



## Micheldever & Stratton Preschool Staff Alcohol and Drug Misuse Policy (Revised 4<sup>th</sup> December 2022)

*Working in conjunction with the Early Years Foundation Stage Statutory Framework (EYFS).*

Quality and Consistency.

A Secure Foundation.

Partnership Working.

Equality of Opportunity.

**Unique Child   Positive Partnerships   Enabling Environment   Learning and Developing**

### Introduction

At Micheldever & Stratton Preschool we recognise alcohol and drug abuse as social concerns, and supports the need to give employees assistance with alcohol and drug related difficulties, which affect their health and work performance. This policy sets out the pre school's formal arrangements for managing alcohol and drug related issues and applies equally to all school employees regardless of status or seniority

### Procedures

The Preschool endeavours to ensure that employees' use of either alcohol or non-medically prescribed drugs does not impair the safe and efficient running of the organisation or the health of its employees.

However, the Preschool recognises alcohol and drug abuse as social as well as health and safety at work concerns and supports the need to give employees assistance with alcohol and drug-related difficulties, which affect their health and work performance.

The preschool will therefore take whatever steps are reasonable to ensure that:

- Sufficient information and advice is available to employees to enable them to be aware of the symptoms and effects of the misuse of drugs and alcohol.
- Employees who know or suspect that they have an alcohol or drug-related problem are encouraged to seek help voluntarily.
- Confidential advice and help is provided for any employee with alcohol or drug-related problems.

Also, the Preschool is aware that the taking of prescription or purchased drugs for medical purposes can impair an individual's work performance or safety. Therefore, employees and others covered by this policy should be guided by the advice of their GP, pharmacist or the instructions for use, and should inform their line manager if they are taking drugs which may affect their work performance or endanger themselves and/or others.

## Scope of Policy

The provisions contained within this policy relate to employees who may have a health problem and do not include an employee who behaves contrary to the acceptable standard of safety and conduct through excessive indulgence on a random occasion. In such cases normal disciplinary procedures will apply.

## Confidentiality Statement

- i) The confidentiality of the employee with an alcohol or drug-related problem in all matters relating to their counselling/treatment etc. will be strictly preserved, wherever possible.
- ii) Where the nature of the employee's problem is such that the continuation of their normal duties is likely to pose a serious threat to the wellbeing of the employee and/or others, information may need to be shared eg with the direct line manager, to ensure that the employee's performance is monitored in an appropriate way
- iii) suspension of the employee may be necessary should their performance fall below the required standard. Where this is felt necessary, the employees views should be sought with regard to what information may be shared with colleagues
- iv) where an alcohol/drug abuse concern becomes a potential disciplinary matter, information may need to be shared with those involved in investigating or hearing the disciplinary or appeal case (e.g. Manager, members of the committee)

## Legal Duties

i) The Health & Safety at Work Act, 1974 and other Health & Safety legislation places an obligation on employers to ensure, as far as is reasonably practicable, the health, safety and welfare of employees whilst at work. This includes protecting employees and others from the risk posed by an employee continuing to work whilst under the influence of excess alcohol or drugs.

Similarly, employees are also required to take reasonable care of themselves and others who could be affected by what they do or don't do.

- ii) The Road Traffic Act 1988 makes it a criminal offence to drive or be in charge of a motor vehicle on a road or other public place when unfit through drink or drugs.
- iii) The Misuse of Drugs Act 1971 makes the production, supply and possession of controlled drugs unlawful in all but certain specified circumstances. Knowingly permitting these activities to take place on their premises could mean an employer is committing an offence.

## Responsibilities

### *Management responsibilities:-*

It is the responsibility of the committee and manager to ensure that these procedures relating to the management of alcohol and drug related issues are carried out and any action is taken as appropriate.

### *Employees' responsibilities:-*

It is the individual employee's responsibility to take reasonable care of themselves and others by adhering to the procedures relating to alcohol and drug related issues.

Therefore, an employee should not wilfully withhold information of their inability to meet the required standard of performance by reason of illness or self-inflicted incapacity.

Employees who recognise that they have an alcohol or drug problem or that they are at risk of developing one should be encouraged to come forward for confidential help. They should seek an appointment, in confidence, with their line manager, and may wish to request a referral to the Occupational Health Unit.

There is also an expectation that individual employees who are experiencing drug/alcohol related difficulties will respond to any advice and co-operate in receiving support from appropriate agencies in order to receive appropriate treatment

## Establishing there is a problem

Management should be aware that the misuse of drugs or alcohol by an employee may come to light in various ways. The following characteristics, especially when arising in various combinations, may indicate the presence of an alcohol or drug-related problem.

