



Substance Misuse Policy

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Signed by Chair of Governors: Victoria Davis

Substance Misuse Policy

Staff covered by this procedure:	Teaching and support staff in schools
Prepared by:	HR Services for Schools
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legal advice if required.

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1.0 Introduction

1.1 The City Council recognises that from time to time there will be employees whose use of certain substances may bring harm to their own lives and possibly their families, friends and others. This harm will be reflected in reduced levels of performance at work, together with increased absenteeism and sickness.

1.2 This policy has been developed and introduced by the City Council with the aim of helping any employee who has an issue with the misuse of certain substances to overcome it.

1.3 The City Council has consulted with the City's recognised trade unions on this policy.

1.4 This policy applies to all employees, agency and casual workers and includes contractors visiting a Birmingham City Council school premises or undertaking work on behalf of BCC or the school and can be adopted in schools where either the Governing Body or Academy Trust is the employer.

1.5 It applies to any location which an employee is required to attend for the purposes of their employment and includes traveling to or from such locations.

2.0 The Legislation

2.1 Under the Health and Safety at Work Act 1974, every employee has a duty of care to avoid causing injury to themselves and others.

2.2 Under the Road Traffic Act 1988 and the Transport and Works Act 1992, drivers of road vehicles must not be under the influence of drugs (this includes legal or illegal drugs) or alcohol while driving, attempting to drive or when they are in charge of a vehicle on a road or other public place.

2.3 Other relevant legislation:

- The Management of Health and Safety at Work Regulations 1999
- Equality Act 2010
- Data Protection Act 2018

3.0 Scope and Definitions

3.1 For the purposes of this policy the definition of substances includes but is not limited to:

- a) Solvents

- b) Prescribed medication (which has been used appropriately)
- c) Non-prescribed medication (which has been used inappropriately)
- d) Psychoactive substances
- e) Illegal drugs or substances

3.2 This policy encompasses any use of or consumption of substances which is habitual and which adversely affects an employee's work performance, safety, health or welfare at work. Excessive regular use of such substances may well lead to dependence and danger to health in the long term.

3.3 The City Council is committed to ensuring a safe, healthy and productive working environment which will –

- a) Support the delivery of excellent services for citizens and pupils of Birmingham, and
- b) Protect its employees

To achieve this, all employees must –

- a) Comply with their relevant code of conduct ([The Teachers' Standards](#) or the [Support Staff Code of Conduct](#))
- b) Not consume or be adversely affected or impaired by any type of substance whilst discharging their professional duties to the point where it either impacts their performance or affects the health, safety or welfare of themselves and others
- c) Ensure that their actions do not damage either the school's or the City's reputation

3.4 In addition to the above, where employees have substance misuse issues they should seek appropriate [help](#).

3.5 The policy recognises that where an employee has a substance misuse related issue this will be regarded for employment purposes as an illness. This does not preclude normal use of the disciplinary procedure when an employee is under the influence of a substance and behaves in a manner contrary to the standards of safety and behaviour required of both their relevant codes of conduct and by the City Council.

3.6 Absence whilst receiving medical or other recognised treatment will be treated as sick leave and normally will not affect any other condition of employment. The duration of the period for which support is offered should normally relate to the progress made by the employee in overcoming the issue and the ability of management to maintain the level of support being offered. The fact that an employee seeks help, together with any associated information or records, will be kept completely confidential to the recognised individuals and/or agencies within the procedure designated by this policy. Every encouragement will be given to employees to seek appropriate help.

