



**Tudhoe Learning Trust**

# **Drugs, Substance and Alcohol Misuse Policy**

**Approved by:** Trust Chief Executive Officer **Date:**

**Last reviewed on:**

**Next review due by:**

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## 1. Introduction

The Trust neither condones nor approves of the possession, use or supply of illegal substances or the misuse of legal substances that may potentially cause harm. For the purpose of this policy, substance misuse refers to the use of illegal drugs and the misuse of prescribed drugs, solvents, and alcohol, which harm the individual either physically or mentally. They may also cause injury or damage to others because of the individual's actions or, in some instances, failure to act. This does not include prescribed drugs or 'over-the-counter' remedies that are used in accordance with instructions from the doctor or pharmacists.

The public is entitled to expect the highest standards of conduct from all colleagues who work for the Trust. There is a responsibility on all colleagues to deliver the highest quality of service to the community. The Trust is also committed to the health, welfare and safety of its colleagues through its responsibilities under the Health & Safety Act 1974 it also requires colleagues to be responsible for their own health and safety and the safety of others.

The quality and standards of service may well be compromised if a colleague has misused substances. Therefore, we are concerned with minimising any use of drugs, alcohol and other substances that might affect:

- The health and safety of colleagues, pupils or members of the public;
- The colleagues work performance or attendance;
- The quality of service provided to the community;
- The Trust's image to the public.

The Trust recognises that drugs, alcohol and substance misuse related problems are an area of health and social concern. The Trust also recognises that a proportion of the community it serves and people it employs use legal and illegal substances, which have the potential to cause harm to both themselves and others.

The Trust seeks to promote well-being while reducing drug, alcohol or substance related harm and in order to uphold relevant legislation it will not knowingly permit the supply, sale or misuse of substances on Trust premises.

This Policy supports and complements the Trust's Code of Conduct, which outlines the existing rules and conditions of service that apply to all colleagues of the Trust. The Trust acknowledges that colleagues may use drugs, substances and alcohol in their own time but colleagues must understand that this may have adverse consequences on their terms of employment.

The Trust is not against social drinking outside working hours and it is not the intention of this policy to limit people's enjoyment or intrude into the privacy or lifestyle of colleagues. However, the Trust will respond where alcoholic consumption shows a clear detrimental effect on attendance and work performance.

There may be circumstances where substance misuse by an employee leads or contributes to a breach of the Trust's rules, regulations or standards, for example, violent actions or threatening behaviour. Therefore, it may be appropriate to deal with such cases through the normal disciplinary rules, rather than through the procedures within this policy.

The Trust recognises that problem drinking and drug or substance dependency are health problems that can respond to treatment, given the will and motivation of the affected person. The procedures within this policy aim to provide a mechanism whereby individuals can receive help and support in overcoming their problem. However, it is expected that any colleague receiving assistance will provide cooperation in the treatment for that problem.

**This policy applies to all Directors, Governors and colleagues of the Trust.**

## **2. Responsibilities**

### **2.1 Head Teachers/Line Managers**

Head Teachers/Line Managers have overall responsibility for the operational management of the policy within their remit for managing health and safety in the workplace. This includes being familiar with the content of this policy and ensuring that colleagues are aware of the expectations on them regarding the application of the policy to their job, attendance, work performance, behaviour and safety issues.

They should also be aware and monitor changes in work and attendance patterns of work colleagues, assisting in the identification of colleagues who may be in need of help because of their problems related to this policy. More details can be found in the Management Guidance.

### **2.2 Occupational Health**

The Trust's Occupational Health provider will provide any relevant medical advice and support, including coordination between the therapeutic services and the workplace. This will include promotion of the awareness of misuse issues and encouraging early identification of colleagues who are in need of assistance. Occupational Health will also provide assistance and advice for individual's who choose to self-refer. Where necessary, and with the consent of the employee, Occupational Health will communicate between the employee and the treatment services. They will also inform the line manager of fitness for work issues - this may include matters like a prognosis of the findings, how long the employee might be off work, whether the employee's duties might be contributing to the problem and the value of considering a transfer to other work.

Although treating all matters in confidence, where it is clear that a member of staff poses a significant risk to themselves, other colleagues or service users, Occupational Health will need to consider advising the employee's line manager. Occupational Health will advise the employee that they intend to discuss these circumstances with others.

### **2.3 Colleagues**

Each individual has responsibility for their own health and actions, as well as the safety of pupils and colleagues. This includes presenting themselves in a fit state for work. Any consumption or use of substances must not damage their ability to complete their work in a proper manner. An employee needs to advise their line manager if they are taking any prescribed drugs that might affect their ability to perform tasks safely, or affect their conduct or attendance at work.

It is recognised that it is often those working closely with individuals who are best placed to identify developing problems. Therefore, everyone has a responsibility in assisting those who may be experiencing drugs, alcohol or substance misuse problems. It is essential that these problems are

not covered up and any colleagues reasonably concerned that a problem exists should bring it to the attention of their manager.

Trade union representatives have a role to advise their members of their rights and responsibilities under this policy. A trade union representative can also attend meeting, to support an employee, if so requested within the boundaries of the policy. The trade union may be able to offer related assistance to an employee that will aid them at work and during any rehabilitation programme.

