



## Alcohol and Substance Misuse Policy

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“Learning together, to be the best we can be”

# 1. Introduction

- 1.1. Nexus Multi Academy Trust aims to maintain the health, safety and welfare of its employees and the children, young people and families we serve. The Trust also recognises the wider impact of substance misuse and seeks to minimise the potential for harm to its children, young people, employees and their family members.
- 1.2. The following policy has been developed to help prevent and treat problems created in the work place by alcohol, drugs (as applied to substances controlled under the Misuse of Drugs Act 1971), prescribed drugs, over the counter medication and solvents.
- 1.3. The objectives of this policy are:
  - 1.3.1. For the Trust to comply with its legal responsibilities (see Appendix 1);
  - 1.3.2. To demonstrate and put into practice the Trust's commitment to staff health & safety;
  - 1.3.3. To raise awareness about the effects of drugs and alcohol with employees, and the impact on themselves and the workplace of inappropriate use;
  - 1.3.4. To establish clear and easily understood guidelines of dealing with misconduct or poor performance arising from substance misuse;
  - 1.3.5. To assist managers and supervisors in dealing with substance misuse related incidents in the workplace.
- 1.4. This policy applies to all Trust employees, governors and volunteers at all levels throughout the organisation and its constituent schools/academies. Substance misuse is a condition that calls for help and in the implementation of this policy will be treated like any other illness.

# 2. Responsibility of the Employee

- 2.1. It is the responsibility of all employees to use alcohol in an appropriate and sensible manner.
- 2.2. All employees of the Trust and its constituent schools are expected to behave responsibly at all times and to safeguard their own health & safety and that of those around them. It is the responsibility of employees to ensure that

their performance at work is not affected by alcohol consumption or substance misuse. Staff should not consume alcohol in the course of the working day and should ensure that their performance is not impaired by alcohol consumed prior to starting work.

- 2.3. Employees, governors and volunteers also have a responsibility for reading the advice supplied with prescriptions and over the counter medicine.
- 2.4. Employees, governors and volunteers are prohibited from the use of drugs defined by the Misuse of Drugs Act (except where prescribed, or over the counter medicine) during the working day.
- 2.5. Employees, governors and volunteers are prohibited from working under the influence of drugs or alcohol. It is also inappropriate for employees to have misused any substance in their own time to the extent that they are unable to report for work.
- 2.6. It is essential that employees, governors and volunteers should not 'cover up' for colleagues with substance abuse problems. Early recognition of any problems will likely come about through a variety of poor performance standards or attendance issues.
- 2.7. Employees, governors and volunteers who are possibly suffering from substance abuse and seek support from the Trust will be given the earliest opportunity for diagnosis and help.
- 2.8. Employees, governors and volunteers are prohibited from being in possession of an illegal substance in the workplace, as defined by the Misuse of Drugs Act 1971.
- 2.9. All employees, governors and volunteers will have ready access to a copy of this policy. The Trust will raise awareness of the policy and its implementation, plus the risks of substance abuse, through a variety of means including the use of inset days and staff development sessions.
- 2.10. Line managers are encouraged to ensure that their staff are aware of the policy and procedures. Appendix 2 gives employees information on where to seek advice and help, as well as clearly setting out the Trust's procedures for accessing specialist treatment or support.

- 2.11. An employee, governor and volunteers' refusal of diagnosis or help or continuance in a recovery programme will not in itself be grounds for disciplinary action. However a failure to take advantage of support programmes being offered would likely result in the continuation of unacceptable behaviour or conduct and therefore lead to the resumption of disciplinary procedures.

## 3. Responsibility of Line Managers

- 3.1. When poor work performance is identified that may be related to substance misuse, the issue will initially be raised within its work context.

- 3.2. Line managers will:

- Clearly explain the action required of the employee to overcome the problem;
- Offer support and where appropriate, access to counselling;
- Emphasise that disciplinary procedures may be suspended (depending on the seriousness of the incident) while the employee seeks assistance for a problem. Realistic timescales and outcomes will need to be agreed;
- Clearly explain that failure to follow the agreed assistance/support programme is likely to lead to a resumption of disciplinary action;
- Emphasise the consequences of not following the agreed assistance/support programme will be the resumption of the disciplinary procedure.

- 3.3. Following return to employment after the completion or during an assistance/support programme, should work again suffer as a result of substance misuse, each case will be considered on its own merit.

- 3.4. An employee who has come to the notice of Management through accidents, poor performance or other drug/alcohol related matters will have the right to be accompanied by their union or other Trust employee representative at any stage in the procedures that are adopted to deal with such cases.

