



SEFTON COUNCIL

DRUGS, ALCOHOL AND OTHER SUBSTANCE MISUSE

Policy and Procedure for Schools

Produced by Personnel – Schools Team

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V2.0

School: *Thomas Gray*

Date Adopted by the Governing Body:

Signed:

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1 Introduction.

It is recognised that alcohol, drug and other substance misuse can impair performance, judgement, safety and interpersonal work relations.

The purpose of this policy is to help protect the children and employees from the dangers of alcohol, drug or other substance misuse and to encourage those with a problem to seek help. In addition this policy sets out a procedure to ensure that all alcohol and drug problems are dealt with sympathetically, fairly and consistently.

2 Policy Statement

"The School/College has a duty to:

- *Commit to the safeguarding and welfare of its children and young people*
- *deliver high quality and value for money education to its children; fundamental to this are the School's/College's employees and their performance and attendance at work.*
- *ensure the health and safety of their staff.*

The School's/College's position in relation to the use and/or consumption of alcohol, drugs or another intoxicating substance is described below. In setting this policy statement the School/College: -

- Does not allow nor tolerate the consumption of alcohol, non prescribed drugs (except those bought over the counter for minor ailments) or any other intoxicating substance during the school working day (including break and lunch time) or whilst responsible for the schools children/young people outside of the school working day.
- Does not allow nor tolerate the consumption of alcohol, non prescribed drugs (except those bought over the counter for minor ailments) any other intoxicating substance at any time before the working day or before reporting for duty.
- Recognises that the use of non-prescribed drugs (except those bought over the counter for minor ailments), the excess consumption of alcohol and the misuse of other substances are primarily health problems, but also that the issues are not necessarily restricted to those severely dependent on drugs, alcohol or other intoxicating substance.
- Recognises that dealing with alcohol, drugs and other substance misuse related issues is a major problem for society at large. School/College will play its part in confronting these challenges.
- Supports the creation of a culture within School/College that seeks ways of reducing any alcohol, drugs or other substance misuse related problems, the effects of which can have disastrous consequences for the individual, their families and the School/College as a whole.
- Strongly urge individuals to recognise that they have a problem and accept treatment and assistance from the council's Occupational Health Physician.

The School/College will protect, as far as it reasonably can, their employees jobs and career prospects

- Acknowledges that if, during treatment, employees are unable to attend work, they will be considered as absent due to sickness, with normal sickness conditions relating to sickness and ill-health applying.
- Confirms there is the potential for disciplinary action where the habitual taking of alcohol, drug (other than prescribed as medication or those bought over the counter for minor ailments) any other intoxicating substance prevents the satisfactory performance of duties, affects attendance at work, results in unacceptable conduct, or endangers or potentially endangers the safety and security of employees and or children/young people at the School/College, or School/College property
- Confirms that there is the potential for disciplinary action where employees do not accept that they have a drugs and alcohol problem and fail to accept counselling / suitable treatment
- Confirms all information and reports surrounding possible drug and/or alcohol; and/or other substance misuse will be handled securely and confidentially

This policy statement is not exhaustive nor exclusive.

3 Aims /Objectives

The Policy aims to: -

- Help protect employees by raising awareness of the problems and possible harmful consequences of drug, alcohol or any other intoxicating substance misuse and to encourage those with a problem to seek help.
- Ensure that employees use of either drugs, alcohol or any other intoxicating substance does not impair the safe and efficient running of the school, or result in risks to the health & safety of themselves, other employees and the pupils.
- Help minimise the need to invoke disciplinary measures.
- Ensure compliance with all relevant legislation in this area.

4 Scope

- This policy applies to all teaching staff and support staff within the school/college, including the Headteacher.
- This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.

The policy does not override the School's/College's Disciplinary Procedure, Health & Safety Policies or Health & Safety Codes of Practice Guidance.

5 The Legal Position- Drugs & The Law

There are various pieces of legislation relating to the misuse of alcohol, drugs and other substances and the School/College must fulfil its obligations in respect of, for example, the Health and Safety at Work Act 1974, the Misuse of Drugs Act 1971 and the Road Traffic Act 1988.

5.1 The Health and Safety at Work Act 1974

The School/College has a general duty under this Act to ensure, as far as is reasonably practicable, the health, safety and welfare at work of its staff. It also has a duty under the Management of Health and Safety at Work Regulations 1992 to assess the risks to the health and safety of staff. If the School/College knowingly allows an employee under the influence of alcohol, drugs and other substance to continue working and his or her behaviour places the employee or others at risk, the School/College could be prosecuted. ***Staff are also required to take reasonable care of their own health and safety and that of others at work.***

In the UK, illegal drugs are classified into three main categories, Class A, B or C.

