

# Swift Academies

## Alcohol at Work Policy

**Accepted by:** Board of Trustees March 2018

**Approving Body :** Board of Trustees

**Committee :** Standards

**Review Cycle:** 3 years

**Last reviewed:** March 2018

**Date for next review:** March 2021

## 1 INTRODUCTION

- 1.1 The Trust recognises its duty to protect the health, safety and welfare of its employees and as such is concerned with any alcohol use, which may affect:
- the health, well-being and safety of children within Trust;
  - the health and safety of employees, parents visiting each academy, members of the public or members of official bodies carrying out statutory functions and contractors;
  - the employee's work performance or attendance;
  - the Trust's image to the public.
- 1.2 The consumption of alcohol can lead to reduced efficiency, increased risk of accidents, increased sick leave and disciplinary problems. Not only does alcohol affect individual performance and productivity, it can also impact on other workplace issues such as harassment, abuse and even violence, through its propensity for reducing inhibitions.
- 1.3 This policy is a positive response to a growing national problem of alcohol misuse and a more a demanding legal framework. It is intended to draw the attention of employees to their own responsibilities towards themselves and colleagues under Section 7 of the Health and Safety at Work Act 1974 whereby employees are required 'to take reasonable care of the health and safety of themselves and others who may be affected by their acts or omissions at work'. It also describes Trustees commitments to ensuring provisions are available to deal sympathetically and supportively with employees who have an alcohol related problem.
- 1.4 The concern of this policy is with those instances of problem drinking which affect the work performance of the employee and of maintaining the highest possible standards on behalf of the Trust. The intention is not to limit people's personal lifestyle and employees off duty hours are their own concern subject to an absolute requirement that the consumption of alcohol before work should not impair their ability to carry out their duties to the highest possible standard.

## 2 DEFINITIONS

- 2.1 The Trust recognises that there is a distinction between an employee who on random occasions contravenes normal standards of behaviour as a result of excessive indulgence, and an employee who has an alcohol problem. For the purposes of this policy, alcohol issue or problem drinking is defined as:

*'frequent and sustained consumption beyond mere occasional incidents of excess, and where such consumption continually interferes with that person's health and/or job performance'.*

2.2 This distinction will determine whether medical or disciplinary action may be required and further guidance is contained in the policy.

### **3 POLICY STATEMENT**

3.1 The Trust recognises that alcohol misuse is primarily a health-related problem requiring specialist help and that such problems can affect all levels of the workforce irrespective of profession, grade or status.

3.2 It is the intention of the Trustees that the Head Teacher/Head of School and staff be committed to ensuring that staff who may be experiencing problems related to alcohol are offered appropriate assistance.

3.3 Additionally, it is the intention of this policy to:

- **ensure that** Trustees responsibilities under the 1974 Health & Safety at Work Act and the 1992 Workplace (Health, Safety and Welfare) Regulations are met;
- **make clear** to employees the areas where it is inappropriate for any alcohol to be consumed, given the nature of the work undertaken and specify clearly the associated penalties for non-adherence;
- **continue to** develop health education programmes and training sessions to raise awareness amongst Head Teacher/Head of School's, staff and Trustees;
- **be non-discriminatory** in applying the policy equally to Head Teacher/Head of Schools, Teaching and Support staff. Provide support and assistance to individuals where there is evidence of a heavy drinking/alcohol dependency problem;
- **guarantee confidentiality.** Individuals who approach the Occupational Health Service for assistance will be assured that the academy will not be informed about their problem without their permission, unless they pose a threat to the health, safety and well-being of pupils and consent is withheld to informing the school. In such a case the Occupational Health adviser must consider the need to ensure the health safety and well being of pupils to be paramount and in these circumstances merit a breach of confidentiality. In accordance with the document Fitness to Teach (DfEE 2000) this should however only take place:
  - after very clear discussions with the individual teacher about the importance of their condition in relation to Fitness to Teach;
  - after clear explanation of the Occupational Health Adviser's responsibilities;
  - after careful explanation about the benefits of allowing the nature of the problem to be disclosed voluntarily. (***Fitness To Teach Occupational Health Guidance for the Training and Employment of Teachers arising***

***from Dfes Circular 4/99, Physical and Mental Fitness to Teach of Teachers and Entrants to Initial Teacher Training).***

In all other instances the confidential nature of any records of employees with an alcohol problem will be strictly reserved unless authorisation of the employee concerned is given.