Remember - all these signs may be caused by other factors such as depression and stress-related conditions and should be regarded only as indicators that an employee may be abusing substances or alcohol.

i) Absenteeism - This may take the form of instances of unauthorised leave, frequent Friday and/or Monday absences, leaving work early, lateness (especially on returning from lunch), excessive level of sickness absence, especially frequent short-term absences

ii) High accident levels - at work or elsewhere, e.g. driving, at home

iii) Work performance may be affected – e.g. difficulty in concentration, work requires increased effort, individual tasks take more time, there are problems with remembering instructions, or there is an increased number of mistakes

iv) Mood swings - such as irritability, depression, general confusion

v) Misconduct - An employee's alcohol or drug problem may come to light as a mitigating factor in a disciplinary interview. It may be treated as a mitigating factor for

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certain “less serious” disciplinary offences, such as poor time keeping or lateness, provided the person is prepared to undergo counselling/rehabilitation.

vi) Self-referral. In some instances, employees may seek help and advice themselves.

Employees who seek help voluntarily will be treated sympathetically, given support and encouraged to participate in confidential counselling/rehabilitation.

vii) Sickness absence. Problems with alcohol or drugs may come to light through a sickness absence referral to the Occupational Health Unit.

### Intervention

i) Managers who feel an employee’s unsatisfactory performance may be drug or alcohol related should seek advice from the Occupational Health Unit.

ii) Depending upon the circumstances of the case, a meeting may be convened by the

Manager, or other appropriate member of school management to discuss the content of the OHU report.

iii) At this meeting the manager may be accompanied by a representative of the Preschool Human Resources team. The employee has the right to be accompanied by a trade union representative or a work colleague.

iv) At the meeting the unsatisfactory performance / conduct should be discussed in detail with the employee. The manager, with advice from the Occupational Health Unit where necessary, should restate the Preschool's required standards, making sure the employee understands what is expected of him/her. The manager should try to establish, where possible, the cause of the problem.

v) The employee should be informed or reminded of the assistance the Preschool is prepared to give employees who are trying to overcome a drink or drugs problem and should also be informed of internal and external services where help can be obtained.

vi) The employee should be informed that the preschool requires his/her performance to be improved to an acceptable standard and that failure to achieve this may result in disciplinary action being taken. The manager, (or person to whom responsibility for the management of the issue has been delegated by the manager) with advice from the Occupational Health Unit where necessary, should agree with the employee what follow-up action is to be taken.

vii) Where it is established that alcohol or drugs are, or could be, the problem, seeking support from the Community Alcohol and Drugs Services may be suggested to the employee.

viii) Whilst the employee concerned is receiving rehabilitation/guidance from professional advisers, the manager may consider suspending any disciplinary action for an agreed period in order to allow the rehabilitation/advice to take effect.

ix) If the employee denies that either alcohol or drugs are the cause of the problem or if the problem persists despite treatment, he or she should be treated as for any other disciplinary / capability problem, whichever is judged as appropriate by the manager.

x) However, if there are strong signs that the employee's unsatisfactory performance is drug or alcohol related and he or she will not acknowledge this, further encouragement should be given at all stages of the disciplinary / capability procedure to face up to the true underlying problem.

xi) A record should be kept of all events and any actions taken and placed on the employee's personnel file. The employee will be treated with respect and the utmost discretion applied.

### Rehabilitation

Where employees acknowledge that they have a problem and are undergoing rehabilitation this will be on the understanding that:

i) Reasonable time off will be granted for treatment/counselling with pay or sick pay depending on the circumstances, in accordance with the normal provisions for employees with health problems, for example, the use of Special Leave for appointments.

ii) Every effort should be made to ensure that on completion of the recovery programme employees are able to return to the same or equivalent work.

iii) However, where such a return would jeopardise either a satisfactory level of job performance or the employee's recovery, managers with assistance from the Occupational Health Unit, will review the full circumstances surrounding the case and agree a course of action to be taken. This may include the offer of suitable alternative employment within preschool, action under the Sickness Absence Management Policy or action under the Disciplinary/Capability Procedure where recovery is not achieved within an agreed, reasonable, time frame.

### Relapse

Where an employee, having undergone rehabilitation, suffers a relapse, the manager will consider the case on its individual merits. Medical advice from the Occupational Health Unit may be sought and at the manager's discretion, more rehabilitation time may be given in order to help the employee to recover fully. Where this is not considered appropriate, action under the Sickness Absence Management Procedure or the Disciplinary/Capability Procedure may be taken.

## Recovery Unlikely

If, after an employee has undergone rehabilitation, recovery seems unlikely, dismissal, under the disciplinary, capability or attendance procedures, may result after a clear warning has been given and medical advice has been obtained.

