

# The Auriga Academy Trust

## **Alcohol & Drug Abuse Policy**

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## 1. Scope

This policy applies to all employees of The Auriga Academy trust. Its application also extends to volunteers, parents and all other visitors to the Trust / school.

The recognised trade unions have been consulted.

## 2. Policy Purpose

The purpose of the policy is to ensure that employees' use of alcohol or drugs does not impair the performance of their duties and the safe, efficient and effective running of the school, or result in risks to the health and safety of themselves, other employees, pupils and the general public, during working hours.

The school recognises that alcohol or drug dependency is a condition that may require specialist treatment and support. Employees will be encouraged to seek specialist assistance and support at the earliest opportunity.

When dealing with employees who have alcohol or drug related conditions, the Trust / school will respond sympathetically and will maintain the strictest confidentiality within the limits set out by the law.

Employees seeking help will be allowed reasonable paid time off for treatment following recommendation from occupational health. Appointments for treatment during working hours should be kept to a minimum, where possible.

In relation to the consumption of alcohol, the amount drunk is not the main issue but rather the effect that it has on pupils and colleagues who may detect that the individual has had a drink. This can raise concerns about the competency of the service being provided. In these circumstances the best way that an enforceable alcohol limit can be set is to have a zero limit. There will be a total ban in respect of alcohol consumption in the workplace during working hours.

Similarly, employees should not be under the influence of alcohol or under the influence of or in possession of drugs (including non-prescribed drugs other than for medical reasons) so that performance of duties is detrimentally affected or safety endangered in the workplace during working hours. Employees must refrain from consuming alcohol during breaks and notable periods before commencing working hours.

The point at which line managers may consider that action is required is when there is evidence that the employee has breached the total ban on alcohol consumption in the workplace during working hours, and/or is under the influence of alcohol or drugs so that performance of duties is detrimentally affected, and/or which could endanger anyone's safety.

All employees are responsible for ensuring adherence to this policy and procedure. Employees are also encouraged to take up issues regarding the misuse of alcohol and drugs both with colleagues and line management, where necessary, discussing with them helpful actions that can be taken through the relevant sources of support.

Employees who breach the defined standards of conduct; or who decline to seek and/or accept referral for help with an alcohol or drug related condition; or following treatment(s), continue to breach defined standards of conduct and/or performance; will be subject to the Trust's Disciplinary Policy & Procedure and/or Capability Procedure.

This policy does not apply to employees who, whilst under the influence of alcohol or drugs, commit an offence under the Trust's Disciplinary Code. Such conduct will be dealt with in accordance with the Trust's Disciplinary Policy & Procedures.

### 3. Definition of Terms

The Trust, for the purposes of this policy, shall define the following terms of this policy:

Term	Definition
<b>Employee</b>	Any individual who has entered into or works under a contract of employment with the school. This will include, for example, temporary staff and supply teachers.
<b>Contract of Employment</b>	A contract of service, whether express or implied and whether oral or in writing.
<b>Line Manager</b>	The line manager, immediate supervisor or any other employee permanently or temporarily responsible for communicating with, and directing the activities of, employees and other individuals in the workplace.
<b>Working Hours</b>	Hours defined under the employee's contract of employment. These hours can be both formal and informal. An example of informal hours is where an employee is representing the school outside their expressly defined contracted hours.
<b>Workplace</b>	Any place of work where, under an employee's contract of employment, they could be required to work. Any property, any premises and at any time when an employee is representing the school can be considered a workplace. This can include private premises.
<b>Break</b>	Breaks during the working day. This includes lunch breaks. Where an employee has a daily working time of more than 6 hours, they are entitled to a break that should be determined by collective or workforce agreement. Where there is no such agreement, a break should be an uninterrupted period of 20 minutes, during which the employee does not need to stay at their workplace.
<b>Notable periods before commencing working hours</b>	A reasonable period of time prior to commencing working hours. This will include, for example, the hours before evening meetings or school activities. Employees will be expected to act reasonably in order to ensure that any consumption of alcohol does not meet the definition of alcohol misuse.
<b>Alcohol misuse</b>	Consumption of alcohol to such an extent that it detrimentally affects an individual's health, attendance, work performance, conduct or relationships at work.
<b>The misuse of drugs</b>	The use of illegal drugs and the misuse (see 'Alcohol misuse' definition), whether deliberate or unintentional, of prescribed drugs and substances such as solvents.
<b>Consumption of alcohol</b>	Drinking any alcoholic beverage including beers, lagers, ciders, spirits, wines, sherry or aperitifs with a recordable percentage of alcohol by volume. This list of beverages is not exhaustive.
<b>Total ban</b>	Consumption of alcohol in the workplace is forbidden during working hours
<b>Zero limit</b>	Nil consumption of alcohol in the workplace during working hours
<b>Illegal drugs</b>	Defined by Misuse of Drugs Act 1971. It is a criminal offence for employers knowingly to allow controlled drugs to be kept, supplied or produced on their premises. This excludes medication.
<b>Medication</b>	Medicines taken for a medical reason. These may be obtained with or without a prescription and can affect performance at work. Examples include tranquillisers, anti-depressants, sleeping pills, some antihistamines for hay fever; some medicines for coughs, cold and indigestion.