3.7. All staff have a role to play in ensuring that the health and safety of the workforce is not put in jeopardy by the actions of others. Head teachers and line managers are the most likely to observe unsatisfactory behaviour or performance and raise the matter with the employee as part of normal supervision with the aim of preventing further occurrence. In this process, head teachers and line managers should be alert to the possibility of a substance misuse issue. In addition, head teachers and line managers are responsible for ensuring that:

- a) They and their staff are aware of this policy and that it is readily available
- b) They intervene at the earliest opportunity in order to maintain a safe and healthy workforce and environment
- c) They respect confidentiality and ensure compliance with the Data Protection Act 2018

3.8 Where there are concerns that the head teacher themselves may be discharging their professional duties whilst under the influence of a substance as defined in this document, this should be immediately raised with the chair of governors.

4.0 The Procedure

4.1 The school's approach to each case will be determined by a number of factors, with the specific focus on early, proactive, intervention.

4.2 There are two stages in dealing with cases arising from an employee with substance misuse issues. The approach taken by the head teacher or line manager, or the chair of governors in cases involving the head teacher, will be based upon the individual circumstances in each case.

4.3 The Informal Stage

4.3.1 Managers should use this stage if they suspect that an employee may have issues with substance misuse but where there are **no** issues related to conduct or capability, or where an employee shares with their head teacher or line manager, or chair of governors in cases involving the head teacher, that they have issues with substance misuse and are seeking support and guidance. There should be no accusations of wrong doing in this meeting, and the conversation should centre on the wellbeing of the employee.

4.3.2 At any point during the informal stage an employee is entitled to have a trade union representative or colleague attends any informal meetings.

4.3.3 The informal approach focuses on health, well-being and support, and suggests the following actions be taken:

- a) Discuss matters with the employee in private and at an appropriate time. The employee should be assured that the meeting is informal and confidential and is not part of any HR process or procedure
- b) Explore with the employee whether there are any other factors that are affecting them, such as any prescription medication that may have side effects
- c) If appropriate, the head teacher or line manager, or chair of governors in cases involving head teachers, should discuss the Substance Misuse Policy and the help available both inside and outside of work and recommend the employee seeks the [appropriate support](#)
- d) Consider whether a referral to Occupational Health is appropriate
- e) Explore possibilities that work related stress may be a factor contributing to the employee using a substance and where appropriate undertake a stress risk assessment
- f) Both parties should agree any further action
- g) Both parties should agree the timing of further meetings to monitor progress and discuss any further issues

4.4 The Formal Stage

4.4.1 Such cases will normally be managed under the capability, disciplinary or managing attendance procedures where:

- The informal stage has been used and the issues persist
- Where behaviour is as such that it is a capability or conduct issue

4.4.2 These will be dealt with under the formal stage, whether the employee acknowledges substance misuse as the cause of the issue or not.

5.0 Sources of Assistance

5.1 The focus of assistance should be the school's Occupational Health provider who can give an assessment as to the extent of the issue, give help directly or refer the employee to a recognised external agency.

5.2 Additionally, the employee can approach [external organisations](#) who can provide specialist support, including their own trade union if they are a member of one.

6.0 Guidance

6.1 Work related problems caused by substance misuse **may** include some of the following indicators. Please note however, that a number of these indicators can also be caused by other factors such as stress, physical illness and mental health problems or the effects of prescribed medication. It should not always be assumed that they are substance misuse related.

6.2 If an employee indicates that work is a factor, the head teacher or line manager, or chair of governors in cases involving head teachers, must discuss this with the employee and explore how any issues can be addressed. A stress risk assessment should be undertaken in such circumstances.

6.3 Possible Indicative Factors

- a) Absenteeism
- b) High Accident rate
- c) Deteriorating Standard of Appearance
- d) Deteriorating Performance
- e) Poor Employee Relations

6.4 Managers will deal with all cases ensuring compliance with the Data Protection Act 2018 and respecting confidentiality.

6.5 Advice for dealing with such issues may be sought from HR and Occupational Health and employees can also use the services of Employee Assistance Programme where applicable, contact details below, and their trade union.