Class A drugs attract the most serious punishments and fines.

5.2 Drugs are classified under the Misuse of Drugs Act 1971.

5.2.1 Class A

Drugs such as heroin, methadone, cocaine, crack and Ecstasy, LSD, methamphetamine (crystal meth) and amphetamines (speed) if prepared for injection fall into Class A.

Conviction for possession, in a Crown Court, can lead to a maximum seven year prison sentence and a fine. The maximum penalty for trafficking is life imprisonment plus a fine.

5.2.2 Class B

Class B drugs include amphetamines (speed), and barbiturates and cannabis. The maximum penalty for possession of a Class B drug, if the case reaches Crown Court, is five years, plus a fine. For trafficking, the sentence can be up to 14 years, plus a fine.

5.2.3 Class C

Class C, the lowest class of drugs, includes mild amphetamines (such as slimming tablets), tranquillisers, and anabolic steroids.

5.3 The Road Traffic Act 1988

This Act states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through alcohol, drugs and other substance misuse shall be guilty of an offence. An offence is also committed if a person unfit through alcohol, drugs and other substance misuse is in charge of a

motor vehicle in the same circumstances. If death or injury occurs as the result of an accident, other charges e.g. of manslaughter may arise.

6. Responsibilities

6.1 The Headteacher/Line Manager is required to: -

- Be aware of the signs of alcohol, drug and other substance misuse and the effects on performance, attendance and health of employees.
- Ensure the health, safety and welfare of employees and others with whom they come into contact.
- Ensure that staff understand the policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances.
- Ensure that staff are aware of the support that is available to them should they have a problem.
- Monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship.
- Intervene at an early stage where changes in performance, behaviour, sickness levels, and attendance patterns are identified, to establish whether alcohol or drug misuse is an underlying cause.
- Provide support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery.
- Seek advice from their Personnel – Schools Team on the approach to be adopted, where they are aware, or suspect that an employee is misusing intoxicating substances. Such matters will be treated confidentially as far as is legitimately and legally possible. For example, it may be necessary in order to provide effective support for information to be shared with others, for example Occupational Health.
- Instigate disciplinary measures where appropriate to do so.

6.2 Employees are required to: -

- Familiarise themselves with this policy and comply with its provisions.
- Present a professional, courteous and efficient image to those with whom they come into contact at all times and to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.
- Report for work and remain throughout the working day, in a fit and safe condition to undertake their duties and not to be under the influence of alcohol or drugs
- Not possess, store, trade or sell controlled drugs on School/College premises or bring the School/College into disrepute by engaging in such activities outside of work. The only exception would be where an employee has a prescription.
- Seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they approach their line manager so that the School/College can arrange for the provision of appropriate

support to help speedy rehabilitation, for example referral to the Occupational Health Unit.

- Co-operate with any support and assistance provided by the School/College to address an alcohol or drug misuse problem.
- Not 'cover up' for, or collude with, a colleague with an alcohol or drug-related problem, even with the best of motives, but instead should encourage the individual to seek help. If the individual concerned does not wish to seek help, and the employee genuinely suspects that the individual may be misusing drugs, alcohol or another intoxicating substance, the employee has a responsibility to raise any concerns with the employee's line manager.

7 Observable signs that may suggest there is a Drugs, Alcohol or other substance misuse problems.

Alcohol, drugs and other substance misuse impairs judgement, concentration and co-ordination (among other problems). The following indicators of possible alcohol, drug or other substance misuse.

Repeated patterns of depression, or fatigue from sleeplessness, which lasts two to three days	Erratic performance
Unusual irritability or aggression	Overconfidence
Inappropriate behaviour	Sudden mood changes from extreme happiness to severe depression
Reduced response times	A tendency to become confused
Reduced productivity	Absenteeism
Poor time-keeping	Lack of discipline
Deterioration in relationships with colleagues, customers or management	Dishonesty and theft
Financial irregularities	

This list of examples is neither exhaustive nor inclusive.

N.B. It is important to note that these can also be caused by other factors, such as stress, physical illness, mental health problems or the effects of prescription drugs.

8 Breaches of the Policy

The School/College will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug, alcohol or other intoxicating substance dependency/addiction.

This means that employees seeking assistance for a substance misuse problem will not have their employment terminated simply because of their dependence/addiction. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.

Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and may result in the summary dismissal of the employee.

Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are: -

- Deliberate disregard for personal safety and that of others associated with the use of intoxicating substances.
- Unacceptable behaviour in the workplace associated with the use of intoxicating substances.
- Being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs.
- Consuming intoxicating substances during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice.
- Possession, consumption, dealing/trafficking, selling, storage of controlled drugs either at School/College or engaging in such activities outside of School.
- Making malicious or vexatious allegations that a colleague is misusing intoxicating substances.