#### **4. Key Rules**

- In relation to drug misuse, any breaches of the law will be reported to the police. Illegal drugs must not be used or brought into the workplace
- There will be no consumption of alcohol during working hours
- Employees, who have completed their working hours but are regarded as representing the Trust / school, shall not consume alcohol on these occasions. Employees should be aware that where they are representing the school, any alleged breaches of the Trust's Disciplinary Code will be dealt with under the Trust's Disciplinary Policy & Procedures.
- 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 will be the relevance of the offence to the employee's duties and/or the effect on the contractual relationship with the Trust / school. Further advice can be sought from the Trust's HR consultant.
- Employees in safety-critical jobs e.g. caring for vulnerable client groups, driving, using power tools and/or heavy machinery, who are found to be under the influence of alcohol or illegal drugs, will be liable to summary dismissal under the Trust's Disciplinary Policy & Procedure.
- Employees taking medication or medicinal drugs which may have a detrimental effect on their ability to perform their duties, must consult their doctor or chemist and advise their line manager as soon as reasonably practicable before reporting for duty (see "Prescription and 'over the counter' medications" section of the Guidance Notes – Appendix 2).

#### **5. Procedure**

##### **5.1 Informal Stage**

Employees with alcohol or drug related conditions are encouraged to seek help voluntarily. (See 'Advice and Support' section of the Guidance Notes – Appendix 2). Employees are encouraged to inform their line manager if attendance or work performance may be affected, in order that appropriate support can be offered.

If a manager is concerned about an employee's conduct or performance (see "Recognising the early signs of alcohol and drug misuse"; "Constructive Intervention" and "Advice and Support" sections of the Guidance Notes – Appendix 2) they should raise the matter in confidence with the employee.

If, for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of their condition with their line manager, they may speak to an alternative manager or their Trade Union Representative to raise the issue with the line manager on their behalf.

It is desirable that matters related to alleged alcohol or drug misuse during working hours should be dealt with informally wherever appropriate. Good management practice requires that issues related to standards of work or conduct are dealt with at the earliest opportunity with support given, where appropriate, to achieve the desired outcome.

Before any formal action is taken there should be a full investigation of all the facts and circumstances, including the gathering of medical evidence through occupational health, if necessary.

During the recruitment and selection process, applicants should be made aware of this policy. Wherever possible, education should be provided as part of the induction so that new employees start with a clear understanding of the requirements of the policy.

## **5.2 Formal Stage**

Where the employee acknowledges an alcohol or drug condition or an alcohol or drug condition is suspected but the employee is in denial, medical advice should be sought from occupational health.

Where employees are considered to be under the influence of alcohol or drugs, and the performance of their duties is detrimentally affected, or they behave in a manner contrary to the standards of conduct required, then action will be taken under the Trust's Disciplinary Policy & Procedure.

