



Substance Misuse Policy

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Preface – note on interpretation of TLT policies

All policies currently in use within Together Learning Trust Multi Academy Trust (TLT MAT) are designed and intended for use at individual constituent school (and governing body) level in accordance with the relevant scheme of delegations.

*This means that for employees whose role involves working directly for TLT MAT, or employees based at a **supported** academy, references in the policies to headteacher or head of school should be interpreted throughout as relating to the Chief Executive Officer (CEO) of TLT MAT and references to the governing body (or chair of governors) should similarly be interpreted, respectively, as relating to the TLT MAT board (or chair of trustees) **unless** a scheme of delegations is in place which clearly states otherwise.*

1. Introduction

- 1.1 The academy is committed to providing a healthy and safe environment for all staff and pupils and acknowledges that this includes promoting the health and well-being of both employees and students.
- 1.2 Accordingly, the academy undertakes to comply with all relevant legislation in relation to substance and alcohol use and will not tolerate a corporate culture where misuse of such is accepted.
- 1.3 Under the Misuse of Drugs Act 1971 it is an offence for any person knowingly to permit the production, supply or use of controlled substances on their premises (except in specified circumstances such as legitimate medicinal use).
- 1.4 Throughout this policy the use of the term 'alcohol and/or drug(s)' should be deemed synonymous with that of 'substance' in referring to recreational drugs of a non-prescribed nature.
- 1.5 For the avoidance of doubt, the use of the term 'alcohol and/or drug(s)' similarly extends to encompass all substances formerly referred to as so-called 'legal highs', proscribed by the Psychoactive Substances Act 2016.

2. Purpose and scope

- 2.1 The rationale of this policy is to help protect employees from harm (whether direct or indirect) due to alcohol and/or drug misuse and also to encourage those who may have such a problem to seek appropriate help.
- 2.2 Misuse of alcohol and/or drugs can lead to impaired performance and can pose a threat to personal safety (including interpersonal relationships at work). All employers have a duty of care with regards to ensuring the health and safety of their staff and may be regarded as failing in this duty should they knowingly permit staff to work whilst under the influence of alcohol and/or drugs.
- 2.3 Every employee is responsible for ensuring that their fitness for work is unimpaired at any time through the course of the working day. This policy is thus equally applicable to the effects of non-dependent use (or misuse) of alcohol and/or drugs (for instance arriving late for work due to having been under the influence of substances taken out of school hours, such as the previous evening) as it is to presentation for work whilst actively unfit due to current usage.
- 2.4 Whilst the academy fully recognises that a dependency on alcohol and/or drugs may be legitimately regarded as an illness to be treated in the same way as any other medical condition, it will not hesitate to take appropriate action under the academy's disciplinary policy in the event of significant breaches thereof.
- 2.5 All staff have a contractual responsibility to co-operate with school management in the discharge of their duties in respect of health and safety matters. This policy outlines the process by which the academy can ensure that all alcohol and/or drug problems are dealt with consistently, fairly and sympathetically whilst observing best practice within the law.

- 2.6 Any member of staff who may be concerned that he or she has, or may have, a problem in relation to alcohol and/or drugs is encouraged both to bring this to the attention of the academy and to seek specialist help and advice from an appropriate agency or, if preferred, through a senior member of academy staff, in the knowledge that all such matters will be dealt with in the strictest confidence.

3. Legal definitions

- 3.1 Relevant legislation is contained within the Misuse of Drugs Act 1971 (last amended 2019) which regulates what are termed 'controlled drugs' in law.
- 3.2 Many of these substances are additionally controlled by the Medicines Act 1968 but there are several drugs which are controlled by the Medicines Act but not by the Misuse of Drugs Act, with additional substances which may be considered in the context of this policy (such as alcohol) being subject to control by separate laws.
- 3.3 The Misuse of Drugs Act divides drugs into three separate classes, namely classes A, B and C, with the first of these being regarded in law as the most dangerous (notwithstanding the fact that the potential for harm is not, in reality, directly related to the class in which the drug is categorised).
- 3.3.1 Class A drugs include (amongst others) the following: diamorphine (heroin); morphine; methadone; cocaine; LSD; methylamphetamine; MDMA (ecstasy); and magic mushrooms (defined as any fungus which contains psilocin).
- 3.3.2 Class B drugs include (amongst others) the following: cannabis; amphetamines (other than methylamphetamine, and only if they are for oral use – injectable versions are regarded as class A substances); MCAT (mephedrone); and ketamine.
- 3.3.3 Class C drugs include (amongst others) the following: GHB (gamma-hydroxybutyrate) as well as many prescribed medical substances such as certain opiate analgesics, buprenorphine (subutex), and benzodiazepines (the latter category including (but not limited to) chlordiazepoxide (librium), diazepam (valium), and temazepam (various brand names).
- 3.4 Being found in possession of a controlled drug is dealt with (by legal authorities) less seriously than would be the case if it were deemed that there was intent to supply (even without payment) the controlled drug to others.
- 3.5 The Psychoactive Substances Act 2016 makes it an offence to produce or supply (etc) any substance intended for human consumption (other than excluded substances such as food, alcohol, tobacco, nicotine, caffeine and (prescribed) medicinal products) that is capable of producing a psychoactive effect (defined as any substance which "*by stimulating or depressing the person's central nervous system ... affects the person's mental functioning or emotional state*").