- 3.4 The policy applies to all employees irrespective of the position they hold and regardless of the basis of employment including full-time, part-time, job-share, casual and seasonal employees, temporary assignments, secondments and youth employees.

#### **4 RESTRICTIONS ON THE CONSUMPTION OF ALCOHOL AT WORK OR DURING CONTRACTUAL WORKING HOURS**

- 4.1 It is the responsibility of **all** employees to report to work fit for duty without impairment from alcohol.

- 4.2 **Failure to observe the Trust's ban on alcohol consumption during working hours restrictions will lead to disciplinary action being taken.**

- 4.3 Any staff representing the Academy at official functions/meetings, whether within the working day or when attending evening seminars, meetings, etc. are reminded of the need to maintain the appropriate standards of conduct at all times.

- 4.4 Where an employee is visibly under the influence of alcohol, their Head Teacher/Head of School will ensure that the employee is escorted home safely and make arrangements to interview him or her on the next working day.

- 4.6 If an employee is convicted of an alcohol related offense in his or her private life, the Trust may be able to fairly dismiss them from employment where it attracts bad publicity, compromises his/her authority in the eyes of other staff and/or leads to a loss of trust and confidence. In every instance, however, the Trust will conduct a thorough investigation and ensure that the Alcohol at Work Policy is applied fairly and consistently.

#### **5 EMPLOYEE INVOLVEMENT**

- 5.1 All employees shall be expected to be familiar with the policy and procedures, pay heed to the information provided about alcohol misuse and its effects on their work and health and to act accordingly. Employees will be expected to urge colleagues to seek help if they have an alcohol related problem.

- 5.2 A copy of the Policy will be distributed to all current employees and a copy given to new employees during their induction.

#### **6 RESPONSIBLITIY FOR THE POLICY**

- 6.1 The successful management and implementation of this policy will depend on the co-operation of all those in the Trust but in particular the following areas of responsibility have been identified.

- 6.2 **All Trust employees** have a responsibility to conform with this policy. Employees failing to comply with the policy may be subject to disciplinary action, which could ultimately lead to their dismissal. All employees have a duty to inform contractors and visitors of the Trust policy when appropriate. Employees must, therefore, familiarise themselves with the policy and seek and accept help where a problem has been identified.
- 6.3 **Trustees** have a responsibility for implementation and monitoring of the policy within their Trust. This includes responsibility for ensuring that all employees have access to the policy and that new employees are made aware of it. In addition, it is the responsibility of Trustees to ensure that the policy is made clear to all job applicants, is specified on job advertisements, and is included as a term in any contracts or statements of particulars. It is also the responsibility of the Chair of the Board of Trustees to adhere to the requirements of this policy in relation to a situation whereby the Head Teacher/Head of School is the subject of concern.
- 6.4 **Trust HR provider** is responsible for the provision of advice and guidance to the Academy and for revision of the policy in light of any new legal developments. The Academy's HR provider will provide appropriate training and advice to Trustees and Head Teacher/Head of School in areas of difficulty.
- 6.5 **Head Teacher/Head of School and Senior Management Teams** have the responsibility of ensuring that employees are fully conversant with the policy and what is expected of them. This will include managers being aware of the effects of alcohol misuse and monitoring changes in work performance and attendance.
- 6.6 **Occupational Health Service (OHS)** will promote the importance of a healthier lifestyle. Additionally OHS will conduct initial interviews with employees referred to them and, in conjunction with specialist help, decide on a suitable recovery programme.

## **7 COUNSELLING AND SUPPORT**

- 7.1 Information will be made available to all employees on the harmful effects of alcohol misuse.
- 7.2 Advice and assistance will be given wherever practicable to employees who wish to adopt a healthier lifestyle and reduce their alcoholic intake. Requests for time off for counselling / attendance on courses will be considered on their merits, subject to the needs of the academy.

## **8 PUBLICISING THE POLICY**

- 8.1 A copy of this policy will be held in the academy and will be made available to employees on request. A copy will be posted on notice boards for the benefit of employees and visitors.
- 8.2 A copy will be issued to all new employees and the policy will be emphasised during employee induction.