This list is neither exclusive nor exhaustive. Disciplinary action will, in all cases, be proportionate to the circumstances of the breach of the policy.

Where evidence warrants, the School/College will inform the Police of illegal drug use or any activity or behaviour over which there are concerns as to its legality. For example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a School/College vehicle.

9 Definitions

<u>Intoxicating substance</u>	A substance that changes the way the user feels mentally or physically. It includes alcohol, illegal drugs, legal drugs, prescription medicines (for example tranquilisers, anti depressants, over-the-counter medicines), solvents, glue, lighter fuel.
<u>Controlled drugs</u>	Drugs covered by the misuse of Drugs Act 1971. They

	include both drugs with no current medical uses as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.
<u>Dependency</u>	A compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects on pleasure (psychological dependence).
<u>Addiction</u>	A state of periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.

10 Monitoring the Policy

This policy will be monitored and reviewed annually by the Governing Body.

11 Specific Sources Of Help & Advice

Drinkline – a government-funded free service. Can provide advice to the alcohol drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker.

Helpline: 0800 917 8282 Website: www.drinkaware.co.uk

Talk to FRANK – a government-funded free service, previously named the National Drugs Helpline. Can provide advice to the drug user or anybody concerned about the drug user. Has a database of local support and treatment services that can help the drug user. The focus of the helpline is for young people and concerned parents, but will also assist adult drug users.

Helpline: 0800 77 66 00 Website: www.talktofrank.com

The website provides detailed information on drugs that the non-specialist can understand.

Alcoholics Anonymous – the largest self-help group for people who acknowledge they cannot handle alcohol, and want a new way of life without it. Services are free.

Helpline: 0845 769 7555 Website: www.alcoholics-anonymous.org.uk

The comprehensive website explains the philosophy of AA, what to expect, and local groups.

Narcotics Anonymous – the largest self-help group for people who want to stop using drugs. Services are free.

Helpline: 0845 373 3366 Website: www.ukna.org (includes details of local groups)

Cocaine Anonymous – national self-help group specifically for cocaine users.

Helpline: 0800 612 0225, open 10:00am to 10:00pm Website:

www.cauk.org.uk/index.html

Adfam National – the largest non-statutory organisation that works with and on behalf of families affected by drug and alcohol problems. Helpful for the family of the alcohol or drug user.

Helpline: 020 7553 7640 Website: www.adfam.org.uk

DRUGS, ALCOHOL AND OTHER SUBSTANCE MISUSE Managers Guide

Produced by Personnel – Schools Team

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V0.2

1. Introduction

The purpose of this guidance is to provide information on action managers should take where they suspect an employee's performance or their conduct is being affected by alcohol, drugs and other substance misuse.

It covers the following three main areas:

1. Where a performance or conduct problem is thought to be related to alcohol, drugs and other substance misuse.
2. Dealing with individuals who appear to be intoxicated and incapable of working.
3. Dealing with finds of illegal substances.

Intoxication and addiction are two separate issues: people with drink or drug problems may *never* appear intoxicated at work. Often, repeated short-term absences or erratic behaviour are common indicators of such problems. Regular users can, in response to a difficult life event, suddenly increase their use of alcohol, drugs and other substances. Many will return to normal social drinking without any specialist help. The experience with many individuals on illegal drugs is similar.

Conversely, coming to work under the influence of alcohol or drugs does not necessarily mean that the individual is addicted, but may be due to taking medicines incorrectly or excessive use of alcohol, drugs or other substances which overlaps with, or takes place, during work time. The School/College will deal seriously with these occurrences as outlined in the Policy. Care should also be taken when arriving at conclusions that someone is intoxicated as some medical conditions may give similar symptoms to those of intoxication.

Likewise signs and symptoms which could relate to an addiction problem, such as erratic behaviour, short term absence can be similar to those caused by other medical conditions such as stress. The manager therefore needs to keep an open mind and deal with all work performance and conduct issues appropriately and firmly under the appropriate School/College procedure, but also provide a supportive environment where the individual will feel able to admit they have a problem and seek help.

2. Where a Performance or Conduct Problem is thought to be Related to Alcohol, Drugs and Other Substance Misuse

2.1 Preparing the Ground

In any performance or conduct issue it is advisable at this stage to contact your Personnel – Schools Team for advice and guidance. Your job is not to identify problems with alcohol, drugs and other substance misuse, but with issues linked to health and safety and performance.

