



Boroughbridge High School and King James's School Federation

Workplace Substance Misuse Policy Guidance

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Staff Lead	HR Advisor

Significant Revisions since last review:

No revisions since last review.

Policy review as part of full review of HR policies under the Federation

Workplace Substance Misuse Policy Guidance

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This Guidance has been produced for Schools by North Yorkshire HR and should be read in conjunction with the 'Workplace Substance Misuse Policy'.

This policy and guidance has been produced both for managers and employees.

Advice is available for school managers from North Yorkshire HR regarding the application of the Workplace Substance Misuse Policy and Guidance via NYHR@northyorks.gov.uk, or by telephone 01609 798343.

Access: If you require this information in an alternative format, please contact North Yorkshire HR.

Workplace Substance Misuse Policy Guidance

1. Introduction

- 1.1 The Governing Body have adopted this Guidance which supplements the Federation's Workplace Substance Misuse Policy and gives further advice and information for both employees affected by substance misuse issues and their managers.
- 1.2 Guidance is provided for senior leaders and line managers to help them support employees who disclose they may have a substance misuse issue and address any work related performance issues.
- 1.3 Employees' responsibilities are detailed and information is provided regarding the support available for substance misuse issues both through the school and from external specialist providers.
- 1.4 Finally, the legislation relevant to the Policy is listed with a brief summary of its implications.

2. Management responsibilities

- 2.1 Where an employee raises issues relating to substance misuse, the Head Teacher¹ will ensure that they:
 - Treat the individual concerned with empathy and understanding;
 - Treat matters relating to substance misuse confidentially;
 - Encourage the individual to seek support from their GP, pharmacist or access the North Yorkshire Horizons substance misuse service;
 - Refer to the school's Occupational Health provider and take advice from an HR advisor where appropriate;
 - Maintain accurate records of any relevant conversations;
 - Agree a review date with employee.
- 2.2 Where an employee has an on-going or recurrent substance misuse issue, the Head Teacher must assess the risks associated with the individual in relation to their specific work role and consider all relevant factors including, for example, if they drive for work, whether they operate machinery, etc. It is recommended that Head Teachers seek advice from an HR advisor in such circumstances.
- 2.3 If the employee is unable to attend work due to substance misuse issues the school will apply the Attendance Management Policy for attendance related guidance and procedures. Discussion should take place during the return to work meeting regarding the reason for the absence and the support that is

¹ The Head Teacher may choose to delegate the responsibilities and duties detailed in this guidance to other senior leaders or line managers within the school.

available to the employee, whilst also making clear the responsibilities of the employee under the Workplace Substance Misuse Policy and any implications for their employment.

- 2.4 In the event that an employee appears to be intoxicated as a result of substance misuse whilst at work then the Head Teacher's initial consideration should be ensuring the safety of the employee, pupils, other staff, visitors and members of the public. In such cases managers should take advice from their HR Advisor regarding immediate actions to take e.g. removing the employee from the workplace, and then deal with the issue under the Disciplinary Policy.
- 2.5 If an employee attends work smelling of alcohol (but may not any longer be under the influence) Head Teachers should arrange a meeting to discuss the situation with them and inform them that this is not acceptable. In some circumstances it may, temporarily, not be appropriate for the employee to undertake their normal duties, for example if they work with pupils or in a public facing role. In such circumstances Head Teachers should consider whether there are useful alternative duties which the employee can temporarily undertake. If the employee is required to take time off work then this will usually through the use of time off in lieu or annual leave (if applicable). Repeated occurrences of this nature may be dealt with as a conduct issue, however, advice from an HR advisor should be sought.
- 2.6 Whilst having a substance misuse problem does not amount to a disability under the Equality Act, an employee may have a physical or mental impairment that does amount to a disability but which was caused by or was the result of alcohol addiction, for example a serious liver condition or a depressive illness. The employee would in this case be disabled, notwithstanding that the disability was caused to a large extent by the alcohol addiction; the cause of the disability is not relevant. Conversely, the alcohol addiction could be a symptom or side effect of some other medical condition from which the employee is suffering, which itself amounts to a disability.
- 2.7 Therefore, where an employee is or appears to be suffering from alcohol addiction, the school will make further enquiries in order to ascertain whether there is an underlying medical condition (either caused by or which is the trigger of the alcohol addiction, and which is a disability). Advice regarding whether a condition meets the definition of disability is available from an HR advisor or Occupational Health provider.

3. Employees' responsibilities

- 3.1 Employees are expected to be fit to attend work and be free from the influence of drugs and alcohol when performing their duties. Boroughbridge High School and King James's School Federation supports staff who think they may have a substance misuse issue so employees who feel they may have an issue are encouraged to speak to their line manager or Head Teacher.
- 3.2 Employees can also seek confidential support, advice and treatment for substance misuse issues from their GP, Pharmacist or North Yorkshire Horizons Substance Misuse Service.

- 3.3 Employees should not drive or attend work if they are under the influence of alcohol or drugs.
- 3.4 Employees who are supporting educational visits are responsible for safety and well-being of pupils for the duration of the trip, including overnight for residential visits. As any employee may be called upon at any time, they must not be under the influence of any substances or drink alcohol whilst participating in a visit.

4. Support available to employees

Employee assistance programme

- 4.1 The employee assistance programme is provided by Health Assured, an independent external organisation who work to a robust professional code of strict confidentiality. Health Assured can be accessed through the intranet or by phone on 0800 030 5182. Some of the services on offer include:
- Substance misuse advice
 - Individual health assessment with diet and exercise tips to achieve health goals;
 - Counselling and advice on a wide variety of issues including debt, tax, consumer and legal matters;
 - Emotional support
 - Fitness advice; and
 - Personal coaching tool and medical information

Alcohol Identification and Brief Advice

- 4.2 GP's and Pharmacies across North Yorkshire provide Alcohol Identification and Brief Advice (IBA) to support individuals to reduce levels of alcohol use.

Substance Misuse Support

- 4.3 Staff are able to access the North Yorkshire Horizons substance misuse service. They can visit www.nyhorizons.org.uk or call 01723 330730 to access a range of free advice and support, available to suit the individual. A helpline is also available staffed with dedicated specialists who can answer any questions.

5. Relevant Legislation

- 5.1 The legislation detailed below is relevant to the application of the Workplace Substance Misuse Policy.
- 5.2 The **Health and Safety at Work Act 1974** and the **Management of Health and Safety at Work Regulations 1999** set out regulations in relation to the health and safety of employees with which the school must comply.

- 5.3 It is an offence under the **Misuse of Drugs Act 1971** for any person knowingly to permit the production, supply or use of controlled substances on their premises except in specified circumstances (e.g. when they have been prescribed by a doctor) including smoking cannabis, cannabis resin or prepared opium.
- 5.4 The **Road Traffic Act 1988** states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances. This would include employees' travel to work and travel during work duties.
- 5.5 The **Equality Act 2010 (Disability) Regulations 2010** specifically provide that addiction to alcohol, nicotine or any other substance (except where the addiction originally resulted from the administration of medically prescribed drugs) is to be treated as not amounting to an impairment for the purposes of the Equality Act 2010. Alcohol addiction is not, therefore, covered by the Act.