4. Identifying a potential alcohol and/or drug misuse problem

- 4.1 Certain presenting signs and symptoms, in addition to characteristic patterns of behaviour, may indicate the possibility of an underlying problem relating to use (or abuse) of alcohol and/or drugs.

4.2 Relevant clinical signs may include:

- deterioration in appearance (self-neglect)
- undue irritability or depression, particularly in mornings
- difficulties with concentration or short-term memory

4.3 Relevant patterns of behaviour may include:

- deterioration in work performance or standards
- increased incidence of accidents (both in work and at home)
- increased levels of absenteeism – both sickness and unauthorised absence (and particularly on Mondays)

4.4 All parties should however be fully aware that alternative explanations for such appearances or behaviour are eminently possible and accordingly should be careful not to jump to unwarranted conclusions without establishing the true facts.

5. Patterns of alcohol and/or drug misuse at work

5.1 Problems with alcohol misuse can often be differentiated into two discrete categories:

- a. the individual who occasionally drinks inappropriately and/or excessively (equating to bingeing)
- b. the individual who consistently drinks inappropriately and/or excessively (equating to dependency).

5.2 Issues arising from the first category most often present as disciplinary matters (misconduct) whereas individuals in the second category are more likely to experience related health problems which may come to attention by virtue of poor attendance record or deteriorating performance (capability) – however, such distinction is not absolute.

5.3 It should additionally be noted that occasional (binge) drinking may on occasion represent a maladaptive response to an underlying mental health problem (such as stress or a depressive disorder). It is equally important, however, to be conscious that certain symptoms and signs often readily attributed to overindulgence in drink or drugs may on occasion be mimicked by physical conditions such as diabetes or epilepsy.

5.4 In recognition of the above it is incumbent upon managers, when dealing with suspicions of alcohol and/or drug misuse, to arrange professional assessment by occupational health as part of any investigation into circumstances before making a decision on appropriate action.

5.5 Any member of staff who is believed, on reasonable grounds, to be under the influence of alcohol and/or drugs when reporting for work may be suspended from duties until the matter has been fully investigated.

6. Employee responsibilities

6.1 There is a clear obligation for all employees to present themselves at all times in a condition that allows them to fulfil their contracted duties without impairment of physical or mental faculties due to use of alcohol and/or drugs, irrespective of whether these have been consumed on (or off) academy premises and/or in (or out of) working hours.

Accordingly, the following clauses in this section must be observed by all employees **without exception**.

- 6.2 No employee may consume alcohol or take drugs (other than those prescribed for personal use for legitimate therapeutic purposes) during the working day (this is defined to include all hours when responsible for the welfare of pupils on residential trips) including meal or rest breaks.
- 6.3 No employee may consume alcohol or take drugs in advance of reporting for work if such use may impair their judgement or their performance during working time.
- 6.4 Should any employee have reason to believe that drugs (**including medication prescribed for legitimate therapeutic purposes**) might impair their judgement or their performance during working time they must bring this possibility to the attention of their employer without delay.
- 6.5 No alcohol in any consumable form should be brought onto school premises without express consent from the governing body (which may only be granted in connection with after-school events of a primarily social nature).
- 6.6 The possession of drugs (other than those prescribed for personal use for legitimate therapeutic purposes) on academy grounds or premises is strictly forbidden.
- 6.7 The distribution of drugs within the grounds or premises of the academy is strictly forbidden. Any such behaviour, if proven (on the balance of probabilities) to the satisfaction of the employer, will be regarded as gross misconduct liable to lead to summary dismissal of the employee concerned.

7. Dealing with suspected alcohol and/or drug misuse at work

- 7.1 Where a manager identifies (or has sound reason to suspect) alcohol and/or drug misuse as the underlying cause of unsatisfactory conduct or performance, the individual may, even if this is non-dependent use, require professional help to overcome the problem. The manager should raise his or her concerns with the individual (giving due emphasis to confidentiality) and seek advice as appropriate from occupational health and HR.
- 7.2 At all times, managers must make enquiry as to the individual's explanation for their conduct or performance including establishing whether such conduct or performance could be related to an underlying health issue (or any other relevant problem).
- 7.3 Should an individual appear to be under the influence of alcohol and/or drugs (as previously, the manager must take care to establish, to the best of their ability, that such behaviour is due to alcohol and/or drugs rather than to illness) management action should not be commenced until the individual is no longer under the influence. Once again, referral to occupational health and/or suspension from work may, in such circumstances, be felt appropriate.
- 7.4 It should be recognised that members of staff who develop alcohol and/or drug or substance misuse problems may become unsuited to their particular posts. In this event consideration will require to be given to the position of such staff and, wherever possible, suitable alternative posts will be sought. Alternatively, capability process, on the grounds of ill-health, may be pursued.