It should be noted that opportunities to deal with problems caused by alcohol, drugs and other substance misuse under this policy will not be unlimited. In such cases, the disciplinary, capability and attendance management procedures may need to be invoked.

2.2 Health and Safety

2.2.1 If you can smell alcohol on the employee, or the employee is displaying behaviours that you believe is linked into some sort of substance misuse and you are concerned about the Health and Safety of the children/young people, other staff and the member of staff themselves, you may ask the member of staff to go home, visit their GP and obtain help from their doctor. You should also inform the member of staff that you are making a referral to Occupational Health.

2.2.2 If the employee refuses to do as you request and you hold the concerns as detailed above you may issue a precautionary suspension whilst you seek professional advice from Occupational Health (see section 4)

2.3 Performance

2.3.1 For cases of performance you should have a detailed record of what the performance issues are before you meet with the person. If you believe that alcohol, drugs or other substance misuse are a factor, make a clear list of your reasons for thinking this, including dates/times of incidents etc.

2.3.2 When meeting with the employee, explain what it is about their work performance that is causing you concern, and ask open questions as to why their performance is below standard and what support may be given to assist in improving it. Ideally the employee should be encouraged to volunteer the information, but where appropriate ask whether alcohol, drugs or other substance misuse may be the cause.

2.3.3 If the person denies they have a drink/drugs problem, you may consider repeating your concerns and at the end of the meeting give them the opportunity of considering what you have said and ask them once again.

2.3.4 If you can smell alcohol on the employee, or the employee is displaying behaviours that you believe is linked into some sort of substance misuse and you are concerned about the welfare of the children and young people, other staff and the member of staff themselves, you may ask the member of staff to go home, visit their GP and obtain help from their doctor. You should also inform the member of staff that you are making a referral to Occupational Health.

2.3.5 If the employee refuses to do as you request and you hold the concerns as detailed above you may issue a precautionary suspension whilst you seek professional advice from Occupational Health (see section 4)

2.3.6 If the employee denies having any problems with alcohol, drugs or other substances and you do not have any evidence that they do, and you have concerns regarding their performance, you should refer to the Schools Capability Policy.

2.4 Conduct issues.

2.4.1 For cases of conduct you should have a detailed record of the alleged misconduct before you meet with the person. If you believe that alcohol, drugs or other substance misuse are a factor, make a clear list of your reasons for thinking this, including dates/times of incidents etc.

2.4.2 When meeting with the employee, explain what it is about their conduct that is causing you concern, and ask open questions as to why this has occurred. Ideally the employee should be encouraged to volunteer the information, but where appropriate ask whether alcohol, drugs or other substance misuse may be the cause.

2.4.3 If the person denies they have a drink/drugs problem, you may consider repeating your concerns and at the end of the meeting give them the opportunity of considering what you have said and ask them once again.

2.4.4 If you can smell alcohol on the employee, or the employee is displaying behaviours that you believe is linked into some sort of substance misuse and you are concerned about the welfare of the children and young people, other staff and the member of staff themselves, you may ask the member of staff to go home, visit their GP and obtain help from their doctor. You should also inform the member of staff that you are making a referral to Occupational Health.

2.4.5 If the employee refuses to do as you request and you hold the concerns as detailed above you may issue a precautionary suspension whilst you seek professional advice from Occupational Health (see section 4)

2.4.6 If the employee denies having any problems with alcohol, drugs or other substances and you do not have any evidence that they do, and you have concerns regarding their performance, you should refer to the Schools Disciplinary Policy.

3. Dealing with Finds of Illegal Substance

3.1 Where illegal substance is found in school or there is reason to believe a member of staff are in possession of illegal substances, the matter should be reported at once to the Headteacher or a member of the Senior Leadership Team who will contact the police and a member of the Personnel - Schools Team.

4. Precautionary Suspension

4.1 The drugs, alcohol and other substance misuse procedure provides for employees to be suspended as a precautionary measure on normal pay in cases where there are reasons to believe they are under the influence of Alcohol, and or Drugs and or other substances and the health and Safety of themselves, children and Young people and other employees are at risk.

4.2 A Meeting should be convened with the employee who will be entitled to be represented by a Trade Union representative or accompanied by a work colleague of their choice. If the employee wishes to have their Trade Union representative

present, they should be given one hour to arrange for their representative to be present.

4.3 At the meeting the headteacher, or in cases involving the head teacher, the chair of Governors, should inform the employee the reasons for their suspension, conditions of their suspension and that as the suspension is in connection to concerns with regards to alcohol, drugs or other substance misuse that an urgent referral will be made to Occupational Health. The employee should be given a support person whom they may contact during the period of suspension. It is important that suspension should be kept to a minimum.