## 2.4 The Trust

The Trust will not condone nor approve of substance misuse on its premises. This includes a ban on the consumption of alcohol at any Trust property during normal working hours.

All those covered by the scope of the policy will be expected to attend work without being under the influence of alcohol, and to ensure their work performance is not adversely impaired by alcohol.

These restrictions give consideration to the human rights of those individuals affected. More details can be found in the Management Guidance.

The Trust will not condone illegal acts. Where an employee is known to be buying, supplying or in possession of a drug on Trust property, which, under the law, is a controlled substance, the Trust is under a duty to uphold the law. Advice should be sought from the Trust Human Resources Manager and the police notified. Any act of this type is likely to constitute an act of gross misconduct. The employee may be suspended from work until the matter has been satisfactorily investigated and dealt with under the disciplinary process. More details can be found in the Management Guidance.

Matters relating to all alcohol, drug or substance misuse will be treated in the strictest confidence possible under the circumstances of each case. However, as indicated above, there may be circumstances where an infringement of the law necessitates police notification. All information will be held, stored, accessed and destroyed in accordance with current data protection legislation.

Where an employee is visibly under the influence of drugs, alcohol or other substances, their Head Teacher should ensure as far as practicable that the employee is safely escorted home and arrangements made to interview them on the next working day.

## 3. Ill Health Procedures

An employee's drugs, alcohol or substance misuse problem may have resulted in an attendance issue and, as a result, been identified through the ill-health procedures. In these circumstances, the issue should continue to be monitored through the ill-health procedures as well as through the procedures within this policy.

Where excessive use of alcohol by an employee takes place outside of working hours, the Trust will consider the impact that this may have on their hours of work or on overall levels of performance. In these circumstances, the Trust will also need to consider whether there is any negative affect on the Trust's reputation and/or public confidence.

**Similarly, where evidence is available that outside of working hours, an employee has misused prescribed drugs or other substances or they have used illegal drugs then the Trust will consider**

**the impact that this may have on their hours at work. The Trust will also need to consider whether there is any negative affect on the Trust's reputation and/or public confidence.**

The Trust recognises that there will be situations where drugs have been medically prescribed for the employee or, where the employee has needed to take over the counter drugs from a standard dispensary. It is the employee's responsibility, in this case, to find out whether the drug prescribed has any debilitating effect and to advise their manager of this in confidence. Managers will take this into account in considering the provisions of this policy.

#### **4. Approaches to the Policy**

The policy has two approaches to dealing with drugs, alcohol and substance misuse issues:

- Providing reasonable assistance to the work colleague with the problem who is willing to cooperate in treatment for that problem.
- Use of the disciplinary process may be considered where a clear offence causes a breach of the Trust's rules, regulations and standards resulting in misconduct or capability issues - or where the work colleague has rejected treatment or has not succeeded with a programme of treatment

#### **5. Identification Procedures**

Because of the nature of the problem and the stigma attached, individuals may deny, even to themselves, that they have a problem. Even if a problem is suspected, colleagues and Head Teachers may feel it is in the best interests of the individual to disguise the difficulties.

However, the early identification and referral of problems are seen as a key factor in adopting a positive approach in assisting colleagues. Details about the sort of indicators that should be looked out for can be found in the Management Guidance Document.

##### **Identification Through the Line Manager**

The line manager may notice that work performance, conduct or attendance has deteriorated and they may suspect that this is being affected through a drugs, alcohol or substance misuse problem. The manager should arrange an informal meeting to counsel the individual and investigate the circumstances. Where appropriate, the manager can seek advice and support from Human Resources who may attend the interview. A trade union representative, a work colleague or friend can accompany the individual to the meeting. The line manager should make it clear that they wish to support the employee deal with any problem, including the provision of practical assistance if appropriate.

The purpose of the meeting may be to discuss all/any of the following points;

- Informing the individual of an identified deteriorating pattern of work performance;
- Asking the individual for their view of the problems, their nature and the reasons behind them;
- Explaining the consequences of continued lowered work performance;
- Make the individual aware of the support available.
- Following up any relevant issues discussed previously.

## **The Meeting**

The meeting should be restricted to discussing any incidents or issues that have raised concerns, unless there is clear evidence of drug, alcohol or substance misuse or the individual actually raises the matter.

Should the meeting lead to a conclusion that a drug, alcohol or substance misuse problem might exist, and the individual accepts referral, the manager should refer the matter to Occupational Health. The manager should make it explicitly clear within their referral that they are seeking an opinion about concerns connected to substance misuse - the individual should be advised of the reason for the referral. Occupational Health will be responsible for establishing whether or not a diagnosis of drug, alcohol or substance misuse is a likely contributory factor to attendance/performance problems. The manager is not required to diagnose the existence of any misuse, but merely assess whether such misuse is a possible factor.

The meeting may fail to reach a conclusion that a drug, alcohol or substance misuse problem may exist, or the individual may reject or fail to cooperate in any referral. In these cases, disciplinary action may be considered (or continued) when and as the situation justifies. If no disciplinary action is to be taken, the manager must make clear that the situation will remain under review and identify clear standards for work performance and behaviour.

A record of the meeting should be made and, if appropriate, a date agreed to meet again and examine progress. This record should be maintained on a confidential need to know basis - bearing in mind that the details of the meeting may need to be utilised within any possible ill-health or disciplinary process.