## **ALCOHOL AT WORK POLICY – GUIDELINES FOR TRUSTEES, HEADTEACHERS/HEADS OF SCHOOLS AND LEADERSHIP TEAM**

### **OVERVIEW**

Employees whose performance or behaviour at work is affected by alcohol leave themselves open to fair dismissal on the grounds of either capability or conduct. Generally, diminished performance coupled with long bouts of certified sickness suggests an ill health issue, and managers should take reasonable steps to investigate the true medical position and prospects of rehabilitation before deciding whether the individual's employment can be continued. Conduct, however, is usually relied on as the reason for dismissal where an employee has committed an isolated act related to alcohol misuse. Whereas the majority of alcohol-related misconduct dismissals arise from incidents that occur during working hours, in some circumstances off-duty conduct may give rise to a fair dismissal.

### **1 INTRODUCTION**

- 1.1 Trustees recognise the increase in alcohol related problems within society. It is good practice, therefore, to have an established policy and supporting procedures available to guide management and employees should workplace problems emerge.
- 1.2 Addressing problems relating to alcohol misuse directly benefits the individual concerned, whose health and continued employment may both be at risk. In addition, the Academy benefits from increased efficiency, productivity and the retention of valued, experienced staff.
- 1.3 Even low levels of alcohol consumption, inside or outside working hours (e.g. at lunchtime) can impair an individual's job performance. Whilst there may not appear to be an immediate risk of an accident, people's ability to concentrate may be reduced so that they are less able to do their job effectively. As the levels of consumption or misuse increase, so the risk to health increases, with physical and intellectual ability declining.
- 1.4 The consumption of alcohol during the hours of duty may also create an adverse image of the Academy and its employees and should, therefore, be discouraged. Whilst the amount of alcohol consumed may be small, the adverse impression upon others may be long lasting. Staff whose duties involve face to face contact with children, parents and members of the public should bear this point in mind, particularly in relation to the position of shared responsibility they hold in relation to promoting and encouraging children's health education.
- 1.5 Whilst each individual has a responsibility for his/her own health, it is often a work colleague who is best placed to identify developing problems. The workplace, therefore, is a legitimate point at which to offer guidance and assistance to those faced with alcohol misuse problems.
- 1.6 For the policy to be effective, all levels of management within a school should be aware of its requirements and implications and should seek guidance as necessary.

1.7 This policy only applies where there is evidence or acceptance of a misuse problem and is not applicable to other performance or behavioural problems, which should be dealt with in accordance with the Trust's Disciplinary procedures.

## 2 DEFINITION

2.1 For the purposes of this Policy, alcohol misuse is defined as:

*'frequent and sustained consumption beyond mere occasional incidents of excess, and where such consumption continually interferes with that person's health and/or job performance'*

2.2 This distinction will determine whether medical or disciplinary action may be required and further guidance is contained in the policy.

## 3 INDICATORS

3.1 The following characteristics, especially when occurring in combination **MAY** be indicative of an alcohol related problem. However, it should be noted that these characteristics **ARE NOT** confined to such problems and caution should be exercised in their interpretation. The Occupational Health Service is available to offer help and advice as required.

<b>Absenteeism</b>	Multiple instances of unauthorised leave Excessive sickness absence Frequent absences occurring on the same day e.g. Mondays and/or Fridays Excessive lateness, e.g. Monday mornings or returning from lunch Leaving work early Unusual and increasingly improbable reasons for absence Frequent unscheduled short-term absences, with or without explanation
<b>High Accident Rate</b>	Frequent accidents at work  Accidents elsewhere, e.g. at home, travelling to work
<b>Difficulty in Concentrating</b>	Work requires greater effort Tasks take longer than normal to complete
<b>Confusion</b>	Difficulty in recalling instructions, details etc. Increasing difficulty in dealing with complex assignments Difficulty in identifying/recalling own mistakes
<b>Spasmodic work patterns</b>	Alternating periods of high and low productivity Increasing general unreliability and unpredictability Repeated unnecessary absence from work Frequent trips to the toilet, etc. Extended breaks/lunch time

<b>Reporting to Work</b>	Reporting to work in an obviously inebriated condition, or apparently under the influence of alcohol Smelling of alcohol Hand tremors Deterioration in personal hygiene/appearance
<b>Deterioration in job efficiency</b>	Missed deadlines Mistakes due to inattention/poor judgement Poor decision making Implausible excuses for poor work performance
<b>Deterioration of interpersonal skills</b>	Overreaction to real or imagined criticism Unreasonable resentments  Irritability Complaints from colleagues Complaints from parents, visitors, pupils

