

# Swift Academies

## Substance Misuse Policy

**Accepted by:**

**Approving Body :** Swift Academies

**Committee :** Standards

**Review Cycle:** 2 years

**Date issued:** October 2019

**Description of Changes:** New Policy (Replaces Alcohol at Work)

**Date for next review:** October 2021

### 1. INTRODUCTION

- 1.1 Swift Academies is committed to providing a safe and healthy working environment for all employees. It recognises that a substance misuse problem may be an illness and should be treated in the same way as any other illness.
- 1.2 Substance misuse is using a substance which negatively affects the way the user feels mentally or physically and can have a detrimental effect on the user's health and wellbeing. It includes alcohol, illegal or legal drugs, prescription medicines (e.g. tranquillisers, anti-depressants, over the counter medicines), solvents, glue, and lighter fuel.
- 1.3 The inappropriate use of substances can damage the health and well-being of employees and have far reaching effects on their personal and working lives. At work, substance misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks not only for the individual concerned but also for others, for example, pupils, work colleagues, members of the public etc. Furthermore, the effects of substance misuse are likely to be detrimental to the Trust/Academy's reputation, image and its ability to deliver high quality education to pupils.

### 2. EQUALITY

- 2.1 In applying this Policy, the Trust will not unlawfully discriminate in respect of any of the protected characteristics as defined under the Equality Act 2010 as specified:
  - Age
  - Disability
  - Gender Reassignment
  - Marriage and civil partnership
  - Pregnancy and maternity
  - Race, colour, nationality, ethnic or national origin
  - Religion or belief
  - Sex
- 2.2 Disability under the act covers physical and mental impairments that have a substantial and long term adverse effect on an individual's ability to carry out normal day-to-day activities. If an employee is affected by a disability or any medical condition, which affects their ability to undertake their work, they should discuss this with their line manager or other appropriate person.
- 2.3 The Trust will operate this policy consistently and in a non-discriminatory way by taking account of any relevant individual circumstances that may impact on the situation.

### **3. DATA PROTECTION**

3.1 Any information held by the Trust relating to an employees' substance misuse and issues will be used and stored in accordance with the General Data Protection Regulation (GDPR) and other legislative provisions.

### **4. SCOPE**

4.1 This policy will apply to all staff, including volunteers, governors and Directors. The term employee is used throughout for ease of reference.

### **5. AIMS**

5.1 This policy aims to ensure that employees are aware of the risks associated with substance misuse and the consequences, including any legal consequences, of their actions.

5.2 The policy aims to:

- Promote a culture in which substance misuse is discouraged;
- Prevent substance misuse by raising awareness of the risks and potential harm to health associated with the use of intoxicating substances;
- Provide practical guidance on how to deal with substance misuse effectively and ensure any cases are dealt with in an appropriate, fair and consistent manner;
- Recognise substance misuse problems primarily as a health matter needing help and treatment;
- Encourage employees who suspect or know they have a substance misuse problem to seek help voluntarily and provide assistance to these employees to overcome their problem;
- Maintain and improve employee performance.

### **6. RESPONSIBILITIES**

6.1 The Trust shall:

- Ensure this policy is implemented and procedures are in place that recognise and deal with the issue of substance misuse;
- Ensure that all employees have access to this policy and that new employees are made aware of it;
- Actively demonstrate recognition of substance misuse problems by creating an environment where staff feel comfortable in asking for help;
- Act early and provide consistent support;
- Enlist the support of Human Resources and Occupational Health when appropriate and ensure staff have access to this support.

6.2 The CEO /Head Teacher/ Head of School and Senior Management Teams shall:

- Be familiar with this policy and guidelines and ensure that employees understand the policy and their own responsibilities;
- Be aware of the signs of substance misuse and the effects on performance, attendance and health of employees;
- Review relevant health and safety risk assessments in the knowledge of an employee having a substance misuse problem which could increase the risk to the employee or others – especially the potential impact on pupils;

- Ensure that staff understand the policy by providing appropriate training and are aware of the support and assistance available and also of the possible implications on their employment if substance misuse affects performance, attendance or health;
- Intervene at an early stage where changes in performance, behaviour, sickness levels, and attendance patterns are identified to establish whether substance misuse is an underlying cause;
- Refer staff to Occupational Health or Counselling when there are concerns or absence due to substance misuse;
- Review and monitor the progress of an employee who is undertaking a programme of assistance;
- Ensure the provision of all reasonable support to employees;
- Seek advice where necessary from Human Resources on the approach to be adopted if they are aware or suspect an employee has a substance misuse problem;
- Instigate disciplinary and or/capability procedures where appropriate to do so.

