

This policy covers all employees and identifies Stone Bay School's approach to the management of situations relating to the inappropriate or excessive use and addiction to drugs or alcohol that put employees and others at risk. It also covers the use of prescription and over the counter medication that have an impact on an employee's ability to carry out their work.

The aim of this policy is to protect our students, promote the health and well-being of employees and to encourage people with problems relating to substance use or misuse to seek help in confidence.

Stone Bay School's Responsibilities and the legal framework

Stone Bay School has a responsibility to provide a safe and healthy working environment for its employees, and a duty to manage members of staff who may be putting themselves or others at risk because of inappropriate or excessive use or addiction to drugs or alcohol.

The school aims to minimise problems at work arising from drug and alcohol misuse through prompt, sensitive intervention supported by health and well-being promotion, raising awareness and training.

The school also aims to provide support to employees whose prescription or over the counter medication has an impact on their ability to carry out their normal duties.

The Legal Framework

As an employer Stone Bay School has a duty under:

- **The Health & Safety at Work etc Act (1974)**
to ensure, so far as reasonably practicable, the health, safety and welfare at work of our employees and to protect others who might be affected by employee actions. Employees also have a personal responsibility to take reasonable care of themselves and others.
- **The Management of Health & Safety at Work Regulations (1999)**
to assess and control the risks to the health and safety of our employees.
- **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 due to alcohol or drugs is guilty of an offence.
- **The Misuse of Drugs Act (1971)**
is the principal legislation for controlling drugs. Almost all drugs with the potential for dependency or misuse are covered by it. This act makes the

production, supply and possession of these controlled drugs unlawful except in certain specified circumstances ie. when prescribed by a doctor.

Employees' Responsibilities

You are responsible for ensuring you are fit for work and remain so during the working day. You should inform your manager if you are taking prescription medication or over the counter medication that could impact on your ability to work safely and/or perform in your role. If you have a drug or alcohol problem that is having an impact on your work you should discuss the matter with your line manager so your manager can support you in seeking appropriate treatment.

You can also discuss issues in confidence with your own doctor, by appointment with KCC's Occupational Health Team or with one of the independent advice centres run by KCA UK. Support Line can act as a referral service to KCA UK for staff who declare their dependency issues

You should not "cover up" for a colleague with a drug or alcohol problem. If you believe a colleague has a misuse problem or is affected by medication, speak to your line manager in confidence in the first instance.

If you have had an alcohol or substance dependency in the past, you should declare this to your manager. You should have declared this on your pre-employment health screening document, completed when your offer of employment was made.

Management Responsibilities

You are responsible for monitoring the performance, health, well-being and conduct of your staff whilst they are at work. Changes in an employee's behaviour or performance that maybe as a result of substance abuse must be monitored and managed according to individual circumstances, including providing guidance and support.

Advice from the Occupational Health Service and Personnel will be sought at an early stage if there are concerns about an employee's health, behaviour or conduct that could be related to substance abuse or the use of prescription medication.

Misconduct & Performance Issues

- The school will usually treat an alcohol or drugs related problem in the first instance as a medical issue but will consider disciplinary sanctions where there is no co-operation or satisfactory improvement in work performance or behaviour.
- If the employee co-operates in addressing the problem with the school's support, all reasonable effort will be made to assist the employee in successful rehabilitation. Reasonable effort could include allowing an employee to take unpaid leave to get necessary support; if possible, flexible working arrangements

to attend support groups or counselling; referral to Occupational Health. Unless there has been serious misconduct or the individual presents a threat or risk to others, disciplinary action will not generally be taken at this stage.

- If an employee refuses treatment, or fails to respond to treatment and work continues to suffer, action under the Disciplinary procedure will be considered.
- Acts of gross misconduct occurring as a result of substance abuse or misuse will result in summary dismissal under Stone Bay School's Disciplinary Procedure. Gross Misconduct includes, but is not limited to, assault or other violent behaviour; possession, use, supply or offer of supply of illegal drugs whilst working or being under the influence of alcohol or drugs when undertaking a safety critical role or working directly with our students.
- If an employee receives a driving ban for driving whilst under the influence of drugs or alcohol, and they are required to drive for work, the matter should revert to the Performance and Capability procedure in the first instance.
- Where an employee commits an act of misconduct that relates to substance abuse, any management investigation will take account of reports following a referral to Occupational Health. The circumstances of each case will be considered before any management action is taken.

Programmes of Assistance for Employees

1. Where an employee acknowledges a drug or drink related problem, KCC will make reasonable efforts to assist that employee in a successful rehabilitation, with advice and support from Occupational Health and other specialist services involved in the rehabilitation programme.
2. Where an employee is diagnosed as having a drug or alcohol problem, the school will determine a reasonable level of time off for counselling or other treatment.
3. If an employee has successfully completed a course of treatment and later relapses, the line manager will decide whether to support another period of treatment.
4. If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment or, temporary alteration to their duties should be considered. When making this consideration managers at the school must be mindful of the impact this will have on the smooth operation of the school and the safety of all students and staff.
5. Where medication affects an employee significantly in the workplace, redeployment or, temporary alteration to duties should be considered. When making this consideration managers at the school must be mindful of the impact

this will have on the smooth operation of the school and the safety of all students and staff.

6. If an employee suffers a short-term reaction to medication, immediate adjustments may be appropriate, which will be subject to review.
7. Support Line can help staff access referral services

Confidentiality

Any record of treatment will remain strictly confidential between the provider of support and the employee, unless the employee agrees otherwise. An agreement will be reached between the manager, the employee and the treatment agency as to what information will be shared. All information will be handled sensitively and only used for its proper purpose and in line with the Data Protection Act 1998.

Education and Training

Education is an essential and ongoing part of the Council's approach to drug and alcohol abuse in the workplace. Stone Bay School's aim is to raise employee awareness to recognise early signs of drug and alcohol abuse, how to address such problems and how to access treatment.