#### 4 ALCOHOL MISUSE - PROBLEM IDENTIFICATION

4.1 Alcohol problems, such as dependency and binge drinking, may come to light in the following ways:

- **an employee may voluntarily seek help** - employees who suspect or know that they have a drink problem are encouraged to voluntarily seek and accept treatment and in such instances the Trust's Occupational Health provider is available for any employee to contact directly and in confidence.
- **a manager may identify deteriorating work performance or behaviour** - where an employee's work performance, conduct or attendance has deteriorated, and the Head Teacher/Head of School / Senior Manager suspects an alcohol problem, the employee will be offered the opportunity to be referred for diagnosis and treatment. Whilst an alcohol problem does not excuse poor work performance or misconduct, it will be treated as a mitigating factor and disciplinary action will usually be suspended whilst the opportunity is taken to seek assistance.
- **a colleague may identify what he/she believes are signs of alcohol abuse** - if this should occur, it should be brought to the attention of the Head Teacher/Head of School. The Head Teacher/Head of School will then arrange to interview the employee in private. At this stage, the Occupational Health Nurse will be available to provide advice and assistance if required.
- **an underlying problem of abuse may come to light through a disciplinary/investigatory interview.**
- **a written complaint may be received by the Academy regarding an employee and their behaviour.**

## 4.2 The Interview

In all these cases, an interview should be arranged at the earliest opportunity between the employee and his/her manager. Such an interview should be confined to the aspects of the work performance and conduct connected with the alcohol issues unless the interview raises other issues. The employee should be informed of the facts observed, advised of the possible consequences of continuing the present behaviour and offered help to avoid these consequences. The employee has the right to be accompanied by a Trade Union, Teaching Association, workplace colleague or friend of their choice who does not have a conflict of interest if they so wish.

### Offer of help

- 4.3 During the interview the Head Teacher/Head of School / Senior Manager should state that the employee appears to have a problem, which requires help and the employee, should be offered the opportunity of referral to the Occupational Health Nurse.
- 4.4 Alternatively, the employee may prefer to seek help from an outside agency (advice and assistance with these arrangements can be sought from the Occupational Health Nurse). In such circumstances, the employee has a responsibility to inform the Occupational Health Nurse and the line manager of the proposed recovery programme.

### Help Rejected

- 4.5 Those employees who are medically diagnosed as suffering from a drink problem but decline an offer of help and/or treatment, or who discontinue a course of treatment before its satisfactory completion and continue to put up an unsatisfactory level of work performance or attendance, should be interviewed again by the manager. At this interview, a full assessment of the situation should be made as to whether it is appropriate to instigate action under the disciplinary procedure, or whether to allow the employee to continue at his/her place of work on the understanding that the situation will be kept under constant review.
- 4.6 During the interview, the Head Teacher/Head of School/Senior Manager should establish the future acceptable standard of work performance, attendance and patterns of behaviour. If, at any time, the employee should fail to meet these requirements, then the established disciplinary procedures may be implemented.
- 4.7 In all instances, where an employee is encouraged to seek and accept help it is on the clear understanding that the employee will be granted the necessary leave to seek help and support. Such absence will be regarded in the same way as any other absence for medical treatment. The duration of the period for which support is offered should normally relate to the progress made by the employee in overcoming the problem, and the ability of management to maintain the level of support being offered.
- 4.8 The Head Teacher/Head of School should treat cases of alcohol dependency/misuse as they would treat an employee with any other type of illness, where matters are fully investigated, medical feedback is obtained and a prognosis is made. However, as with other types of long-term sickness, an

employee may, after full consideration of the facts and circumstances, be dismissed in accordance with the Trust's Disciplinary Procedure.

## **5 MISCONDUCT/ BREACH OF TRUST'S ALCOHOL POLICY**

- 5.1 The above procedures only apply where there is evidence or a strong belief that an employee has an alcohol dependency or misuse problem. In instances where there has been a clear breach of the Trust's ban on alcohol during working hours or where other performance/ behavioural problems occur as a result of excessive indulgence in alcohol (e.g. impaired performance as a result of lunchtime drinking), the Trust's Disciplinary Procedures will be invoked.
- 5.2 There are more straightforward cases of drink misconduct where an employee recklessly or even deliberately disregards Academy rules or acceptable standards of behaviour. In such instances, a Head Teacher/Head of School must still act in a reasonable manner, conduct an investigation and give the employee a chance to respond fully and thoughtfully to the allegations. This may mean taking him or her off work and not holding an interview until the individual sobers up. Even where a Head Teacher/Head of School relies on conduct as a reason for disciplinary action/dismissal, the requirements of a fair and objective investigation will still exist.