8. Non-dependent misuse of alcohol and/or drugs

8.1 If it has been established, following full investigation, that an employee's misconduct in the form of:

- working (or reporting for work) whilst under the influence of alcohol and/or drugs; or
- consuming alcohol and/or drugs whilst at work; or
- bringing the academy into disrepute by conduct unbecoming (even if this occurs off site and/or when not on duty)

is not due to a dependency, recourse to disciplinary procedures will normally be appropriate, although the academy will consider each case individually and endeavour to act reasonably in all circumstances.

8.2 Off-duty drink or drug misuse may potentially lead to disciplinary procedures should this be established to be having an adverse effect on job performance, or to be causing reputational loss to the academy (for instance where the individual's behaviour in the community is reported as cause for concern).

9. Dependent use of alcohol and/or drugs

9.1 If it has been established, following full investigation, that an employee's misconduct in the form of either of the following:

- working (or reporting for work) whilst under the influence of alcohol and/or drugs;
- consuming alcohol and/or drugs whilst at work

is due to dependency, recourse to disciplinary procedures may still be felt appropriate (although the academy will have due regard for considering this condition to be an illness).

9.2 Accordingly, assistance should be given to managing this problem constructively. In relation to such management, if it is not possible for the individual to attend (as and when necessary) in their own free time this should be accommodated as sick leave (with full pay).

9.3 The manager should (having sought guidance from occupational health) come to an agreement with the employee on setting reasonable objectives and should review performance in line with these.

9.4 The employee should be made fully aware that continued employment will depend on satisfying these objectives and should demonstrate their engagement with this process by means of regular reviews to this purpose.

9.5 It should be clearly established that no further misuse of alcohol and/or drugs whilst at work will be tolerated and that misuse would, in these circumstances, include the employee attending for work still showing clear signs of alcohol and/or drug misuse.

9.6 At all times it is for the manager (in accordance with appropriate advice and guidance from occupational health) to determine whether any regression from agreed objectives represents a matter of conduct (as opposed to capability).

- 9.7 Should an employee refuse to undertake or continue treatment, or such treatment is deemed to have failed, then the matter may become one of either performance (capability) or conduct (disciplinary) and should be dealt with as deemed appropriate in accordance with the academy's relevant procedures.
- 9.8 It may also be in order to refer the individual concerned (where he or she is a teacher) to the Teaching Regulation Agency (TRA). Any decision in relation to this will be entirely at the discretion of the headteacher.

10. Drinking and driving

- 10.1 Any employee convicted of a criminal charge in respect of drinking and driving must inform the headteacher at the first available opportunity, following which a decision will be taken as to whether further action is required.
- 10.2 Any adverse publicity accruing to the academy (such as publicity in a local newspaper etc) may be viewed as amounting to reputational loss and disciplinary action may be initiated as a result.
- 10.3 It may also be appropriate to refer the individual concerned (where he or she is a teacher) to the TRA. Any decision in relation to this will be entirely at the discretion of the headteacher.
- 10.4 The loss of a driving licence due to a conviction for driving whilst over the legal alcohol limit is likely to have repercussions on continued employment. Any individual who is required to drive as part of their job may be dismissed (after following appropriate procedures) although consideration will be afforded as to whether suitable alternative work may be available.

11. Other criminal convictions

- 11.1 Any employee convicted of a criminal charge regarding the use or supply of drugs must inform the headteacher at the first available opportunity, following which a decision will be taken as to whether further action is required.
- 11.2 Any adverse publicity accruing to the academy (such as publicity in a local newspaper etc) may be viewed as amounting to reputational loss and disciplinary action may be initiated as a result.
- 11.3 It may also be appropriate to refer the individual concerned (where he or she is a teacher) to the TRA. Any decision in relation to this will be entirely at the discretion of the headteacher.

12. Monitoring

- 12.1 The academy will monitor the number of alcohol and/or drug related matters referred to occupational health (subject to confirmation by the latter as to the existence of such a problem) and will also monitor the incidence of disciplinary action initiated following concerns regarding misuse of alcohol and/or drugs.

13. Other policies and procedures

13.1 This policy will be supported by the following policies and procedures:

- Attendance Management Policy
- Capability Policy
- Disciplinary Policy