Where, during formal disciplinary proceedings, an employee acknowledges an alcohol or drug condition and medical advice confirms the condition, the Headteacher may recommend that it would be appropriate to defer any further action, dependent on the employee agreeing to seeking help and support from their GP or specialist drug or alcohol agencies and a satisfactory outcome of any proposed treatment(s)/interventions.

If an employee declines treatment(s) or fails to co-operate fully with treatment(s), then any deferred disciplinary action should continue.

If an employee has successfully completed a course of treatment and there is a further breach(es) of the defined standards of conduct and/or performance related to alcohol or drug misuse during working hours, the Headteacher, after taking advice from occupational health, must decide whether to permit another period of treatment or to invoke the Disciplinary Procedure (see "Dealing with Relapses" section of the Guidance Notes – Appendix 2).

During a period of treatment, the employee will be responsible for ensuring that the line manager will be kept up to date regarding their progress and the likely return to work date. If an employee is unable to comply with this requirement personally, they should, where possible, ensure that a Trade Union representative or another person of their choice notifies the line manager. After the employee's return to the workplace, the line manager will review the employee's progress with advice from occupational health.

The Trust's sickness absence policy and/or the Capability Procedure will apply to employees recovering from any confirmed medical condition depending on the facts of each case. If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment may be considered.

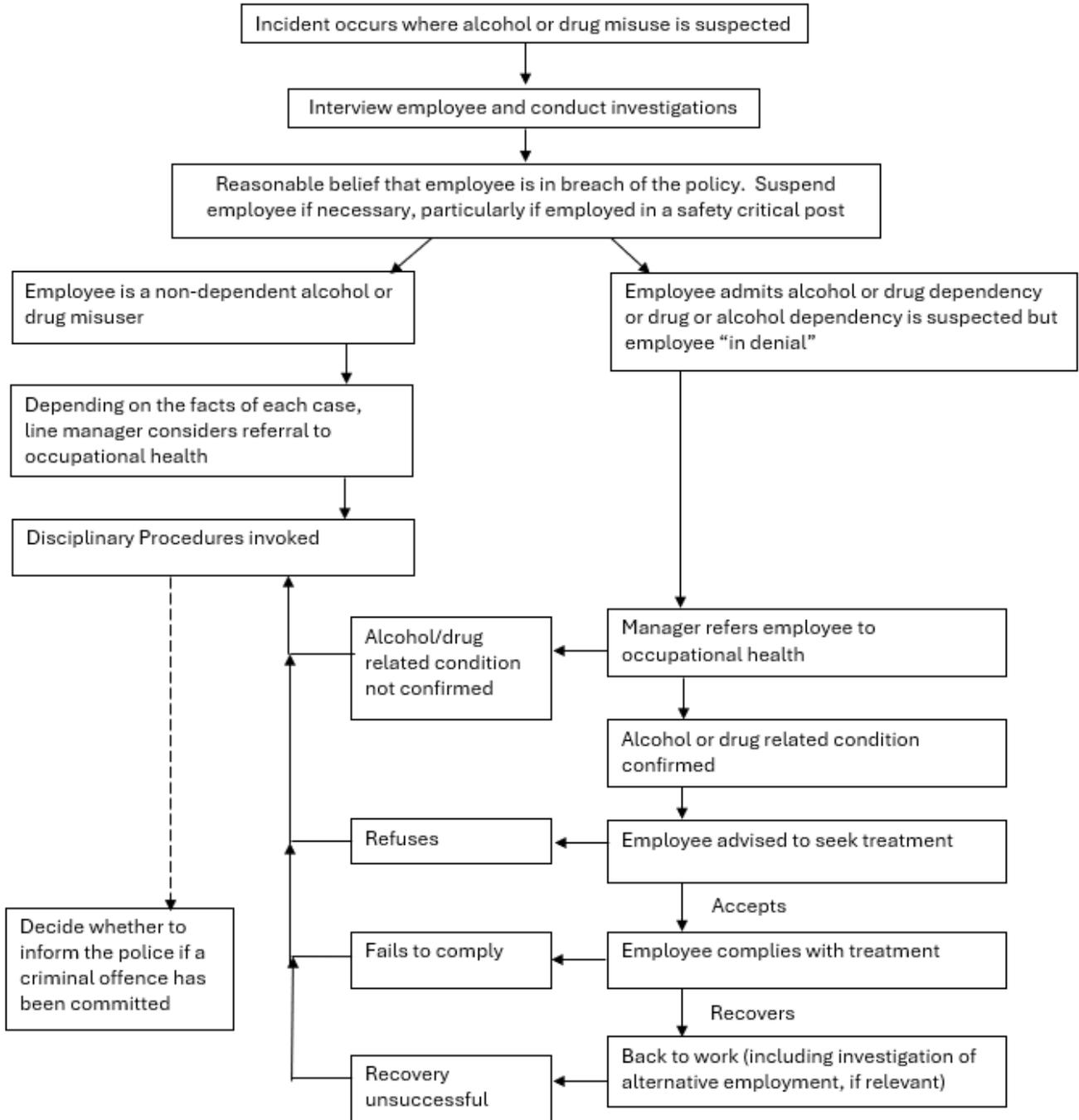
Where an employee does not accept that they have a problem of alcohol or drug misuse that detrimentally affects their work conduct or performance, or declines treatment, or following treatment, there is a further breach of the defined standards of conduct and/or performance, disciplinary action will be taken consistent with the school's Disciplinary Policy & Procedure.