Whilst a drug, alcohol or substance misuse problem does not excuse poor work performance or misconduct, it may be treated as a mitigating factor. Any disciplinary investigation that has commenced may be suspended if a misuse problem emerges. This suspension of a disciplinary investigation can occur while the opportunity is taken to seek diagnosis and treatment.

## **Identification through a Work Colleague**

Anyone who reasonably believes that a work colleague has a problem should encourage them to seek help through the procedures within the policy. If their colleague refuses to seek help and the individual continues to believe that a misuse problem exists and is affecting their performance or profile, they should approach their line manager or another senior manager in the strictest of confidence.

If an individual feels that such activity by a work colleague amounts to malpractice, for instance, where the care of pupils or responsibilities for assets is at stake, they are obliged to report the incident. If they feel it is more appropriate, they can consider reporting the problem through the Trust Confidential Reporting Code.

## **Identification through the Affected Employee**

Colleagues who are concerned that they may have a problem are encouraged to seek help at the earliest possible opportunity. They can do this initially through seeking a confidential meeting with:

- Their manager or any other manager or work colleague they feel they can talk to;

- Occupational Health;
- Their GP and/or specialist agencies;
- A trade union representative;
- The FREE 24HR Telephone Counselling Service - call 0800 716 017 quoting 'Durham County Council' as their employer.

Any request for assistance will be treated in the strictest of confidence and such requests in themselves will not jeopardise job security, benefits or promotion opportunity. No form of disciplinary action will be taken unless work performance, conduct or attendance begins to suffer. Reasonable time off work to obtain help will be allowed if necessary.

### **Identification Through the Disciplinary Process**

In circumstances where an employee intermittently misuses any substances and breaches Trust rules, regulations and standards, then the above procedures will not be applicable and the normal disciplinary rules will be followed. This action may also be necessary where an individual behaves in a manner contrary to the standards of safety and conduct required by the Trust. Incidents of this nature may be deemed to be gross misconduct and can lead to dismissal. Further details can be found in the Management Guidance Document.

## **6. Referral Procedures**

Should an individual be found to have a drug, alcohol or substance misuse problem, their manager will offer the opportunity to obtain therapeutic help. It is the responsibility of management to provide the opportunity. However, the individual must take a positive role during the whole process. The employee is responsible for taking up, committing to and sustaining any programme of support. Where an employee has not done so, management are not under any obligation to offer further opportunities.

The manager should inform the employee of any potential help available under this policy, including the offer of a referral to Occupational Health. If the employee agrees, a confidential meeting will be arranged with Occupational Health as soon as possible. Where the employee wishes to seek help from another organisation, the line manager should seek guidance from Occupational Health as to whether this is an appropriate course of action.

After meeting with the employee, Occupational Health will conduct an initial assessment and/or diagnosis. If a drugs, alcohol or substance misuse problem is confirmed, Occupational Health will advise the employee on a recommended programme of treatment that may include working with specialist agencies.

Any diagnosis by Occupational Health is based upon what is actually said by the employee. Where the employee fails to accept or cooperate in the referral, it may be difficult to formally assess/diagnose a medical problem.

In circumstances where an employee denies the existence of a diagnosed misuse problem, or fails to cooperate with the referral or therapeutic process, that in itself will not lead to disciplinary action.

However, any misconduct or unsatisfactory performance may still lead to disciplinary action. Similarly, if there is no diagnosis of a misuse problem, this in itself will not lead to disciplinary action, but any misconduct or unsatisfactory performance may be dealt with under the normal

disciplinary procedures. Where any disciplinary action has been suspended, pending the referral to Occupational Health, it may be reinstated and appropriate action taken in the circumstances.

The line manager (and Human Resources Manager if appropriate) will be made aware of any relevant outcomes of any referral to Occupational Health, including details of any further programme of treatment. This information must remain confidential between the parties involved on the understanding that it may be relevant within any future formal process stemming from the case.

Where a programme of treatment has been identified and accepted by the employee, the line manager will write to the employee to confirm the working arrangements while participating in that treatment. This notification will require the employee's agreement and will identify a number of issues, including the following:

- Details about a return to work date (including, where relevant, a phased return), if the employee has been absent;
- Reinforcement of the message that the intention of the programme is to get the employee back to work in an effective way;
- Details of further attendance at Occupational Health and any meetings with the line manager;
- Reference to any attendance at specialist agencies/support groups;
- Request to keep all medical appointments and comply with treatment regimes;
- Commitment to act in a positive way and not recommence taking significant amounts of drugs, alcohol or substances;
- Agreement to being monitored by the line manager.

A Model Form is included as Appendix 2.

A commitment by the employee to this package may lead to the support offered during the treatment including a period of sick leave. Any time off for medical appointments or attending specialist agencies/support groups will be classed as any other absence for medical treatment. Evidence of attendance at these sessions must be provided, if requested by the line manager.

However, cases of drug, alcohol or substance misuse will not be regarded as a disability within the requirements of the Equality Act 2010.

Alternatively, if the employee is fit for work during the treatment programme, it may be necessary to consider a period of paid leave or transfer to other duties. This may occur if it is considered that a return by the employee to their post would result in further misuse problems or constitute a risk to themselves or others.

