

The Whitby Secondary Partnership

DRUGS AND SUBSTANCE MISUSE POLICY FOR EMPLOYEES

(Based on North Yorkshire County Council's Policy)

Federation Governance Status

This policy was issued by the Local Authority and has been adopted by the Governing Body. It will be reviewed whenever new NYCC guidance is issued or every three years.

Review dates	By Whom	Approval date
January 2020	Staff and Governors	21 January 2020
January 2023		

Signed by the Chair of Governors:

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Improving Health and Attendance

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- 1.1 Any employee who does not abide by the terms of this policy will be subject to the appropriate disciplinary measures, which may include dismissal. This policy covers both drugs and substance misuse related incidents at work and related offences within/outside work which may damage NYCC's reputation.
- 1.2 NYCC will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing problems with their drugs and substance misuse, dependency or addiction. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be a consequence.
- 1.3 If an employee has difficulty in meeting NYCC's required standards due to their drugs and substance misuse or dependency on drugs, then NYCC strongly encourages the individual to inform their manager and seek medical advice or counselling from their general practitioner or a specialist organisation. A dependency problem may be identified by the employee, by colleagues or managers. NYCC will provide full support to the employee in following any treatment or rehabilitation. This approach will not absolve the employee from meeting the required NYCC standards and rules but will assist in achieving them.

If NYCC identifies that there has been a breach of this policy, or an individual's work performance or conduct has been impaired through drugs use or by substance misuse, NYCC will immediately remove that individual from duty and will invoke its disciplinary procedure which may result in summary dismissal.

- 1.5 If the employee admits to having a drugs or substance misuse problem and this is subsequently supported by medical evidence, NYCC reserves the right to suspend the employee from work on paid leave to allow NYCC to decide whether to deal with the matter under the terms of its disciplinary procedure, or to require the employee to undergo treatment and rehabilitation.
- 1.6 If the employee does not have a drugs or substance misuse problem and/or this is not subsequently supported by medical evidence, NYCC will make a full assessment of the situation and decide whether it is appropriate to take disciplinary action.
- 1.7 Where an employee, who acknowledges a drugs related problem, undergoes treatment and/or rehabilitation, any disciplinary action related to drugs and substance misuse may be suspended pending the outcome of the treatment. Reasonable time off for treatment may be granted – this may possibly involve sick leave with SSP for the duration of the course of the treatment.
- 1.8 If an employee is participating in a treatment or rehabilitation programme, this will be taken into account by management in making decisions relating to areas of poor performance or attendance that might normally lead to disciplinary action.
- 1.9 The aim is to support employees in regaining good health. Any employee who would like their treatment or rehabilitation to be taken into account during any disciplinary procedure or performance appraisal must inform their manager, in advance. Depending on the progress made by the employee during the course of their treatment, any disciplinary action *may* be dropped or suspended for a specified period or continued.

NYCC will not fund any treatment or rehabilitation programme related to drugs problems

- 2.1 Where the rehabilitation of an employee with an drugs and substance misuse problem or dependency is unsuccessful or an employee refuses or continually neglects to accept, comply with or

respond to advice and/or treatment; NYCC's disciplinary procedures will be initiated which may lead to dismissal.

- 2.1 Nothing in this policy should be taken as conveying a contractual right that a particular course of action will be followed.

3. Confidentiality

NYCC aims to ensure that the confidentiality of all employees experiencing drugs and substance misuse problems is maintained appropriately; eg, by human resources, Health and Wellbeing Services and line managers. Information regarding individual cases will not be divulged to third parties unless the safety of the person concerned or others would be compromised by not doing so.

4. Employee Responsibilities

- 4.1. Employees have a responsibility for their own health and safety in the workplace.
- 4.2. Employees must report for work, and remain throughout the working day in a fit and safe condition to undertake their duties and ensure that their performance at work and their judgement are never impaired by drugs nor that their behaviour puts themselves or others at risk. Any employee who is subject to on-call arrangements must also ensure they are in a fit and safe condition during the on-call period.
- 4.3. Drugs and other substances may remain in an individual's system for some time and even relatively small amounts can impair judgement, performance and jeopardise safety.
- 4.4. Employees must not under any circumstances drive at work having consumed illegal drugs or substances which can impair judgement and performance.
- 4.5. Drugs and substance misuse whilst at work by employees will be considered gross misconduct.
- 4.6. Employees will familiarise themselves with the Policy, its aims and their responsibilities in relation to drugs and substance misuse at work.
- 4.7. Covering up or colluding with colleagues where a drugs substance misuse problem is affecting work could be considered a disciplinary issue.
- 4.8. Employees who have a drugs and substance misuse problem, or who suspect they may have, are encouraged to seek help either by discussing the matter confidentially with their Manager, with Health and wellbeing Services, their GP, local drugs agency or national helpline. (See support agencies.)
- 4.9. For the purposes of this policy, individuals will be deemed to be under the influence of drugs where, in the reasonable assessment of their line manager, the individual is incapable of safely discharging his or her duties by reason of being under the influence of drugs.
- 4.10. Supervisors and managers are not required to prove intoxication (by drugs or other substances) definitively; they simply have to have reasonable grounds for believing so.
- 4.11. Any breach of the above rules will be treated as a serious act of misconduct and dependent on the circumstances, could be deemed to be gross misconduct, the penalty for which would be summary dismissal.
- 4.12. Employees must not consume drugs or misuse substances at any time while at work, including during rest or meal breaks spent at or away from work premises
- 4.13. No illegal drugs should be brought in or consumed on NYCC's premises at any time

5. Driving

If an employee is convicted of a drug driving offence and NYCC's reputation is subject to disrepute, the employee may be subject to disciplinary action. If an employee commits a drug driving offence during working hours or whilst working for NYCC, this may constitute gross misconduct and may result in dismissal in accordance with NYCC *disciplinary policy*.

6. Sources of Support and Resources

Further assistance is available from local agencies. Employees who have a drugs and substance misuse problem are encouraged to make contact with these agencies. [Requests for time off to attend meetings with these organisations will be treated sympathetically and confidentially by management.] Employers without an employee counselling service may wish to contact:

Local Drugs Services:

National treatment agency for substance misuse

<http://www.nta.nhs.uk>

FRANK

<http://www.talktofrank.com>

Tel: 0800 776600

Text: 82111

Action on addiction

<http://www.actiononaddiction.org.uk>

Tel: 0845 126 4130

Addaction

<http://www.addaction.org.uk>

North Yorkshire Drug and Alcohol Action Team, Northallerton

Tel: 0800 032 2999

Adfam

<http://www.adfam.org.uk>

Drugscope

<http://www.drugscope.org.uk>

Narcotics Anonymous

<http://www.ukna.org>

Tel: 0300 999 1212