



# The MAST Academy Trust

|               |   |              |                               |
|---------------|---|--------------|-------------------------------|
| Policy        | Substance Misuse Policy                                 |              |                               |
| Owner         | The Executive Lead: Governance, People & Communications |              |                               |
| Date approved | 7 <sup>th</sup> November 2023                           | Adopted from | 7 <sup>th</sup> November 2023 |
| Approver      | Education & People Committee of the Trust Board         |              |                               |

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| Current version | V2.0 |
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| Next review due | Autumn 2026 |
|-----------------|-------------|

| Objective of Policy   |
|---|
| <p>This policy outlines the policy and process in relation to the substance misuse by staff within the Mast Academy Trust.</p> <p>The rationale of this policy is to help protect colleagues 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.</p> |

| Version Control |   |
|-----------------|---|
| Version Number  | Summary of amends from previous version                         |
| 1.0             | Development of the policy                                       |
| 2.0             | 3 year review. Appendix A added for Equality impact assessment. |
|                 |   |
|                 |   |

| Sign off requirements          |        |                         |      |
|--------------------------------|--------|-------------------------|------|
| Approvers                      |        | Position                |      |
| Education and People Committee |        | Trust Board             |      |
| Reviewers                      |        | Position                |      |
| Natasha Greenough              |        | Chief Executive Officer |      |
| Tim Wade                       |        | Trustee                 |      |
| Unions consulted               |        |                         |      |
| ASCL                           | GMB    | NEU, (ATL)              | NAHT |
| NASUWT                         | UNISON | UNITE                   |      |

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## **1. Introduction**

- 1.1 The Trust 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 colleagues and students. The Trust undertakes to comply with Health and Safety at Work Act 1974.
- 1.2 Accordingly, the Trust undertakes to comply with all relevant legislation in relation to substance and alcohol use and will not tolerate a 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 and, for the avoidance of doubt, 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 colleagues 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. It is illegal if a colleague under the influence of excess alcohol is knowingly allowed to work (Health and Safety at Work Act 1974)
- 2.3 Every colleague 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 present for work whilst actively unfit due to current usage.
- 2.4 Whilst the Trust 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 Trust'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 Trust 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 Trust and to seek specialist help and advice from an appropriate agency (guidance can be found on NHS UK) or, if preferred, through a senior member of school staff, in the knowledge that all such matters will be dealt with in the strictest confidence and will follow Data Protection legislation and guidance. The member of staff may also wish to consult with their trade union representative.

### 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'. 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.
- 3.2 The Misuse of Drugs Act divides drugs into three separate classes: Class A, Class B and Class 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).

|   |   |
|---|---|
| Class A drugs include (amongst others): | heroin, cocaine, LSD, MDMA (ecstasy) and magic mushrooms.   |
| Class B drugs include (amongst others): | amphetamines, cannabis and MCAT.  |
| Class C drugs include (amongst others): | many prescribable benzodiazepines (such as valium, librium, temazepam etc) plus certain opiate analgesics, GHB (gamma-hydroxybutyrate) and ketamine |

- 3.3 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.
- 3.4 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) although 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. If identified, provisions/actions will be provided to escort the member of staff safely home.

## 6. **Colleagues' responsibilities**

6.1 There is a clear contractual obligation for all colleagues 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) school premises and/or in (or out of) working hours.

- 6.2 The following clauses (numbers 6.3 to 6.7) must be observed by all colleagues **without exception**.
- 6.3 No colleague may consume alcohol or take drugs (other than those prescribed for personal use for legitimate therapeutic purposes, which need to be declared to the headteacher after prescription) 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.
- 6.4 No colleague may consume alcohol or take drugs (other than those prescribed for personal use for legitimate therapeutic purposes) in advance of reporting for work if such use may impair their judgement or their performance during working time.
- 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 school grounds or premises is strictly forbidden. Prescribed drugs must be stored safely and securely.
- 6.7 The distribution of drugs within the grounds or premises of the school 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 colleague 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. Where a formal meeting occurs which may lead to disciplinary action, the colleague may be accompanied by a union representative.
- 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. If identified, provisions/actions will be provided to escort the member of staff safely home.
- 7.4 It should be recognised that a colleague who develops alcohol and/or drug or substance misuse problems may become unsuited to their particular post. In this

event consideration will require to be given to the position of such staff and, wherever possible, suitable alternative posts will be sought. This will be in discussion with the colleague, where a trade union representative may be invited. 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 a colleague'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 Trust/school into disrepute by conduct unbecoming (even outside of the premises or grounds of the school) for example when representing the school/Trust at events/trips or on social media and/or when wearing identification linking the colleague to the school/Trust and/or in any context whereby the colleague is aligned to the school or Trust whilst under the influence.