## **7. Continuation of Treatment**

The duration of the period for which support is offered should normally relate to the progress being made by the employee in overcoming the problem and the ability of management to maintain the level of support being offered. However, where the employee fails to sustain the programme of treatment before a satisfactory conclusion, or there is a relapse after treatment, each case will be considered on its merits and in the light of medical opinion.

The Trust recognises that treatment can restore the ability to return to acceptable working standards, but relapses may occur. The opportunity for further treatment may be considered in

appropriate cases, but this cannot be guaranteed. In any event, if any employee fails to respond to two separate treatment programmes, no further programme will be offered.

Any further transgression by the employee relating to drugs, alcohol or substance misuse problem may be dealt with under the disciplinary procedures. This may include consideration of an original breach of discipline through a process that was suspended while treatment was underway.

Where the employee completes a programme of recovery, they will be interviewed by the line manager to establish future expectations of work performance/behaviour, and to offer continuing support through Occupational Health, if this is necessary.

However, if despite the employee's full cooperation, their health is impaired through drug, alcohol or substance misuse to the extent that they are unable to achieve and maintain an acceptable standard of work performance or attendance, there may be no alternative but to consider termination of the employment. The appropriate procedures must be followed where a dismissal is an option. It must be made clear on what grounds any dismissal is taking place and this must be subject to medical evidence, where appropriate. Where ill-health reasons are used as the basis, the Trust will give consideration to redeployment where this is appropriate and available, alongside any medical advice.

Every effort will be made at each stage to persuade the employee that they have a genuine medical problem. This will include reference to the fact that if the condition is not treated, it is likely to cause deterioration, not only of physical or mental health, but also of their ability to earn a living.

## **9. General Conditions**

Every effort will be made to ensure that the employee retains their present job with no detriment to promotion opportunities or other benefits provided their work performance and/or conduct return to and are maintained at an acceptable level within a reasonable timeframe. However, it is important to remember that if because of a drugs, alcohol or substance misuse problem, an employee is behaving or performing in such a way as to endanger themselves or others, prompt corrective action must be taken. In this situation, the employee's condition will be taken into account, but it will not automatically free the person concerned from the consequences of serious misconduct or poor performance. In cases where the employee becomes unsuited to their post, consideration will be given to transferring the employee temporarily to a suitable alternative work while undergoing treatment.

## **10. Confidentiality**

An employee seeking help for a substance misuse problem, together with any associated information, records or discussions, is entitled to complete confidentiality within any agreed parties. Confidentiality should also be maintained where the problem has emerged through identification by the line manager, a work colleague or through the disciplinary process.

Where the employee is allowed time off work to attend counselling or other medical treatment, the reason for any absence will be kept confidential between the employee, the Occupational Health Physician, management and any other agreed person involved in the process - for example, a representative from the trade union or the Human Resources Manager. Attendance and progress will be monitored by Occupational Health, who will keep the line manager advised of general overall progress.

Notwithstanding this guidance on confidentiality, any relevant information gathered within the process may need to be utilised within any formal action that stems from each individual case - for example, an ill-health or disciplinary procedure.

The content of any counselling will remain strictly confidential between the employee and their counsellor. Any written records are the property of the person providing the counselling or medical treatment.

This statement covering confidentiality is subject to the requirements of the law. Where an employee is found to be, or suspected of, the possession, supplying or involvement in other criminal activity connected to a controlled substance, it may be necessary to involve the police. Advice should be sought from the Human Resources Manager in these circumstances. This confidentiality statement is also subject to the provisions laid out in other sections of this policy.

## **11. Drink Driving Offences**

Any loss of licence due to a conviction for driving while over the legal alcohol limit may have repercussions on continuing employment with the Trust.

Where it is a significant condition of employment that the employee holds a current driving licence, the individual must report any loss of licence through a conviction to their Manager. Depending upon the circumstances of the specific case, this may result in the termination of the employee through the disciplinary process. However, each case must be considered on its own merits. Consideration must be given to a number of issues such as whether the employee can still satisfactorily carry out their duties without a driving licence or whether it is possible to consider any opportunities for redeployment.

## **12. Alcohol and Drug Screening & Testing**

The Trust will not require its colleagues to be screened or tested. The Trust also does not support usage of invasive measures such as employing specialist police dogs trained in drug detection on Trust premises.

The Trust seeks to promote proactive methods for reducing harm and providing increased awareness and advice in relation to all substance misuse awareness, as identified in the introduction to this policy.

## **13. Training & Information**

The Management Guidance linked to this policy will provide additional information on issues like defining problems linked to substance misuse, the effects of substance misuse on the individual, helping managers identify whether an employee may have a problem related to this policy and linking necessary action to protecting the human rights of an employee.

Trust schools may decide to provide drugs awareness training that is geared to help staff, particularly managers and front line colleagues.

## 14. Useful Contact Points

There is a wide range of specialist contacts detailed below, both national and local. They may be able to offer specific assistance or guidance in particular circumstances.

### National Contacts

National Drugs Helpline/FRANK: Call 0800 77 66 00. Offers free and confidential advice about drugs all day, every day and can refer you to local drug services. Interpreter will be available if required (120 languages).

ADFAM: Call 02075537640. Confidential service if friends or a family member are having a drug problem. (Adfam do not operate a helpline)

(Health & Safety Executive: <http://www.hse.gov.uk/alcoholdrugs/index.htm> or call 08701 545500 (minicom - 02920 808537). A range of free leaflets providing advice and guidance on drug, substance and alcohol misuse.

