Governing Body reserves the right to implement testing arrangements for safety-critical roles as described below.

Alcohol and drug testing in the workplace is only likely to be justified if there is a strong argument that the particular environment of work is safety-critical.

A drug and alcohol testing protocol will be developed to support this policy. Where management believe drug and alcohol testing to be justified for members of staff undertaking safety-critical duties, any proposals will first be discussed in detail between the Governing Body, Trade Unions and CSF HR officers. Consent

will first need to be incorporated (via consultation or negotiation) into existing members of staff's conditions of service, and included in the contract of employment for new employees.

### **Potential for disciplinary action**

Notwithstanding anything stated previously in this policy, it may be appropriate to apply disciplinary measures in accordance with the relevant disciplinary and capability procedure. Regardless of the nature of the work undertaken within the school, it is recognised that all members of staff will be seen as role models for pupils and will reflect the image of the school. Subsequently, all members of staff in the school may fall within the scope of the potential for disciplinary action where alcohol and/or substance misuse is suspected.

There are circumstances relating to alcohol and/or substance misuse which will merit consideration under the Disciplinary Procedure and may potentially lead to dismissal. It will also be appropriate to consider a range of support measures, for example, referral to the Occupational Health Department, consideration of counselling support and agreement of supportive action plans. Such actions may be implemented in conjunction with any disciplinary process or indeed as an alternative approach. Each matter will be thoroughly investigated and considered on an individual basis.

### **Monitoring and review**

The implementation of the policy will be monitored and a review undertaken one year after its introduction.