### 6.3 All Employees will:

- Behave responsibly at all times to safeguard their own health and safety and that of those around them;
- Co-operate with management in ensuring the implementation of this policy;
- Not possess, store, trade or sell controlled drugs on Trust/Academy premises or bring the Trust/Academy into disrepute by engaging in activities outside of work. The only exception of possession or storing of drugs would be where an employee has a prescription;
- If an employee is required to store controlled medicines at school they should ensure they are kept safe, preferably in lockable cabinet and an appropriate manager should also be informed;
- Seek help if they have concerns regarding substance misuse. It is advised that staff approach the CEO /Head Teacher/ Head of School and Senior Management Teams so that appropriate support to help speedy rehabilitation can be arranged, for example, referral to the Occupational Health service, medical professionals, professional drug/alcohol agencies etc;
- Attend Occupational Health appointments or other arranged meetings unless there is a genuine reason not to;
- Cooperate with any other support mechanisms offered e.g. Counselling;
- Encourage a colleague who they suspect has a substance misuse problem to seek help. Where the individual concerned does not wish to come forward to seek help, and their colleague(s) genuinely suspect that the individual has a problem, they have a responsibility to raise their concerns with the CEO /Head Teacher /Head of School and Senior Management Teams.

### 6.4 Human Resources shall:

Provide the necessary professional advice and support to the Trust and all Trust staff when required;

## 7. **POSSIBLE INDICATORS OF SUBSTANCE MISUSE**

7.1 The following indicators are signs of possible substance misuse, although 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.

- Repeated patterns of depression, or fatigue from sleeplessness
- Erratic performance
- Unusual irritability or aggression
- Inappropriate behaviour
- Sudden mood changes from extreme happiness to severe depression
- Reduced response times
- A tendency to become confused, poor concentration and memory
- Reduced productivity

- Absenteeism – an increase in sickness absence (especially Monday and Friday absences or long term)
- Poor time-keeping
- Neglect of personal care
- Deterioration in relationships with colleagues or pupils etc
- Dishonesty and theft
- Financial irregularities
- Poor co-ordination, judgement, frequent injuries or accidents

## **8. AT WORK**

- 8.1 Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of alcohol or drugs.
- 8.2 Employees must not consume alcohol or drugs at any time while at work including during breaks or lunchtimes spent at or away from Trust/Academy premises.

Exceptions apply to drugs prescribed for the individual or over the counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer) and where the safety of the individual or others with whom they come into contact is not compromised.

The alcohol restriction does not apply to work-related functions or activities that take place at the end of an employee's working day after which they are not returning to work, although permission should be obtained from the CEO /Head Teacher/ Head of School before consuming alcohol on Trust/Academy premises for such a function. Employees are expected to conduct themselves in a professional and appropriate manner at all times at such events.

- 8.3 Should an employee be prescribed medication or plan to take over the counter medicines that may cause side effects and impair their ability to undertake their duties safely and effectively, they must inform the CEO /Head Teacher/ Head of School immediately.
- 8.4 Similarly, employees who will knowingly experience side effects as a result of taking prescribed or over the counter medicines that impair their ability to perform their duties safely and satisfactorily must notify the CEO /Head Teacher/ Head of School immediately.

## **9. OUTSIDE WORKING HOURS**

- 9.1 Employees must not consume intoxicating substances before arriving for duty or when they may be required to attend work at short notice, for example when a caretaker may have to attend an emergency call out.
- 9.2 As intoxicating substances can remain in the system for some time and even small amounts can impair performance and jeopardise safety, employees must allow sufficient time for substances to leave their system before reporting for work.
- 9.3 Employees need to be aware that actions outside of working hours, which bring or are likely to bring the Trust/Academy into disrepute, may lead to disciplinary action and ultimately dismissal.