is not due to a dependency, recourse to disciplinary procedures will normally be appropriate, although the Trust 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 Trust (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 a colleague's misconduct in the form of either:

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

is due to dependency, recourse to disciplinary procedures may still be felt appropriate (although the Trust 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 leader should (having sought guidance from HR) come to an agreement with the colleague on setting reasonable objectives and should review performance in line with these.

9.4 The colleague 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 colleague 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 a colleague 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 Trust'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) in cases of serious misconduct. Any decision in relation to this will be entirely at the discretion of the Executive Headteacher/ headteacher.

## **10. Drinking and driving**

- 10.1 Any colleague convicted of a criminal charge in respect of drinking and driving must inform the Executive Headteacher/ 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 Trust/Trust (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 Executive Headteacher/ 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. In particular, drink driving may have repercussions for those where driving is a core requirement of the job. 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 colleague convicted of a criminal charge regarding the use or supply of drugs must inform the Executive Headteacher/ 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 Trust/school (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 Executive headteacher/ headteacher.

## **12. Monitoring**

- 12.1 The Trust/school 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:

- Colleague Absence Policy
- Colleague Capability Policy
- Disciplinary Policy

All policies can be found on the [trust website](#)

## Appendix A: Equality Impact Assessment

|  |   |
|--|---|
| Name of policy being assessed  | Substance Misuse Policy   |
| Summary of aims and objectives of the policy   | The rationale of this policy is to help protect colleagues 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. |
| What involvement and consultation has been done in relation to this policy? (e.g. with relevant groups and stakeholders) | This will be discussed in consultation with Trade Unions and the Education and People Committee.  |
| Who is affected by the policy?   | All colleagues  |
| What are the arrangements for monitoring and reviewing the actual impact of the policy?                                  | On an annual basis.   |

| Protected Characteristic Group | Is there a potential for positive or negative impact? | Please explain and give examples of any evidence/data used | Action to address negative impact (e.g. adjustment to the policy) |
|--------------------------------|---|--|---|
| Disability                     | Neutral impact  | The policy is inclusive for all colleagues.                |   |
| Gender reassignment            | Neutral impact  | The policy is inclusive for all colleagues.                |   |
| Marriage or civil partnership  | Neutral impact  | The policy is inclusive for all colleagues.                |   |
| Pregnancy and maternity        | Neutral impact  | The policy is inclusive for all colleagues.                |   |
| Race                           | Neutral impact  | The policy is inclusive for all colleagues.                |   |
| Religion or belief             | Neutral impact  | The policy is inclusive for all colleagues.                |   |
| Sexual orientation             | Neutral impact  | The policy is inclusive                                    |   |

|              |                |   |  |
|--------------|----------------|---|--|
|              |                | for all colleagues.                         |  |
| Sex (gender) | Neutral impact | The policy is inclusive for all colleagues. |  |
| Age          | Neutral impact | The policy is inclusive for all colleagues. |  |

## Evaluation

| Question   | Explanation / justification  |
|--|--|
| Is it possible the proposed policy or change in policy could discriminate or unfairly disadvantage people? | No; the changes made during this policy update encourage an inclusive culture across all colleagues working at The Mast Trust. |

## Final decision

|  |   |
|--|---|
| Please indicate the final decision using the options below | 1 |
| What is the explanation for this?                          |   |
|  |   |

There are four options open to you:

1. No barriers or impact identified, therefore policy will **proceed**.
2. You can decide to **stop** the policy or practice at some point because the evidenceshows bias towards one or more groups
3. You can **adapt or change** the policy in a way which you think will eliminate the bias,or
4. Barriers and impact identified, however having considered all available options carefully, there appear to be no other proportionate ways to achieve the aim of the policy or practice (e.g. in **extreme cases** or where **positive action** is taken). Therefore,you are going to **proceed with caution** with this policy or practice knowing that it may favour some people less than others, providing justification for this decision.

|  |                            |
|--|----------------------------|
| Will this EIA be published* Yes/Not required | Yes                        |
| Date completed:                              |                            |
| Review date (if applicable):                 | In line with policy review |