Employees who have concerns about the way in which this policy is being applied to them should follow the Trust's Grievance Policy and Procedure.

**APPENDIX 1: Procedure Flowchart for the Management of Alcohol and Drug Related Incidents**

Appendix 1

**PROCEDURE FLOWCHART  
MANAGEMENT OF ALCOHOL OR DRUG RELATED INCIDENTS**



## **APPENDIX 2: Guidance Notes**

### **1. Information about Alcohol**

Evidence shows that when people have even a small amount of alcohol in their blood, their ability, performance and judgement may be impaired. This creates risks for themselves, their colleagues and service users.

Information about alcohol is available on the [NHS website](#) and includes:

- Alcohol units
- Alcohol support
- The risks of drinking too much
- Tips on cutting down.

Further advice is available about alcohol misuse at: <https://www.nhs.uk/conditions/alcohol-misuse/>

### **2. Information about Drugs**

The misuse of drugs refers to the use of illegal drugs and the misuse, whether deliberate or unintentional, or prescribed drugs and substances such as solvents.

The [Misuse of Drugs Act 1971](#) divides drugs into [three classifications](#): Class A, Class B, or Class C. This classification is based on the drug's perceived degree of harmfulness or danger to the individual or society, with penalties varying accordingly.

FRANK is a national anti-drug advisory service. Information and facts about drugs is available at the website: <https://www.talktofrank.com/>

### **3. Prescription and 'over the counter medications**

It is recognised that some medication or drugs, whether prescribed or purchased 'over the counter', may have an effect on an employee's ability to perform their duties. Employees taking medication or drugs, which may be detrimentally affecting their ability to perform their duties, must consult their doctor or chemist and advise their line manager as soon as reasonably practicable before reporting for duty.

It is not expected, however, that employees will be required to report every example of medicinal intervention purchased 'over the counter' or prescribed by their GP e.g. aspirin or other pain-relief medication.

Employees should check with their GP, their chemist or the details on the medicine label for appropriate advice, taking into account the nature of their job. Examples where advising your line manager before reporting for duty could be considered sensible include the taking of tranquillisers or anti-depressants.

### **4. Recognising the early signs of alcohol and drug misuse**

The term 'alcohol and drug misuse' can be applied to any of the adverse effects of drinking or drug taking. It may be taken to include both dependence and abuse.

Alcohol and drug dependence as a general term can be defined as the state of needing or depending on repeated doses of the drug to feel good or to avoid feeling bad.

