

LANCASHIRE COUNTY COUNCIL
MANAGING ALCOHOL/DRUG ABUSE
POLICY AND PROCEDURE FOR SCHOOL STAFF
(REVISED FEBRUARY 2022)

1. PURPOSE

Rockwood Nursery School recognises alcohol and drug abuse as social concerns, and supports the need to give employees assistance with alcohol and drug related difficulties, which affect their health and work performance.

This policy sets out the School's formal arrangements for managing alcohol and drug related issues and applies equally to all school employees regardless of status or seniority.

2. STATEMENT OF POLICY

This school endeavours to ensure that employees' use of either alcohol or non-medically prescribed drugs does not impair the safe and efficient running of the organisation or the health of its employees.

However, the School recognises alcohol and drug abuse as social as well as health and safety at work concerns, and supports the need to give employees assistance with alcohol and drug-related difficulties, which affect their health and work performance.

The School will therefore take whatever steps are reasonable to ensure that:

- Sufficient information and advice is available to employees to enable them to be aware of the symptoms and effects of the misuse of drugs and alcohol.
- Employees who know or suspect that they have an alcohol or drug-related problem are encouraged to seek help voluntarily.
- Confidential advice and help is provided for any employee with alcohol or drug-related problems.

Also, the School is aware that the taking of prescription or purchased drugs for medical purposes can impair an individual's work performance or safety. Therefore, employees and others covered by this policy should be guided by the advice of their GP, pharmacist or the instructions for use, and should inform their line manager if they are taking drugs which may affect their work performance or endanger themselves and/or others.

The use of alcohol or illicit drugs during working hours, wherever that work is taking place, is not acceptable.

3. SCOPE OF POLICY

The provisions contained within this policy relate to employees who may have a health problem and do not include an employee who behaves contrary to the acceptable standard of safety and conduct through excessive indulgence on a random occasion. In such cases normal disciplinary procedures will apply.

4. CONFIDENTIALITY STATEMENT

- i) The confidentiality of the employee with an alcohol or drug-related problem in all matters relating to their counselling/treatment etc. will be strictly preserved, wherever possible.
- ii) Where the nature of the employee's problem is such that the continuation of their normal duties is likely to pose a serious threat to the wellbeing of the employee and/or others, information may need to be shared e.g., with the direct line manager, to ensure that the employee's performance is monitored in an appropriate way
- iii) suspension of the employee may be necessary should their performance fall below the required standard. Where this is felt necessary, the employee's views should be sought with regard to what information may be shared with colleagues
- iv) where an alcohol/drug abuse concern becomes a potential disciplinary matter, information may need to be shared with those involved in investigating or hearing the disciplinary or appeal case (e.g., Headteacher, members of the appropriate committee of the Governing Board)

5. LEGAL DUTIES

- i) The Health & Safety at Work Act, 1974 and other Health & Safety legislation places an obligation on employers to ensure, as far as is reasonably practicable, the health, safety and welfare of employees whilst at work. This includes protecting employees and others from the risk posed by an employee continuing to work whilst under the influence of excess alcohol or drugs.

Similarly, employees are also required to take reasonable care of themselves and others who could be affected by what they do or don't do.

- ii) The Road Traffic Act 1988 makes it a criminal offence to drive or be in charge of a motor vehicle on a road or other public place when unfit through drink or drugs.

- iii) The Misuse of Drugs Act 1971 makes the production, supply and possession of controlled drugs unlawful in all but certain specified circumstances. Knowingly permitting these activities to take place on their premises could mean an employer is committing an offence.

6. RESPONSIBILITIES

Management responsibilities:-

It is the responsibility of the Governing Board and Headteacher to ensure that these procedures relating to the management of alcohol and drug related issues are carried out and any action is taken as appropriate.

Employees' responsibilities:-

It is the individual employee's responsibility to take reasonable care of themselves and others by adhering to the procedures relating to alcohol and drug related issues.

Therefore, an employee should not wilfully withhold information of their inability to meet the required standard of performance by reason of illness or self-inflicted incapacity.