Drugscope: [www.drugscope.org.uk](http://www.drugscope.org.uk) or call 020 7520 7550. Offers general information about drugs and policy.

Families Anonymous: [www.famanon.org.uk](http://www.famanon.org.uk) or call 0845 1200 660. For relatives and friends concerned about the use of drugs or related behavioural problems.

Parents Against Drug Abuse (PADA): [PADA \(Parents Against Drug Abuse\) | Welcome Collection](http://www.pada.org.uk) or call +44 (0)20 7611 2222. Helpline for the parents and families of drug misusers

Re-Solv: [www.re-solv.org.uk](http://www.re-solv.org.uk) or call 0808 800 2345. Free national helpline to provide information and support regarding solvent or volatile substance misuse.

Alcohol Concern: <http://www.alcoholconcern.org.uk/> or call 020 7928 7377. Offers general information about alcohol. Call to find your nearest alcohol advisory service.

Alcoholics Anonymous: [Alcoholics Anonymous Great Britain \(alcoholics-anonymous.org.uk\)](http://www.alcoholics-anonymous.org.uk) or call 0800 9177 650. Free help and advice. Meetings are held in every town and city.

### Local Contacts

Durham County Council Occupational Health Service: 0191 383 3368

Telephone Counselling Service: Employee Assist 0800 716 017. A 24-hour, 7-day per week service provided by the Council on behalf of the Trust. It is for all our colleagues. The service is contacted on the freephone number above - it is independent and operates on a confidential basis.

Local Education Authority Drug & Alcohol Adviser: 0191 370 6403 or email [patrick.hargreaves@durham.gov.uk](mailto:patrick.hargreaves@durham.gov.uk). Offers advice on education & policy issues.

Social Care & Health Staff Care Service: 0191 383 4968. A confidential listening and support service to all staff that work in the Social Care & Health service.

North East Council on Addiction (NECA): 0191 383 0331 (Durham), 0191 490 1045 (Gateshead), 0191 587 2194 (Peterlee), 0191 419 3680 (Washington), 01207 581 922 (Derwentside). Free and confidential service for drug and alcohol users and their families.

Drug Arrest Referral Scheme: 0191 383 9420. Offers advice, information and support about drugs and alcohol use to people who have been arrested for whatever reason.

Easington Substance Misuse Initiative (ESMI): 0191 587 2194 or 0191 581 6833. Based at Floor 3, Lee House, Yoden Way, Peterlee SR8 1BB and 1<sup>st</sup> Floor, 5-6 Adelaide Row, Seaham, SR7 7EF. Counselling, advice, support and treatment for drug users and their families.

Castle Bridges - 42 The Market Place, Bishop Auckland: 01388 609 221. Support and advice for young people who use drugs and alcohol.

Community Addictions Team - Dalton Way Health Centre, Newton Aycliffe: 01325 300 427. Offers individual counselling & information for families and carers.

**TUDHOE LEARNING TRUST  
DRUGS, SUBSTANCE & ALCOHOL - MANAGEMENT GUIDELINES**

These guidelines should be read alongside the Trust Drugs, Substance & Alcohol Misuse Policy that is available on the Trust Website at [www.tudhoelearningtrust.co.uk](http://www.tudhoelearningtrust.co.uk)

### **1 Purpose of the Guidance**

The actual policy contains information about the Trust's specific provisions to help and protect colleagues from the dangers of drugs, alcohol and other substance misuse. It also aims to encourage an employee who has a problem to seek help in confidence. That document should be accessed for the primary information about the issues that need to be addressed along with the main processes involved.

The Guidelines have been produced to provide more supportive advice to the actual Policy document and to help with information about identifying prospective misuse problems amongst staff.

### **2 Why have a Substance Misuse Policy**

It is important for the Trust to have measures in place to deal with this issue in the workplace.

Problems with alcohol consumption and misuse of drugs and substance are becoming an increasing difficulty in many workplaces. The problems caused can include:

- Loss of productivity and performance;
- Lateness and absenteeism;
- Health problems;
- Safety concerns;
- Effect on team morale as other colleagues feel they are 'carrying' a colleague;
- Bad behaviour or poor discipline;
- Negative effect on the image of the Trust or school;

**The policy is based around a welfare-based approach, but also recognises that we need the active cooperation and motivation from any employee who has a problem. In addition, there may be occasions where it becomes necessary to use the Disciplinary Code - for example, where there is a clear breach of Trust rules or where an employee fails to complete or rejects a course of treatment.**

In addition, there are a variety of legal obligations upon the Trust. So, we must tackle any issue of substance misuse. If this can be done successfully, there are potential benefits in important areas:

- Cheaper recruitment and training costs if we can retain people who previously had a problem;
- Reducing the costs of sickness absenteeism;
- Reducing the potential for accidents in the workplace;
- Improving the general public's view of the Trust.

Obviously, the task of dealing with someone who may have a problem connected to substance misuse can be difficult. However, acting early can put a stop to problems before they get out of hand.

### 3 Training & Awareness Opportunities

The Trust may offer Drugs Awareness Training to managers from time to time. Training will aim to raise awareness about the effects of drugs, outline their legal classification and seeks to clarify roles & responsibilities.

