Tudhoe Learning Trust

Drugs, Substance and Alcohol Misuse Policy

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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 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.

The operation of this policy will be kept under review, and such changes will be made as deemed appropriate.

Responsibilities

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 need help because of their problems related to this policy.

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 need assistance. Occupational Health will support and advice an individual 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 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.

Colleagues

Everyone 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.

Employees must always consider their safeguarding responsibilities. Any substance misuse that may place children at risk will be addressed immediately and may result in safeguarding referrals and disciplinary action.

If an employee is prescribed medical cannabis must notify their manager where it may affect fitness for work or safety-critical duties.

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.

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.

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 UK GDPR and Data Protection Act 2018.

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.

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.

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

Identification Procedures

Due to 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.

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 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 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 amount 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 EPA 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.

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 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 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 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 the 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 several 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 1.

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.

Whilst addiction to alcohol, nicotine or non-prescribed substances is generally excluded from the definition of disability under the Equality Act 2010, the Trust will consider any underlying or resulting physical or mental impairment and make reasonable adjustments where required.
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.

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. The Trust will consider any further support or treatment on a case-by-case basis, taking account of operational requirements, medical advice and the employee's engagement.

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. Any dismissal will only occur following the appropriate Trust procedure and after consideration of Occupational Health advice, Equality Act duties and alternatives such as adjustments or redeployment.

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 considered, 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.

Confidentiality

We aim to ensure that the confidentiality of any member of staff experiencing alcohol or drug-related problems is maintained appropriately. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary. Any information shares will be treated appropriately and in line with our Data Protection Policy and in accordance with the UK GDPR and Data Protection Act 2018.

Driving Offences

You must comply with drink-driving laws and drug-driving laws at all times. Conviction for drink-driving or drug-driving offence may harm our reputation and, if your job requires you to drive, you may be unable to continue to do your job. Committing a drink-driving or drug-driving offence while working for us or outside working hours may lead to action under the Trust Disciplinary Procedure and could result in dismissal.

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.

Training & Information

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

Alcohol and drug-related problems may develop for a variety of reasons and over a considerable period of time. We are committed, in so far as possible, to treating these problems in a similar way to other health issues. We will provide support where possible with a view to a return to full duties. This may include referral to appropriate treatment providers, where necessary in conjunction with your GP.

Useful Contact Points

The following independent contacts may also provide assistance:-

Counselling / Support helpline
In terms of additional support, employees have access to a confidential support helpline provided by Life Works on 0800 169 1920. If you would like to make use of this, you may need to provide details of the name of your employer's name and advise that they provide access to the helpline through an insurance policy with ARAG plc.

Adfam
www.adfam.org.uk
A national charity working with families affected by drugs and alcohol. Adfam operates an online message board and database of local support groups.

Al Anon Family Groups
http://www.al-anonuk.org.uk
The Al Anon support group for families and those affected by a problem drinker.

Alcoholics Anonymous
www.alcoholics-anonymous.org.uk
Alcoholics Anonymous ("AA") is a free self-help group. Its '12-step' programme involves getting sober with the help of regular support groups. AA's belief is that people with drink problems need to give up alcohol permanently.

Drinkaware
www.drinkaware.co.uk/advice/alcohol-support-services
The national alcohol helpline. If you're worried about your own or someone else's drinking, you can call this free helpline, in complete confidence, 24 hours a day. Call 0300 123 1110.

European Association for the Treatment of Addiction (EATA)
http://www.eata.org.uk/
European Association for the Treatment of Addiction is the largest membership organisation for the independent drug and alcohol treatment and aftercare sector. Their aim is to ensure that people with substance dependencies get the treatment they need.

NHS
https://www.nhs.uk/live-well/alcohol-advice/alcohol-support/ (alcohol)
www.nhs.uk/live-well/addiction-support/drug-addiction-getting-help/ (drugs)
The NHS website has further information about alcohol and drug addiction and where to get help.

Talk to Frank
www.talktofrank.com
The FRANK campaign provides information and support for young people to ensure they understand the risks and dangers of drugs and their use and that they know where to go for help and advice.

UK Rehab
https://www.uk-rehab.com/
UK Rehab provides drug and alcohol rehab information for people with drug and alcohol problems and their friends and loved ones. It also has a directory of private rehabilitation providers.

We are with you (formerly known as Addaction)
http://www.Wearewithyou.org.uk/
A UK-wide treatment agency, helping individuals, families and communities to manage the effects of drug and alcohol misuse and mental health issues.

APPENDIX ONE

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 my 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 for as long as is reasonably necessary and subject to periodic review.