## **10. PROCEDURE**

- 10.1 Substance misuse problems may come to light in various ways which may include the CEO /Head Teacher/ Head of School identifying deteriorating work performance or behaviour, a colleague

identifying genuine signs, or the problem may become apparent during a disciplinary or other type of interview or a genuine complaint received from a pupil, parent or member of the public.

- 10.2 If an employee has, or it is felt they have, a substance misuse problem, all discussions will be kept strictly confidential. This will also be the case with counselling or any other treatment that the employee undertakes. It is the employee's choice whether to be open with none, some or all colleagues about their problems. Openness can result in greater understanding and support for the person concerned; however, legally, this is and must be the choice of the employee.

#### Informal Meeting

- 10.3 If there are genuine concerns regarding an employee with a possible substance misuse problem, the CEO /Head Teacher/ Head of School should meet with the employee at the earliest opportunity to discuss their concerns. This meeting should be conducted on an informal basis but if the employee wishes to be accompanied their Trade Union or work colleague who does not have a conflict of interest, this should be supported.
- 10.4 The purpose of the meeting is to identify the cause(s) of the genuine concern (which may or may not be a consequence of substance misuse) and to determine the appropriate way to address the issues. If the employee confirms that the cause is related to substance misuse, then a referral should be made to Occupational Health. Even if substance misuse is denied by the employee, but still suspected a referral should be made to Occupational Health.

#### Support

- 10.5 Following receipt of the Occupational Health report the CEO /Head Teacher/ Head of School should meet with the employee to discuss the content of the report and agree a way forward in implementing any recommendations which have an impact on the employee's health, work performance and provision of education to pupils.
- 10.6 If Occupational Health consider the employee to be fit to attend work, the Trust/Academy should ensure, as far as reasonably practical, that they accommodate any recommendations made by them to facilitate continued attendance at work.
- 10.7 If the employee refuses help and support they should be informed that if the present performance/behaviour continues to be of concern it may be necessary to invoke the capability/disciplinary procedures.
- 10.8 If the employee is absent from work on sick leave (either short or long term), the provisions of the Trust's Absence Management Policy will apply and the appropriate entitlement to sick pay will be paid. Once an employee returns to work, it is recognised that they may require intermittent or regular leave during their period of rehabilitation to allow for treatment. A reasonable time off should be considered and granted for this.

During the period of treatment or rehabilitation, the CEO /Head Teacher/ Head of School should meet with the employee regularly, to ensure that all agreed support mechanisms and work arrangements have been implemented and to review the effectiveness of them. All meetings should be documented and agreed by both parties as an accurate record.

- 10.9 It is not unusual for individuals to experience a relapse whilst still having treatment for substance misuse. A second period of rehabilitation should therefore be considered in these cases. However, where treatment/rehabilitation is unsuccessful or successive relapses can no longer be accepted or when it becomes apparent that the employee will not be able to return to work in an acceptable timescale or is unable to perform their duties to the standard required, the Trust/Academy will consider the continuing employment of the employee.
- 10.10 Whilst every reasonable support will be given where possible, it should be noted that if the education of pupils is in jeopardy earlier action against the employee may be taken.

## **11. BREACHES OF THE POLICY**

- 11.1 The Trust will, where appropriate, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction.
- 11.2 Employees seeking assistance for a substance misuse problem will not have their employment terminated simply because of their problems. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.
- 11.3 Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency related or not, may be treated as a disciplinary matter and may result in disciplinary action being taken which could lead to dismissal. Examples of such circumstances associated with intoxicating substances include, but are not exhaustive to:
- Deliberate disregard for personal safety and that of others;
  - Unacceptable behaviour as a result of substance misuse;
  - Being found incapable of performing normal duties satisfactorily and safely;
  - Consuming intoxicating substances either on Trust/Academy premises, during the Trust/Academy day or when liable to be called out at short notice;
  - Possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on Trust/Academy premises or engaging in such activities at work;
  - Being disqualified from driving as a result of alcohol or drug related offences where a driving licence is essential to the post or where the offence seriously undermines the reputation of the Trust/Academy;
  - Making malicious allegations that a colleague is misusing intoxicating substances;
  - Conduct which could bring the Trust/Academy into disrepute.