New colleagues of the Trust must be advised at an early stage about their responsibilities and opportunities for support through the Drugs, Substance & Alcohol Misuse Policy. The policy should be discussed within the induction process. Each new employee should also be provided with a copy of the policy.

### 4 Legal Background

Some cases within employment may give rise to criminal proceedings or prosecutions against an employee by the police. Similarly, where there is a concern that an employee may have acted outside the law, Human Resources should be advised. A decision will be taken on the appropriateness of involving the police.

We have a general duty under the **Health & Safety at Work Act 1974** to ensure as far as is reasonably practicable, the health, safety and welfare at work of our colleagues. There is also a duty on colleagues to take reasonable care of themselves and other people who might be affected by what they do at work. A further duty exists under the **Management of Health & Safety at Work Regulations 1999** to assess any risks to the health and safety of colleagues. A failure to deal with an employee's drink or substance misuse problem that might put others at risk could lead to the Trust being prosecuted.

**The Road Traffic Act 1988** makes it an offence for any person to drive or attempt to drive a motor vehicle if they are unfit to do so because of drink or drugs.

With regard to drugs, the main legislation is the **Misuse of Drugs Act 1971**. Nearly all drugs with misuse or dependency issues are covered by it. Basically, the Act makes it unlawful to produce, supply or possess controlled drugs. There are some specified exceptions, such as where the drug has been prescribed by a doctor. However, the Trust could be prosecuted if we knowingly allow substances to be kept, used or supplied on our premises.

The policy has been specifically prepared to apply to colleagues in their contractual relationship with the Trust. It does not cover an employee who, through their working environment, has contact with a client or member of the public who may be involved in substance misuse. However, attention should be drawn to **Section 8 of the Misuse of Drugs Act**, which can criminalise anyone who allows drug dealing within a building open to the public. This part of the legislation, although originally prepared to outlaw dealing in drugs in pubs and clubs, has more recently been applied to people working at a centre for the homeless. This culminated in the prosecution of senior officials of the centre on the grounds that they "knowingly permitted ... the supply of a class A drug on the premises".

Therefore, any employee who is aware of drug misuse activities should encourage users to stop and must not allow any dealing in drugs to take place on Trust property.

### 5 Awareness of Substance Misuse

There is no single trait in existence to identify alcohol or drug misuse. However, the characteristics and work-related problems in the table below, especially when occurring in combination, or as a pattern over a period of time, may indicate the presence of an alcohol, drug or substance misuse

problem. These are only some of the signs - there may be others. Many of the signs may be caused by other factors such as stress and should be regarded only as indications that an employee maybe misusing substances.

Drugs can affect the brain and body in a number of ways. Their effects are strongly influenced by factors such as the drug type along with how much and how often it is used. Looking for common effects in individuals is not clear-cut. Managers should not try to make a medical diagnosis, but concentrate on what is straightforward - the performance and behaviour of colleagues.

Alcohol is taken into the bloodstream within a few minutes of being drunk and carried to all areas of the body, including the brain. The concentration of alcohol in the body is known as 'blood alcohol concentration'. The level can depend upon how much has been drunk, how long they have been drinking and whether anything has been eaten, along with size and weight factors. As a general rule, if someone has consumed two pints of ordinary strength beer or half a bottle of wine at lunchtime, they will still have alcohol in their bloodstream three hours later.

Black coffee, cold showers and fresh air will not sober someone up. Only time can take alcohol out of the bloodstream.

Evidence of inadequate or deteriorating work performance	Observation of behaviour and appearance	Relationships
Frequent lateness - many brief periods of absence for trivial reasons	Smelling of alcohol	Over-reaction to real or imagined criticism
Impaired concentration and memory	Mood changes, irritability, lethargy	Unreasonable resentment
Patterns of absenteeism	Deterioration in working relationships	Irritability
Prone to accidents at work and off duty	Borrowing money	Complaints from colleagues
Mistakes and errors of judgement	Combination of hand tremor, slurred speech, facial flushing, unkempt appearance	Avoidance of line manager or colleagues
Improbable excuses for poor job performance		Borrowing from colleagues

## 6 Types of Substance Misuse

The Misuse of Drugs Act lists drugs that are subject to control. They are divided into three categories (Class A, B and C), according to how harmful they are when used. The table over the page lists some of the commonly misused substances and their classification, along with some of their main effects.

Tranquillizers, such as Valium, can be prescribed lawfully on prescription. While possession is not usually illegal without a prescription, it is an offence to supply. The penalties for offences involving Class A drugs are more severe than those for Class B or C.