## Alcohol/drug related incidents in/outside the workplace

### *Consumption of alcohol in the workplace*

Employees are, under normal circumstances, expressly forbidden to consume alcohol in the workplace, including those being dealt with under this Policy. Any breach of this rule will result in disciplinary action being taken, which could result in dismissal. There are, however, certain occasions when senior management may make an exception, for example, retirements, special birthdays, Christmas etc. Such occasions will be clearly notified to employees in advance. At such times, employees will still be expected to behave in a responsible manner. Drivers are advised, where necessary, to find an alternative means of transport home.

### Consumption of alcohol before or during working hours or during meal breaks

It should be noted that if any employee (including those being dealt with under this policy) is affected, in the opinion of the line manager by alcohol or drugs during working hours, they will be escorted from the workplace immediately and may be dealt with under the Disciplinary Procedure. The employee should not be allowed to drive and if possible, a taxi/lift should be arranged. It should be noted, however, that the responsibility is on the employee (and not the manager or colleagues) to get themselves home safely and legally.

### Drug abuse in the workplace

Employees who take drugs which have not been prescribed on medical grounds or bought "over the counter" will, in the absence of mitigating circumstances, be deemed to be committing an act of gross misconduct and will be subject to disciplinary action as will any employee found to be buying or selling drugs, or in possession of unlawful (i.e. unprescribed) drugs. Managers will also need to consider whether such matters should be reported to the Police.

### Alcohol and Drug related incidents outside the workplace

Employees can take the view that their conduct is of no relevance to their employer if it occurs outside of preschool and in their own time. Whilst it is true to say that all employees have a right to a private life, the assumption that it is of no concern to their employer can sometimes be misplaced.

It should be noted that disciplinary action may be considered in relation to drug and alcohol related acts of misconduct which take place outside of work hours, for example, in instances of criminal prosecution and/or conviction/caution for such actions. The main considerations should be the relevance of the offence to the employee's duties and/or the effect on the contractual relationship with the employer.

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Disciplinary measures will not automatically be appropriate in these instances. However in some cases, e.g. where the preschool has been brought into disrepute, then action may be taken. Advice can be sought from the Preschools Human Resources Team.

#### [Alcohol and Drug related incidents on school related functions](#)

If any employee attending a preschool function eg Christmas party, birthday celebration, leavers party, etc. behaves inappropriately, or brings the preschool into disrepute due to their actions following the consumption of alcohol/drugs, their conduct may be regarded as taking place 'in the workplace' and disciplinary action may be deemed appropriate.

The following organisations offer a combination of information, support, advice and training on alcohol and drug related issues.

- Alcohol Concern
- National Institute for Health and Clinical Excellence
- Health and Safety Executive – has produced guidance for employers on alcohol and drug misuse at work
- Institute of Alcohol Studies
- Alcoholics Anonymous – National Helpline 0845 769 7555
- Drinkline - Helpline: 0800 917 8282

#### [Other Related Policies & Procedures](#)

*The following policies provide additional information regarding the safeguarding and welfare of the children in our care:*

- *Children's Rights & Entitlement Policy*
- *Committee Policy*
- *Complaints*
- *Confidentiality & Client Access Policy*
- *Daily Running Policy*
- *Employment & Staffing Policy*
- *First Aid Policy*
- *Grievance Policy*
- *Health & Safety Policy*
- *Information Sharing Policy*
- *Key Person Policy*



- *Key Person & Settling Policy*
- *Mobile, Camera & Social Media Policy*
- *Operational Plan*
- *Organisation Policy*
- *Photography & Video Policy*
- *Provider Records Policy*
- *Recording & Reporting of Accidents & Incidents Policy*
- *Risk Assessment Policy*
- *Safeguarding Policy*
- *Security Policy*
- *Staff Behaviour Policy*
- *Staffing & Volunteers Policy*
- *Student Placement Policy*
- *Suitable Persons Policy*
- *Usage, Storage & Retention Policy*
- *Whistleblowing Policy*

*This policy will be monitored and evaluated at committee meetings. It will be reviewed annually and unless new legislation or an incident occurs which requires an immediate review of this policy*

**December 2022**

**Review Date: December 2023**

**\* This Notice was adopted by the committee on 26/01/21**

**Signed: Sam Smith** \_\_\_\_\_

\*This document was agreed via email by our Trustees as we were unable to hold our policy meeting due to the Covid-19 virus (Jan 2021)

**Reviewed Date: 07/12/22**

**Signature: Mrs N L Mann-Rae**

**Amendments: Removed FS Policies**



**Reviewed Date:**

**Signature:**

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