Employees who recognise that they have an alcohol or drug problem or that they are at risk of developing one should be encouraged to come forward for confidential help. They should seek an appointment, in confidence, with their line manager, and may wish to request a referral to the Occupational Health Unit.

There is also an expectation that individual employees who are experiencing drug/alcohol related difficulties will respond to any advice and co-operate in receiving support from appropriate agencies in order to receive appropriate treatment

Employees should be encouraged not to cover for colleagues with an alcohol or drug problem but to recognise that this represents a false sense of loyalty rather than helping them.

7. ESTABLISHING THERE IS A PROBLEM

Drug and/or alcohol use is often symptomatic of other underlying issues and is often used as a coping mechanism for individuals experiencing stress and/or mental health issues.

Management should be aware that the misuse of drugs or alcohol by an employee may come to light in various ways. The following characteristics, especially when arising in various combinations, may indicate the presence of an alcohol or drug-related problem.

Remember - all these signs may be caused by other factors such as depression and stress-related conditions and should be regarded only as indicators that an employee **may** be abusing substances or alcohol. This list is not exhaustive and is only intended

to provide examples. In all circumstances any existing medical conditions also need to be taken into account.

- i) **Absenteeism** - This may take the form of instances of unauthorised leave, frequent Friday and/or Monday absences, leaving work early, lateness (especially on returning from lunch), excessive level of sickness absence, especially frequent short-term absences
- ii) **High accident levels** - at work or elsewhere, e.g. driving, at home
- iii) **Work performance** may be affected – e.g., difficulty in concentration, work requires increased effort, individual tasks take more time, there are problems with remembering instructions, or there is an increased number of mistakes
- iv) **Mood swings/behavioural changes** - such as irritability, depression, general confusion
- v) **Changes in general appearance**
- vi) **Misconduct** - An employee's alcohol or drug problem may come to light as a mitigating factor in a disciplinary interview. It may be treated as a mitigating factor for certain "less serious" disciplinary offences, such as poor time keeping or lateness, provided the person is prepared to undergo counselling/rehabilitation.
- vii) **Self-referral**. In some instances, employees may seek help and advice themselves. Employees who seek help voluntarily will be treated sympathetically, given support and encouraged to participate in confidential counselling/rehabilitation.
- viii) **Sickness absence**. Problems with alcohol or drugs may come to light through a sickness absence referral to the Occupational Health Unit.

8. INTERVENTION

- i) The employee must be treated with respect and the matter dealt with the utmost discretion in so far as reasonably practical throughout this process. Information will only be shared where necessary to support ongoing treatment or another process.
- ii) Headteachers who feel an employee's unsatisfactory performance may be drug or alcohol related should arrange a meeting with the employee to discuss possible forms of intervention and support and decide whether it is appropriate to seek advice from the Occupational Health Unit.
- iii) Depending upon the circumstances of the case, a meeting may be convened by the Headteacher, or other appropriate member of school management to discuss the content of the OHU report should such a referral take place.

- iv) At this meeting the Headteacher may be accompanied by a representative of the Schools Human Resources team. The employee has the right to be accompanied by a trade union representative or a work colleague.
- v) At the meeting the unsatisfactory performance / conduct should be discussed in detail with the employee. The Headteacher, with advice from the Occupational Health Unit where necessary, should restate the School's required standards, making sure the employee understands what is expected of him/her. The Headteacher should try to establish, where possible, the cause of the problem.
- vi) The employee should be informed or reminded of the assistance the School is prepared to give employees who are trying to overcome a drink or drugs problem and should also be informed of internal and external services where help can be obtained.
- vii) The employee should be informed that the school requires his/her performance to be improved to an acceptable standard and that failure to achieve this may result in disciplinary action being taken. The Headteacher, (or person to whom responsibility for the management of the issue has been delegated by the Headteacher) with advice from the Occupational Health Unit where necessary, should agree with the employee what follow-up action is to be taken.
- viii) Where it is established that alcohol or drugs are, or could be, the problem, seeking support from the Community Alcohol and Drugs Services may be suggested to the employee.
- ix) Whilst the employee concerned is receiving rehabilitation/guidance from professional advisers, the Headteacher may consider suspending any disciplinary action for an agreed period in order to allow the rehabilitation/advice to take effect.
- x) If the employee denies that either alcohol or drugs are the cause of the problem or if the problem persists despite treatment, he or she should be treated as for any other disciplinary / capability problem, whichever is judged as appropriate by the Headteacher.
- xi) However, if there are strong signs that the employee's unsatisfactory performance is drug or alcohol related and he or she will not acknowledge this, further encouragement should be given at all stages of the disciplinary / capability procedure to face up to the true underlying problem.
- xii) A record should be kept of all events and any actions taken and placed on the employee's personnel file. The employee will be treated with respect and the utmost discretion applied.