6.6 Where there is evidence of behaviour linked to substance misuse, it is the head teacher's, or chair of governors in cases involving head teachers, responsibility to remove the employee from any role where they may present a risk to themselves or others. Dependent on the circumstances, the employee may be suspended or the head teacher/chair of governors may choose to exercise their discretion under the special leave of absence scheme. Each case must be considered individually, taking account of their previous pattern of behaviour and the nature of the incident involved. If an employee is suspended this will be on normal pay and any special leave will be paid leave. The head teacher, or chair of governors for cases involving head teachers, must discuss with the employee how they intend to get home and take appropriate actions, if necessary to ensure their safety.

6.7 The following points are provided as guidance when dealing with employees who may have substance misuse issues:

- a) Be mindful of your own personal safety. Never attempt to reason with an employee who is severely influenced by any substance – this can escalate and the employee may not behave rationally. Hold a meeting with them at a later stage when they are no longer under the influence
- b) Ensure that the incident is directly related to substance misuse and seek medical advice if necessary
- c) Where appropriate, use the special leave of absence policy to allow the employee to take time away from the workplace

- d) Attending work under the influence of such substances will either be a health issue or a conduct issue
- e) Where the employee identifies workplace stress, address this with the employee, seek HR advice and prepare a stress risk assessment as soon as possible to manage the issue as part of the overall intervention
- f) Substance misuse could be one factor that causes employees to have occasional work performance and attendance problems. When identifying deteriorating work performance, it is a pattern of problems over a period of time that should be noted
- g) With cases dealt with under the formal stage, record conduct, performance and attendance problems. Proper documentation is important from the time when the first incident occurs, and the process of documentation will enable you to determine any patterns of deterioration
- h) Substance misuse issues develop over time. Often the immediate situation will be a culmination of a series of previous, less severe, incidents and other indications that there is an issue
- i) When an employee acknowledges an issue, a referral to Occupational Health may be appropriate. The usual principles of informed consent apply and it is the head teacher's or line manager's, or chair of governors in cases involving head teachers, role to explore the issues fully with the employee prior to making a referral
- j) If conduct, performance or attendance has not returned to acceptable levels at the end of the agreed time period or if an issue of conduct occurs which is serious, the use of the disciplinary, managing absence or capability procedures could be considered
- k) Where there are personal issues, such as bereavement, then the approach should be one of support. Offer the employee information about the Employee Assistance Programme, if the school has subscribed to the service, and recommend that they contact their trade union, if they are a member
- l) Suggest that the employee discusses their issues with their G.P. who may be able to refer them to specialist treatment services
- m) If the employee denies inappropriate use of any substance or does not wish to accept support from the employer, and yet there is clear and substantive evidence to support concerns of substance misuse, then the workplace problems should be addressed via the appropriate managerial route, that is capability, managing absence or disciplinary procedures
- n) An employee may need support to attend regular counselling or group therapy sessions. If provided through external specialist agencies, explore how this could be supported. This may include a series of treatments, if there are relapses
- o) For any formal stages under the disciplinary, managing absence or capability procedures, employees have the right to be accompanied by a trade union representative or work colleague
- p) Where there has been a serious accident or incident, consideration should be given to notifying the following agencies:
 - The Police

- The Local Authority Designated Officer (LADO)
 - BCC Safety Services (BCC schools) (Non BCC schools - Subscription service only)
 - [Health and Safety Executive](#) (to report serious incidents or for advice in less serious cases)
- q) Agree timescales for any actions that need to be completed as part of the process so that matters are addressed promptly and not allowed to continue unnecessarily

7.0 Making the Policy Known

7.1 All employees must be made aware of this policy.

8.0 Reviews

8.1 The operation of this policy will be reviewed in consultation with the appropriate trade unions.

9.0 Useful Links

[Acas Health, Work and Wellbeing Guidance](#)

Birmingham City Council's Code of Conduct ([Support Staff](#))

[Teachers' Standards](#)

Birmingham Assistance Programme - The Management Support Helpline is 0800 1116 385