The [Health and Safety Executive \(HSE\) suggest](#) that the following can be considered as warning signs which could indicate drug or alcohol misuse, but could also be signs of other things, like stress or illness:

- Unexplained or frequent absences
- A change in behaviour
- Unexplained dips in productivity
- More accidents or near-misses
- Performance or conduct issues.

As a caution any single sign should not be seen in isolation but should be considered as part of a full investigation of all the circumstances, including, where necessary, the gathering of medical evidence through occupational health.

In addition to the above there should also be awareness of the implications of discovering items associated with drug taking. These include needles, syringes and scorched pieces of tin foil.

Line managers should be aware of the legal considerations surrounding drugs and work including the obligations to notify the police of incidents involving illegal drugs in the workplace. Advice must be sought from your HR Advisor before notifying the police.

Great care and sensitivity should be taken when looking for and responding to the signs of alcohol and/or drug misuse. It should be noted that some of the symptoms are very similar to those of a range of medical conditions, notably diabetes and epilepsy.

A full investigation should be made of all the circumstances, including, where necessary, gathering medical evidence through occupational health, before making any decisions. There may also be contributory factors such as mental illness, depression or work-related stress, which would need to be taken into account before determining the appropriate course of action.

## **5. Constructive Intervention**

Where there is a suspicion of alcohol and/or drug misuse, the central issue for a line manager to address is one of performance and conduct and the objective evidence of the degree to which this has been affected by alcohol or drugs (other than those medically prescribed).

It is the responsibility of a line manager to provide support and resource information whenever changes in performance or behaviour give rise to concern that an employee is misusing alcohol or drugs during working hours.

It is not the line manager's responsibility to diagnose the employee's problem or to be a source of medical intervention; but when behaviour changes affect the individual's work performance and/or conduct, they should be prepared to detect change and do something about it.

It is not helping the individual misuser, their colleagues, or the service by neglecting any potential problem.

Where there are indications that:

- a) **the employee has breached the total ban on alcohol consumption in the workplace during working hours AND/OR**
- b) **employee is under the influence of drink or drugs (other than those medically prescribed)**

So that the performance of duties is detrimentally affected and/or which could endanger anyone's safety.

The broad approach for a line manager to take, depending on the facts pertaining to each case should be as follows:

The line manager makes a descriptive note of the observed behaviour. The line manager will need to collect objective evidence, which may include witness accounts, where appropriate.

A potentially useful mnemonic to assist a line manager in determining whether an employee is under the influence of alcohol or drugs is GUESS:

**G**ait  
**U**nsteady

Eyes (glazed)  
Smell  
Slurring speech

Stick to the facts about performance or conduct and the alleged degree to which alcohol or drugs has detrimentally affected performance of duties, conduct or safety.

Depending on the employee's performance and/or misconduct, the degree of apparent intoxication and the extent to which anyone's safety is endangered, the line manager may consider a range of potentially reasonable responses.

1. It is important for line managers to remember that it is desirable that matters should be dealt with informally where possible. Good management practice requires that issues related to standards of work and conduct are dealt with at the earliest opportunity with support given, where appropriate, to achieve the desired result. Any action taken should be consistent with the Trust's Disciplinary Policy & Procedure.
2. During the initial discussion between the line manager and the employee, following the collection of objective evidence, the line manager will raise the matter informally and in confidence with the employee. If the employee acknowledges that they have breached the total ban in the workplace; and/or they are under the influence of drink or drugs (other than those medically prescribed) and the performance of duties is affected detrimentally; or the employee refuses to respond to questions put to them, the line manager may, based on the available objective evidence, request the employee to leave the workplace.

The line manager may wish to consider making the following statement to the employee in such circumstances:

*"In my opinion, you are not fit to perform your duties. Please go home and return to work for your next working shift/day when I will arrange to meet you at the earliest opportunity to discuss this matter."*

Where the line manager is concerned that the employee is not fit enough to make their own way home, the line manager should give consideration to providing appropriate assistance to the employee. This may include ordering a taxi on behalf of the employee or contacting a friend or relative to take them home.