9. REHABILITATION

Where employees acknowledge that they have a problem and are undergoing rehabilitation this will be on the understanding that:

- i) Reasonable time off will be granted for treatment/counselling with pay or sick pay depending on the circumstances, in accordance with the normal provisions

for employees with health problems, for example, the use of Special Leave for appointments.

- ii) Every effort should be made to ensure that on completion of the recovery programme employees are able to return to the same or equivalent work.
- iii) However, where such a return would jeopardise either a satisfactory level of job performance or the employee's recovery, Headteachers with assistance from the Occupational Health Unit, will review the full circumstances surrounding the case and agree a course of action to be taken. This may include the offer of suitable alternative employment within school, action under the Sickness Absence Management Policy or action under the Disciplinary/Capability Procedure where recovery is not achieved within an agreed, reasonable, time frame.

10. RELAPSE

While recovery and/or abstinence is possible, alcohol and drug dependence is characterised as a chronic relapsing condition and as such relapse can be common.

Where an employee, having undergone rehabilitation, suffers a relapse, the Headteacher will consider the case on its individual merits. Medical advice from the Occupational Health Unit may be sought and at the Headteacher's discretion, more rehabilitation time may be given in order to help the employee to recover fully. Where this is not considered appropriate, action under the Sickness Absence Management Procedure or the Disciplinary/Capability Procedure may be taken.

11. RECOVERY UNLIKELY

If, after employees have undergone treatment/counselling recovery seems unlikely, consideration may be given to the issue being managed under formal procedures e.g., dismissal under the disciplinary, capability or attendance procedures, after medical advice has been obtained.

12. ALCOHOL/DRUG RELATED INCIDENTS IN/OUTSIDE THE WORKPLACE

Consumption of alcohol in the workplace

Employees are, under normal circumstances, expressly forbidden to consume alcohol in the workplace, including those being dealt with under this Policy. Any breach of this rule will result in disciplinary action being taken, which could result in dismissal. There are, however, certain occasions when senior management may make an exception, for example, retirements, special birthdays, Christmas etc. Such occasions will be clearly notified to employees in advance. At such times, employees will still be expected to behave in a responsible manner. Drivers are advised, where necessary, to find an alternative means of transport home.

Consumption of alcohol on residential visits

Schools should clearly state whether they allow staff to take some 'free time' during longer-term residential visits, during which it may be acceptable to consume alcohol.

However, care should be taken to ensure that staff regarded as 'on duty' understand that they are not permitted to consume alcohol during this time since they have a duty of care over the pupils in their care, and may be required to make professional decisions or actions.

Schools should also be mindful of ensuring an appropriate number of staff remain 'on duty' to supervise the pupils on the visit, and include 'staff drinking alcohol' as part of the Risk Assessment for the visit.

Consumption of alcohol before or during working hours or during meal breaks

It should be noted that if any employee (including those being dealt with under this policy) is affected, in the opinion of the line manager by alcohol or drugs during working hours, they will be escorted from the workplace immediately and may be dealt with under the Disciplinary Procedure. The employee should not be allowed to drive and if possible, a taxi/lift should be arranged. It should be noted, however, that the responsibility is on the employee (and not the manager or colleagues) to get themselves home safely and legally. Whilst support can be offered to help the employee travel safely and legally, the school is not liable for unsafe/illegal decisions the employee may take.