Name (Street Name)	Classification	Usually Taken	Effects Sought	Harmful Effects
Heroin (smack, horse, gear, H, junk, brown)	A	Injected, snorted or smoked	Drowsiness - sense of warmth and well-being	Physical dependence, tolerance, overdose can lead to death
Cocaine (coke, charlie, snow, C)	A	Snorted in powder form, injected	Sense of well-being, alertness & confidence	Dependence, restlessness, paranoia
Crack (freebase, rock, wash, stone)	A	Smokable form of cocaine	Similar to snorted cocaine	Similar to cocaine, but more intense
Ecstasy (E, XTC, doves, disco biscuits, echoes, scooby doos)	A	Swallowed, usually in tablet form	Alert & energetic - with a calmness & sense of well-being to others	Nausea & panic, overheating & dehydration can be fatal
LSD (acid, trips, tabs, dots, blotters)	A	Swallowed on tiny square of paper	Hallucinations - a trip can last 8-12 hours	Frightening bad trips, long-term mental problems
Magic Mushrooms (shrooms, mushies)	A (when dried or processed)	Eaten raw or dried, cooked or brewed in tea	Similar to LSD, but milder & shorter trip	As for LSD plus sickness & poisoning
Cannabis (hash, dope, grass, blow, ganja, weed, shit, marijuana)	B	Rolled with tobacco into a spliff, joint or reefer & smoked, eaten	Relaxed talkative state, heightened sense of sound/ colour	Impaired coordination & increased accident risk, poor concentration
Barbiturates (barbs, downers)	B	Swallowed as tablets or capsules, injected	Calm & relaxed state	Dependency & tolerance - can lead to coma/death
Amphetamines (speed, whizz, uppers)	B	Powder form dissolved in drinks, injected, snorted	Stimulates nervous system, wakefulness	Insomnia, mood swings, irritability, panic
Tranquilizers (various brand names)	C (available only on prescription)	Swallowed as tablets or capsules, injected	Prescribed for relief of anxiety & insomnia	Dependency & tolerance - overdose can be fatal
Anabolic steroids (various trade names)	C	Injected, swallowed as tablets	Can help to build muscle	Risk of heart attack or liver problems
Poppers (trade names such as Ram, TNT, Thrust)	Supply without prescription is illegal	Vapours from small bottle of liquid are breathed through mouth & nose	Brief & intense head rush	Nausea & headaches, fainting, loss of balance, skin problems
Solvents (gas refills, aerosols, glues)	Can be illegal to sell to under 18s	Sniffed or breathed into lungs	Short-lived effects similar to being drunk	Nausea, blackouts - can cause instant death

## Assessing the Problem

Many people may have difficulty admitting to themselves or others that they might have a problem involving substance misuse. This may be because they feel there is a stigma attached to the issue and that they will automatically face disciplinary action or dismissal if admitting to having a problem or taking illegal drugs. A manager's freedom to act may be limited if it becomes clear that an employee has broken the law. However, where possible, it should be made clear that substance misuse will be treated as a health issue, rather than immediately referring to disciplinary action.

As indicated in section 9 within the policy, where a line manager considers that an employee may have a substance misuse problem, they should arrange an interview to counsel the employee and investigate the circumstances. The table below provides a guide for some of the do's and don'ts within the framework of the meeting and can be used in conjunction with the policy.

Do's	Don'ts
Arrange the meeting in a private room with no interruptions	
Explain the purpose of the meeting	Don't accuse the employee of having a problem
Adopt a non-judgemental approach	
Where appropriate, refer the employee on to the Occupational Health Service	Don't try to give advice on misuse
Where any problem is denied or a solution rejected, explain to the employee the potential consequences of further repeated poor work performance	Don't make the employee feel guilty
Where appropriate, remind the employee of the policy, including arrangements for taking time off for treatment and counselling	
Be supportive	
Keep a detailed account of the meeting and share this with the employee	
Fix a further date to monitor performance if this is appropriate	

The discussions within any meeting and throughout the process must value the human rights of the individual employee. This will mean respecting the employee's privacy and what Trust involvement is appropriate into their personal circumstances, for example - whether the questions asked at a meeting could be perceived to be particularly invasive. However, as long as the action being taken is relevant and proportionate to the aims of the policy, this does not stop the Trust pursuing the legitimate aim of protection the rights of others who may be adversely affected by the individual's circumstances, for example - the general public, clients or other colleagues.

Where it has become clear that an employee has been involved in a matter connected to substance misuse while off duty, consideration will have to be given to the employee's role before any internal action can be taken. Normally, 'off-duty' conduct only merits dismissal when it adversely affects relationships with other colleagues, contracts or the Trust's reputation.

A conviction for a drugs offence does not remove the need to follow fair procedures that may result in dismissal. It remains important to always ensure that the allegations against an employee are investigated fairly.

## 8 Treatment for the Employee

The policy identifies that the outcomes of a meeting may lead to a referral to the Occupational Health Service and to a programme of treatment. Any treatment for substance misuse is a complicated area. It is difficult to provide general advice about the precise nature and duration of the actual support that colleagues may receive from health care providers. There may also be problems of the employee relapsing during treatment. However, there are a number of factors that will be considered:

- The specific substance that is being misused;
- How severe the underlying dependency actually is;
- Any previous drug, substance or alcohol misuse history.

So, the level of treatment may be entirely different depending upon individual circumstances. For example, a young man may drink heavily at a weekend and get into a fight. However, he may not drink on a day-to-day basis. This type of person may only require some limited counselling to encourage a moderation in overall intake.

Alternatively, a dependent alcoholic may require day hospital or inpatient admission for one week to allow formal detoxification to be undertaken. This might have to be followed by a period of counselling lasting a number of months.

Certain drug addicts may be put on methadone to avoid the social consequences of financing the habit. This may allow an individual to remain in paid employment while being treated. However, the treatment may stretch out to a number of years.

## 9 Useful Contacts

There is a wide range of specialist contacts detailed below, both national and local. They may be able to offer specific assistance or guidance in particular circumstances.