Time away from the workplace, in such circumstances, may be in the employee's own time. In recording this time, the options to consider will include, if appropriate, authorised paid leave, time off in lieu or annual leave, depending on the preference of the employee, the needs of the school and the facts of each case.

3. At the subsequent meeting the line manager will informally examine the following before considering further action:
  - Where an employee acknowledges an alcohol or drug problem or wants to talk about it, the line manager should refer to 'Advice and Support' section of the Guidance Notes, for options. The options include the offer of free, confidential and independent welfare counselling through a confidential counselling service and a referral to occupational health.
  - Where an employee denies an alcohol or drug problem and does not give a satisfactory reason for unacceptable standards of performance or conduct, the line manager will need to ensure that he or she has promptly and fully established the facts of the misconduct or under-performance including accounts of any witnesses.

Where medical advice confirms that there is a condition, every effort will be made by the school to assist an employee to help them to achieve a successful rehabilitation.

The key measure of success for the line managerial role is a return to an acceptable level of performance or conduct for the employee although line managers should consider encouraging employees to seek advice and support from appropriate sources to address any potential condition.

It should be made clear to the employee that all informal efforts to resolve issues do not constitute part of the formal disciplinary process.

Once the issue has been satisfactorily resolved, records shall be removed within 6 months. If there is similar misconduct in the 6-month period then formal action will be taken consistent with the Trust's Disciplinary Policy & Procedure. The consequences of similar misconduct or under-performance should be made clear to the employee as part of this process.

## **6. Confidentiality**

If for reasons of confidentiality or sensitivity, an employee does not feel able to discuss details of an alcohol or drug related condition with their line manager, they may speak to an alternative line manager or a Trade Union Representative. However it is emphasised that the principal responsibility for addressing issues related to the employee returning to an acceptable level of performance or conduct, remains with the line manager/Headteacher.

Where employees are concerned to maintain confidentiality about their condition, all that the line manager will be required to know from occupational health, if a referral has been made, is that:

- There is an underlying problem leading to poor or unacceptable performance or conduct
- That the employee is receiving support and/or treatment for this problem and is complying with the support or treatment regime
- An indication of the date when the employee should return to work
- And whether the employee poses a risk to themselves or to others by being in work.

## **7. Referrals to Occupational Health**

Managers may refer an employee to occupational health at any time if the manager is of the view that the employee is or has been under the influence of drink or drugs, and is or has been unable to perform their duties satisfactorily, or at all as a consequence of drug and/or alcohol misuse.

## **8. Dealing with Relapses**

An employee who is attempting to recover from an addiction may suffer a relapse in the process of doing so.

While every reasonable effort should be made to support employees through their recovery, and medical or specialist advice should be sought in all cases, the line manager must decide whether to permit further periods of care, treatment or rehabilitation, or to take disciplinary action.

The length of a course of treatment may vary considerably between cases. The duration of the period for which the school offers support should normally relate to the progress made by the employee in addressing their condition and the ability of the service area to maintain the level of support being offered.

Each case must be carefully examined on its merits having first sought appropriate advice from occupational health and HR. As a general guide to approaching such cases, it is recommended that there is broadly a 3-step approach to such situations.

1. Treatment and a clear definition by the line manager of expectations and boundaries
2. Review the circumstances relating to each individual case relating to relapse, with advice from occupational health. Reset limits and boundaries
3. Where there is a further relapse by the employee and their performance of duties, and conduct is detrimentally affected and/or which could endanger anyone's safety, the line manager, with occupational health advice, should consider invoking the Formal Stage of the Trust's Disciplinary Policy & Procedure.

During treatment, consideration should be given to whether an employee can carry on working. Similarly, each case should be carefully examined on its merits having first sought appropriate advice from Occupational Health and HR

## 9. Equality Act 2010

Alcohol and drug dependency is explicitly excluded from the [Equality Act 2010](#) through [The Equality Act 2010 \(Disability\) Regulations 2010](#). The "Disability: Equality Act 2010 Guidance on matters to be taken into account in determining questions relating to the definition of disability" summarises this as:

*"Certain conditions are not to be regarded as impairments for the purposes of the Act. These are:*

*Addiction to, or dependency on, alcohol, nicotine or any other substance (other than in consequence of the substance being medically prescribed)."*

It should be noted that the potential effects of dependency e.g. heart disease, may be included in the legally defined list of "physical and mental impairments" and therefore protected against discrimination under this Act.