Drug abuse in the workplace

Employees who take drugs which have not been prescribed on medical grounds or bought "over-the counter" will, in the absence of mitigating circumstances, be deemed to be committing an act of gross misconduct and will be subject to disciplinary action as will any employee found to be buying or selling drugs, or in possession of unlawful (i.e. unprescribed) drugs. Headteachers will also need to consider whether such matters should be reported to the Police.

Alcohol and Drug related incidents outside the workplace

Employees can take the view that their conduct is of no relevance to their employer if it occurs outside of school and in their own time. Whilst it is true to say that all employees have a right to a private life, the assumption that it is of no concern to their employer can sometimes be misplaced.

It should be noted that disciplinary action may be considered in relation to drug and alcohol related acts of misconduct which take place outside of work hours, for example, in instances of criminal prosecution and/or conviction/caution for such actions. The main considerations should be the relevance of the offence to the employee's duties and/or the effect on the contractual relationship with the employer.

Disciplinary measures will not automatically be appropriate in these instances. However in some cases, e.g. where the school has been brought into disrepute, then action may be taken. Advice can be sought from the Schools Human Resources Team.

Alcohol and Drug related incidents on school related functions

If any employee attending a school function eg Christmas party, birthday celebration, leavers party, school prom etc. behaves inappropriately, or brings the school into disrepute due to their actions following the consumption of alcohol/drugs, their conduct may be regarded as taking place 'in the workplace' and disciplinary action may be deemed appropriate.

13. SOURCES OF ADVICE AND INFORMATION

The following organisations offer a combination of information, support, advice and training on alcohol and drug related issues.

- Drinkline is the national alcohol helpline. If you're worried about your own or someone else's drinking, you can call this free helpline in complete confidence. Call 0300 123 1110 (weekdays 9am to 8pm, weekends 11am to 4pm).
- Health and Safety Executive – has produced guidance for employers on alcohol and drug misuse at work
- Institute of Alcohol Studies - <https://www.ias.org.uk>
- Alcoholics Anonymous – For help with a drinking problem either phone the national help line on 0800 9177 650 or make contact by email: help@aamail.org
- Alcohol Change UK – formed from the merger of Alcohol Concern and Alcohol Research - <https://alcoholchange.org.uk>
e-mail:contact@alcoholchange.org.uk
phone:020 3907 8480

Commissioned Community Substance Misuse Services for all Lancashire residents:

Young People Up to age 25 including young adults 18+ this allows for more appropriate placement based on age/substance of use and continuity of care after age 18:

We are With You (*formerly known as young addaction*)
Young Peoples Substance Misuse Services across Lancashire.
YMCA, Fleet Square, Lancaster, LA1 1EZire.
www.wearewithyou.org.uk
0808 1640074

Adults (age 18+):

CGL (Change, Grow, Live) East Lancashire

contact [01254 495 382](tel:01254495382) or email eastlancs.info@cgl.org.uk.

There are three hubs:

- Burnley office - 37-41 Westgate, Burnley BB11 1RY
- Accrington - 33 Eagle Street Accrington BB5 1LN
- Nelson - Grassroots Centre, Leeds Road BB9 9XB

www.changegrowlive.org/inspire-east-lancashire

CGL (Change, Grow, Live) North & Central Lancashire

contact: [08081 698 673](tel:08081698673)

The hubs are :

- Fleetwood – Lofthouse Building, London Street, Fleetwood FY7 6JL
- St Annes – The Patterson Centre, St Albans Road, St Anne's FY8 1XD
- Morecambe – Belfield House, 173 Euston Road, Morecambe LA4 5LQ
- Lancaster – 26 St Georges Quay, Lancaster LA1 1RD
- Preston – St Wilfrids Building, Fox Street, Preston PR1 2AB
- Chorley – Matrix House, Friday Street, Chorley PR6 0AA
- Skelmersdale – 75-79 Westgate, Skelmersdale WN8 8LP

www.changegrowlive.org/inspire-north-central-lancashire