

RACK HOUSE PRIMARY SCHOOL

Alcohol Policy

A school of excellence which nurtures and inspires all, where success is our achievement.

Policy Statement

1.1 Rack House is committed to providing a safe and positive working environment for our staff and to promoting the health, safety and well-being of our employees. We recognise that this can be put at risk by members of staff who misuse alcohol and substances to such an extent that it affects their health, work performance, behaviour or relationships at work and, where appropriate to do so, we will adopt a supportive and constructive approach when dealing with staff who may be experiencing drug and/or alcohol dependencies or addictions.

1.2 It remains our expectation that no employee will report for work while under the influence of substances or alcohol. Rack House does not consider it acceptable for staff to be impaired by alcohol and/or substances during the conduct of their duties and this may form the basis for disciplinary action, including conduct or capability dismissal depending on the circumstances.

2. Purpose of Policy

2.1 The Policy on Alcohol and Substance Misuse is designed to ensure that all employees are aware of the risks associated with alcohol/substance misuse and the consequences, including the legal consequences, of their actions. As such, this policy aims to:

- ensure that employees are aware of the consequences of drug and substance misuse in the workplace
- ensure that employees' use of alcohol and/or substances does not impair the safe and efficient running of the school, or result in risks to the health and safety of themselves, other employees, students and the general public
- help the school to comply with all relevant legislation in this area, principally the Health and Safety at Work Act 1974, Management of Health and Safety at Work Regulations, Misuse of Drugs Act 1971, Psychoactive Substances Act 2016, and the Road Traffic Act 1988

3. Scope

3.1 This policy applies to all staff including agency and contract staff who work on school premises and staff of other employers who work on our premises.

3.2 This policy relates to all members of staff during hours undertaking work and when undertaking activities on behalf of the school or attending school-related events. Employees should always be aware that they are representing the school at such events and behave in a responsible manner.

3.3 While the school has an interest in the well-being of its members of staff, what they do in their private lives is generally outside the scope of this policy unless it affects their work, interferes with the legitimate activities of other members of the school, brings the school into disrepute, or risks their safety or that of others.

4. Definitions

4.1 *Substance Misuse* – drinking alcohol, taking drugs or a substance, either intermittently or continuously, such that it adversely interferes with an individual's health, work performance or conduct or affects the work performance and/or safety of themselves and/or others.

4.2 *Substances* –includes prescription medicines where the prescription medicines have not been prescribed for the person possessing or using them and/or such prescription medicines which are not taken in accordance with a physician's direction. This includes any substance (other than alcohol) that produces physical, mental, emotional or behavioural changes in the user.

4.3 *Controlled Drug* – includes all chemical substances or drugs listed in any controlled drugs acts or regulations applicable under the law.

5. General Principles

5.1 All employees are required to familiarise themselves with this policy and comply with its provisions.

5.2 Members of staff should notify their line manager if they are taking prescribed medication that could affect their ability to work safely.

5.3 Strict confidentiality will be maintained when dealing with individuals under this policy, within the limits of what is practicable and within the law.

5.4 In all cases, advice should be sought from the relevant HR Team.

6. Supporting staff

6.1 Managers should seek guidance from HR if they suspect a member of staff is under the influence of alcohol or a substance. It is the responsibility of the manager to discuss with members of staff as soon as possible if their behaviour, performance or absence may indicate a possible problem with substance misuse.

6.2 Any employee who is concerned that they may have a dependence on drugs or alcohol is encouraged to seek help from their GP. They should

also approach their line manager and/or HR so that appropriate workplace support can be considered to assist rehabilitation and aid recovery.

6.3 Any employee who believes that a colleague is dependent on drugs or alcohol should initially encourage them to seek help. Where this is not possible or where the individual refuses to accept that there is an issue, the employee may wish to share their concerns in confidence with their own line manager or a member of the relevant HR Team.

6.4 If the school believes that an employee is dependent on drugs or alcohol, HR may refer the individual to the Occupational Health Service for assessment. Advice may also be sought from the individual's GP or counsellor as appropriate (with the consent of the member of staff concerned).

6.5 Reasonable periods of absence for advice and treatment for dependence on alcohol or drugs will be treated in accordance with usual policies on sickness absence and time off for medical and/or counselling appointments.

7. Disciplinary action

7.1 If a disclosure of alcohol or drug dependency is made as a mitigating factor during any disciplinary or other formal action, the action may be suspended for an appropriate period to allow the individual to seek treatment and support, such as attendance at a rehabilitation programme, counselling, or other intervention.

7.2 If, because of alcohol or drug dependency, an employee behaves or undertakes their work in such a way as to endanger the health and safety of themselves or of others, prompt corrective action will be taken to prevent damage being done. In such situations, although the drug or alcohol dependency will be taken into account, the individual may still be sanctioned in relation to any consequential behaviour where there are health and safety risks.

7.3 Where help is refused or treatment unreasonably discontinued by the individual or where there is no improvement in behaviour and/or work performance, disciplinary procedures may be resumed and/or initiated and in some cases dismissal may be unavoidable.

7.4 Where evidence warrants, the police will be informed of illegal drug use or any activity or behaviour over which there are concerns as to its legality, such as having a drink-driving accident in a work vehicle.

ANNEX A

LEGAL FRAMEWORK

- **Health and Safety at Work Act 1974 - section 2** places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees.
- **Management of Health and Safety at Work Regulations 1999** places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or drugs and their behaviour places the employee themselves or others at risk.
- **Misuse of Drugs Act 1971** makes it an offence for someone to knowingly permit the production, supply or use of controlled drugs on their premises except in specified circumstances (for example drugs prescribed by a doctor).
- **Psychoactive Substances Act 2016** came into force on 26th May making 'legal highs' which mimic the effects of traditional drugs that are controlled under the Misuse of Drugs Act 1971 illegal. There is now a blanket ban on the production, distribution, sale and supply of legal highs which are intended for human consumption.

Although not applicable to all workplaces, these two Acts also put obligations on employers and workers:

- **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.
- **Transport and Works Act 1992**- makes it a criminal offence for certain workers to be unfit through drugs and/or drink while working on railways, tramways and other guided transport systems.

Other legislation that is applicable in the workplace is set out below:

Employment Rights Act 1996 states that drug or alcohol misuse may provide basis for conduct or capability dismissal.

Equality Act 2010 states that addiction to, or dependency on, alcohol or other illicit drugs does not constitute a disability. However, if disability is due to the cause or effect of addiction, it is covered.

Human Rights Act 1998 Article 8 provides the right to respect for private and family life.