### National Contacts

National Drugs Helpline/FRANK: Call 0800 77 66 00. Offers free and confidential advice about drugs all day, every day and can refer you to local drug services. Interpreter will be available if required (120 languages).

ADFAM: Call 02075537640. Confidential service if friends or a family member are having a drug problem. (Adfam do not operate a helpline)  
(Health & Safety Executive: <http://www.hse.gov.uk/alcoholdrugs/index.htm> or call 08701 545500 (minicom - 02920 808537). A range of free leaflets providing advice and guidance on drug, substance and alcohol misuse.

Drugscope: [www.drugscope.org.uk](http://www.drugscope.org.uk) or call 020 7520 7550. Offers general information about drugs and policy.

Families Anonymous: [www.famanon.org.uk](http://www.famanon.org.uk) or call 0845 1200 660. For relatives and friends concerned about the use of drugs or related behavioural problems.

Parents Against Drug Abuse (PADA): [www.btinternet.com/~padahelp/](http://www.btinternet.com/~padahelp/) or call 08457 023867. Helpline for the parents and families of drug misusers

Re-Solv: [www.re-solv.org.uk](http://www.re-solv.org.uk) or call 0808 800 2345. Free national helpline to provide information and support regarding solvent or volatile substance misuse.

Alcohol Concern: <http://www.alcoholconcern.org.uk/> or call 020 7928 7377. Offers general information about alcohol. Call to find your nearest alcohol advisory service.

Alcoholics Anonymous: <http://www.aa-gb.com/> or call 0845 769 7555. Free help and advice. Meetings are held in every town and city.

### Local Contacts

Durham County Council Occupational Health Service: 0191 383 3368

Telephone Counselling Service: First Assist 0800 716 017. A 24-hour, 7-day per week service provided on behalf of the Council. It is for all our colleagues. The service is contacted on the freephone number above - it is independent and operates on a confidential basis.

Teachers Support Line: 08000 562 561 or [www.teachersupport.info](http://www.teachersupport.info). Free information, support and counselling for all teachers - operating on a 24-hour, 7-day per week basis. It aims to provide solutions to professional and personal problems.

Social Care & Health Substance Misuse Team: A county-wide team of social workers who may be able to offer help to individuals with substance misuse problems. More information can be found in the Management Guidance. Referrals are made through Social Care Direct on 0845 850 5010.

Local Education Authority Drug & Alcohol Adviser: 0191 370 6403 or email [patrick.hargreaves@durham.gov.uk](mailto:patrick.hargreaves@durham.gov.uk). Offers advice on education & policy issues.

Social Care & Health Staff Care Service: 0191 383 4968. A confidential listening and support service to all staff that work in the Social Care & Health service.

North East Council on Addiction (NECA): 0191 383 0331 (Durham), 0191 490 1045 (Gateshead), 0191 587 2194 (Peterlee), 0191 419 3680 (Washington), 01207 581 922 (Derwentside). Free and confidential service for drug and alcohol users and their families.

Drug Arrest Referral Scheme: 0191 383 9420. Offers advice, information and support about drugs and alcohol use to people who have been arrested for whatever reason.

Easington Substance Misuse Initiative (ESMI): 0191 587 2194 or 0191 581 6833. Based at Floor 3, Lee House, Yoden Way, Peterlee SR8 1BB and 1<sup>st</sup> Floor, 5-6 Adelaide Row, Seaham, SR7 7EF. Counselling, advice, support and treatment for drug users and their families.

Castle Bridges - 42 The Market Place, Bishop Auckland: 01388 609 221. Support and advice for young people who use drugs and alcohol.

Community Addictions Team - Dalton Way Health Centre, Newton Aycliffe: 01325 300 427. Offers individual counselling & information for families and carers.

**Model Form for the Employee to Indicate Acceptance of Working Arrangements  
while Undergoing Treatment**

The purpose of this letter is to confirm the arrangements for your return to work on ..... You are aware from our previous discussions that my aim is to assist you to return to work in an effective way. This agreement is to reassure you that the Trust will support you in addressing your problems if you abide by the conditions shown below:

1. You should not drink alcohol or use any drugs or other substances to a level which is likely to interfere with your health or performance at work;
2. You should attend any medical appointments with the Occupational Health Service (OHS) connected to monitoring and assessment of progress, and you should comply with the medical advice;
3. You should attend specialist follow-up and other support groups as appropriate;
4. You should make sure that you comply with any treatment routines and courses of therapy;
5. You should act in a positive way and not give any indications that you have recommenced drinking significant quantities of alcohol, or drugs or other substances;
6. Your work performance will be monitored as agreed with your manager.

It is essential that you agree and meet the terms detailed above. If you do so, the Trust will continue to support you as detailed in the Drugs, Substance and Alcohol Misuse Policy. However, if you fail to follow these conditions, disciplinary action may well follow.

Two copies of this letter are enclosed. I would be grateful if you could sign one and return it to me. The other is for you to keep.

During our previous discussions, I have advised you to identify someone you can speak to if you feel you are having problems that may result in you breaking this contract. I can confirm that the OHS through Dr ..... & the OHS staff and myself are supporting you. You should contact any of us if necessary.

Yours sincerely,

**Form of Acceptance**

I agree to comply with the terms and conditions detailed in this agreement. I understand that the agreement will remain in place permanently, unless it is jointly agreed that it is cancelled