- 3.5. Where consumption of a substance poses a particularly high risk to others immediate action will be taken. After discussion with the employee, transfer to alternative work may be explored or suspension from duties considered. If

the employee seeks treatment, and it is effective, the individual's suitability for the original job can be re-assessed.

## 4. Confidentiality

- 4.1. The Trust believes an employee, governor or volunteer with a substance misuse problem has the same rights to confidentiality, as they would have for any health-related condition.
- 4.2. Any sensitive personal data relating to substance misuse and actions or support taken will only be kept on an individual's personal record in a signed and sealed envelope, only to be opened by the appropriate Headteacher or senior officer of the Trust.

## 5. Policy into Practice

- 5.1. Headteachers, supervisors and colleagues will most often notice that an individual has some form of problem through a deterioration of work performance standards. The root of this problem could have many causes, possibly including substance misuse.
- 5.2. The initial approach should be through issues related to performance/behaviour when a Headteacher or line manager believes substance misuse may be involved or the employee believes they have such a problem; specialist help should be sought through the Trust's HR Team.
- 5.3. Following the initial approach to the employee, the procedure for dealing with suspected substance misuse shown in Appendix 3 will be followed.
- 5.4. If the individual accepts referral, co-operates with the various actions laid out in the procedure and consequently returns to good health with a satisfactory level or work performance, then no further action will be necessary.

## Appendix A

**Misuse of Drugs Act 1971:** this is the key UK legislation relating to the control and classification of drugs. This Act and its subsequent amendments set down the penalties for possession and supply of various illegal drugs. Section 8 of the Act (recently revised as part of the Police and Criminal Justice Act) allows for the prosecution of 'occupiers of premises' who permit the supply of controlled drugs on their premises. Not taking reasonable action to prevent supply has been legally found to constitute 'permitting' – turning a blind eye is not an option.

**Health and Safety at Work etc. Act 1974:** sets out the duty of care of employers to employees in the workplace. Section 2 places a duty on employers to provide a safe place of work and competent employees. Failure to deal with an employee who is under the influence of drugs or alcohol, who may constitute a risk to other employees, could leave an organisation open to prosecution. There is a particular emphasis on young people under 18 years of age.

Section 7 places a duty on employees who must take reasonable care for the health and safety of themselves and other persons who may be affected by their acts or omissions at work. They must also cooperate with the employer in respect of his health and safety duties and requirements.

**Management of Health and Safety at Work Regulations 1998:** regulation 3 places a duty on the employer to make a suitable and sufficient assessment of the risks to health and safety of employees and others affected by their undertaking.

**Common Law:** places a duty on the employer to take reasonable care of health and safety of employees.

**Provision and Use of Work Equipment Regulations 1998:** requires employers to assess any additional risk as a result of using work equipment in the conditions that exist in their business and particularly any special needs of young workers, in line with the Management of Health and Safety at Work Regulations 1998.

**Data Protection Act 1998:** all health and medical information is sensitive personal data under the terms of the Data Protection Act. All information surrounding possible drug or alcohol misuse must be handled securely and confidentially.

**Road Traffic Act 1988:** sets out the offence of driving or attempting to drive a motor vehicle while unfit through drink or drugs.

With regard to alcohol, it sets a legal limit (35 micrograms of alcohol in 100 millilitres of breath, 80 milligrams of alcohol in 100 millilitres of blood or 107 milligrams of alcohol in 100 millilitres of urine).

**The Transport and Works Act 1992:** makes it a criminal offence for specified jobs to be undertaken by those unfit through drink or drugs. Employers may be liable unless they can show 'all due diligence'.

## Appendix B – Advice and Support

A range of services are available to employees, from the Trust, Health Service and voluntary sector agencies:

[www.drinkaware.co.uk](http://www.drinkaware.co.uk)

<https://www.nhs.uk/live-well>

<http://www.nhs.uk/change4life/Pages/cutting-down-alcohol.aspx>

The majority of GP practices offer alcohol and drug interventions supported by specialist workers. Please see your GP.

### **Alcoholics Anonymous**

Telephone: (24 hour helpline) 0800 917 7650

Website: <http://www.alcoholics-anonymous.org.uk>

[help@aamail.org](mailto:help@aamail.org)

### **Narcotics Anonymous**

Telephone: 0300 999 12 12 – open 10.00 am until midnight 7 days a week

Website: [www.ukna.org](http://www.ukna.org)

### **Support for family and friends**

#### **ADFAM**

Find information, local support groups and helplines for anyone affected by someone else's substance use on their website <http://www.adfam.org.uk/home>

**Al-Anon** provide support to anyone whose life is, or has been, affected by someone else's drinking, regardless of whether that person is still drinking or not.

Information can be found on their website at <http://www.al-anonuk.org.uk> or people can call the confidential helpline on 0800 008 6811