## 10. Advice and Support

If employees think they have, or are developing, an alcohol or drug related condition, there are a number of sources to secure appropriate treatment and rehabilitation. Help available includes:

### Alcohol:

Name of Service	Details	Contact Details
Alcoholics Anonymous	Self-help group for people with alcohol problems. They have regular meetings that offer help and support to their members.	0800 917 7650 <a href="mailto:help@aamail.org">help@aamail.org</a> <a href="https://www.alcoholics-anonymous.org.uk/">https://www.alcoholics-anonymous.org.uk/</a>
Alcohol Change UK	The national agency on alcohol misuse. It offers general information about alcohol and can provide details of local alcohol advisory services.	0203 907 8480 <a href="mailto:contact@alcoholchange.org.uk">contact@alcoholchange.org.uk</a> <a href="https://alcoholchange.org.uk/">https://alcoholchange.org.uk/</a>
Al-non	Provides self-help sessions for people whose lives are affected by someone else's drinking.	0800 008 6811 (Helpline available 10 am - 10 pm, 365 days a year) <a href="mailto:enquiries@al-anonuk.org.uk">enquiries@al-anonuk.org.uk</a> <a href="https://al-anonuk.org.uk/">https://al-anonuk.org.uk/</a>
Drinkline	Gives confidential information and self-help advice, can put callers in touch with local alcohol advice centres for one-to-one help, and supports family and friends of people who are drinking.	0300 123 1110 (Helpline available 9am-8pm weekdays and 11am-4pm weekends)

### Drugs:

Name of Service	Details	Contact Details
Narcotics Anonymous	Counselling and advice for people with drug problems.	0300 999 1212 <a href="mailto:pi@ukna.org">pi@ukna.org</a> <a href="https://ukna.org/">https://ukna.org/</a>
FRANK	Offers free and confidential information and advice about drugs.	0300 123 6600 Text 82111 <a href="https://talktofrank.com/">https://talktofrank.com/</a>

Cocaine Anonymous	Self-help group for people with cocaine problems.	0800 612 0225 <a href="mailto:helpline@cauk.org.uk">helpline@cauk.org.uk</a> <a href="https://www.cocaineanonymous.org.uk/">https://www.cocaineanonymous.org.uk/</a>
ADFAM National	Provides confidential support and information for families and friends of drug users.	No telephone helpline service <a href="mailto:admin@adfam.org.uk">admin@adfam.org.uk</a> <a href="https://adfam.org.uk/">https://adfam.org.uk/</a>
Families Anonymous	Supports self-help groups around the country for families and friends of people with drug-related problems.	0207 4984 680 <a href="mailto:office@famanon.org.uk">office@famanon.org.uk</a> <a href="https://famanon.org.uk/">https://famanon.org.uk/</a>
Release	This confidential helpline offers advice on drug use and legal issues.	0207 3242 989 <a href="mailto:ask@release.org.uk">ask@release.org.uk</a> <a href="https://www.release.org.uk/">https://www.release.org.uk/</a>

**General Helpline:**

Name of Service	Details	Contact Details
NHS 111	NHS 111 can help if you have an urgent medical problem and you're not sure what to do.	111 <a href="https://111.nhs.uk/">https://111.nhs.uk/</a>

**Note:** *These contact details are correct at the time of issuing this policy.*

Legislation to be aware of:

[Health and Safety at Work etc. Act 1974](#) - places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare of their employees at work

[The Management of Health and Safety at Work Regulations 1999](#) - places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee themselves or others at risk

[Misuse of Drugs Act 1971](#) - makes it an offence for someone to knowingly permit the production, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor)

[Equality Act 2010](#) – see Section 9 of this Appendix.