

Guidance on dealing with an employee who may be 'under the influence'

Headteachers/Managers have a general duty under the Health and Safety at Work Act 1974 to ensure as far as reasonably practicable, the health, safety and welfare of employees. If Headteachers/Managers knowingly permit or allow an employee under the influence of alcohol or drugs to continue to work thus risking themselves or putting others at risk then they (the Headteacher/Manager) can be prosecuted. It is very important therefore that steps in this guidance is followed where there is a suspicion that a member of staff may be under the influence of alcohol and/or drugs.

Where it has been determined that a drug and/or alcohol test is deemed necessary (see Appendix 1 and 2 for signs and symptoms), this guidance will assist Headteachers/Managers with the process.

1. The Headteacher/Manager must inform the employee that there is cause to test them for alcohol and/or drugs, giving the reasons. This conversation should be held in a confidential room. The assistance of a colleague or senior manager is often helpful as a witness and as support. They can also help by taking notes and documenting actions etc. It is important also that the employee is given the opportunity to have a Trade Union rep or work colleague present for the testing if it is practicable within the timescale e.g. a trade union rep in a secondary school may already be on site.

Note: It is unwise to directly accuse an employee. Headteachers/Managers should explain that they have a concern and as a responsible Headteacher/Manager they need to assess an employee's wellbeing.

It is essential to have a discussion to establish the facts, to eliminate other possible causes behind the apparent symptoms or behaviour that have led to concerns. Headteachers/Managers should be prepared to deal with denial and potential hostility that may come from the for cause testing.

Headteachers/Managers should provide as much opportunity within their discussions for the employee to disclose they have an alcohol/drug dependency. If disclosed, it may not be appropriate to test at this point and advice must be sought from Human Resources as soon as possible. Refer to appendix 3 for further guidance.

2. Following the initial discussions, the Headteacher/Manager should contact Môn Diagnostics, the testing organisation, using the contact details below, to request a 'For Cause' test. They will be on site within two hours of the phone call to undertake the testing.

The first telephone contact point during normal office hours is 01248 751635. The point of contact outside normal working hours or if unable to make contact on the landline is 07516817290.

3. Whilst waiting for Môn Diagnostics to arrive to undertake the testing, the employee

should not be permitted to undertake their normal duties until the testing has taken place, due to Health and Safety risks. It is important that the employee is supervised at all times and not left alone.

The employee should not be permitted to drink any liquid or consume any food until the test has been undertaken unless there are medical reasons to prevent this restriction. Only allow prescribed medication while awaiting the alcohol/drug test. (Any medication that is taken must be recorded along with dose and time).

If a person's hours of duty have elapsed it should be explained that they must remain available until all tests are completed. Failure to remain available may result in disciplinary action.

Requests for access to a toilet before the alcohol/drug tests are completed should be declined. This course of action may not always be feasible, in which case the visit should be supervised. Pocket contents should be displayed, listed and secured for safekeeping before any visit is allowed.

4. On arrival, Môn Diagnostics will provide the Donor Information Sheet to the employee, which explains the testing procedure in detail. The Testing Officer will also provide the employee with a Client Chain of Custody Form and the employee will be requested to sign this consent form. The employee will be required to sign this consent form prior to any testing taking place, to provide their consent to the testing and to confirm that they understand the process.
5. Refusal to undertake the tests will be classed as a positive result. The implications of refusal need to be explained to the employee by the Headteacher/Manager, in that the disciplinary policy will be invoked
6. On completion, the Testing Officer from Môn Diagnostics will provide a signed copy of the "for-cause" test form to the employee. A further copy will be available to the appropriate Headteacher/Manager. The Testing Officer will retain the original form.
7. The results from the testing will be available on the day and once available, the employee will be informed of the outcome.
8. Where an alcohol/drug test is positive, a second test will be carried out.

Where results from an alcohol test are positive but within the advisory limit (22-34.9mg), this will be classed as misconduct under the disciplinary policy. The managers should also consider if there are any other actions that occurred at the time of the incident which also need to be considered.

Where the results from an alcohol test are positive and over the legal limit (35mg), this will be classed as gross misconduct and the employee may be suspended following completion of a suspension risk assessment (please refer to the School Disciplinary policy).

Where a drugs test is positive for traces of drugs (non negative result) the sample will be sent to the laboratory for further examination to confirm of the substances present. This will be classed as gross misconduct and the employee may be suspended following completion of a suspension risk assessment. (please refer to the School Disciplinary policy)

9. If any either an alcohol or drug test shows as positive the individual should be escorted home. (they should not be allowed to drive their car if they have one)

Appendix 1: Identifying a drink or drug problem

Alcohol:

The symptoms, behaviour or appearances below are guide for managers to be look out for but do not, in isolation, necessarily indicate alcohol dependency/misuse. There would normally be a pattern from all four headings.

Absenteeism

- Self-certification forming a frequency pattern of absences on Mondays and/or Fridays, or after pay days.
- Arriving to work late in the morning before or after lunch
- Leaving work early
- Frequent toilet breaks
- Frequent unscheduled absences from workplace
- Uncertified sickness

Presenteeism

- Poor timekeeping
- Erratic work speed
- Poor judgment
- Lack of attention to detail
- Complaints from colleagues
- Unreliable
- Forgetfulness
- Making frequent mistakes
- Underperforming in general
- Decreased work quality

Behaviour

- Responding unpredictably to criticism
- Paranoia
- Sensitivity
- Low mood
- Mood swings
- Avoidance of colleagues / manager

Health

- Frequent absences due to specific problem (cold, gastric problems, headache)
- Facial flushing and pink bleary eyes
- Hand tremor
- Looking generally unkempt

- Lack of hygiene
- Excessive sweating
- Persistent smell of alcohol, fresh or stale, particularly early in the morning
- Accidents at home or work increasing

It is important to note that everyone can display poor performance at work on occasion, and this can be for various reasons unrelated to alcohol e.g. stress or a medical condition. The symptoms associated with some conditions can be very similar to the effects of excessive drinking e.g. a diabetic individual with low / high sugar levels, or an individual who is epileptic.

Headteachers/Managers should look out for signs that form a pattern over time. The more symptoms displayed the greater the chances of an alcohol problem or dependency.

Drugs:

There are many reasons for taking drugs and they affect the body and mind in many ways.

It is important to note that all drugs, either legal or illegal, can affect an individual's work performance.

Employees who take regular medication (prescribed or not), should contact the Occupational Health Unit for advice, if they feel the drug affects their ability to perform their duties effectively.

Classes of Illegal drugs

Each drug is distributed to one of three categories, according to how dangerous they are.

Class A	Heroin, Cocaine, Ecstasy, LSD
Class B	Speed, Amphetamines
Class C	Ketamine, GHB, some sedatives.
Legal Highs	

Drug users do not start using drugs with the intention of becoming addicted. But since many drugs contain substances that are addictive, people who use drugs occasionally in their spare time can become dependent on them.

Signs of drug misuse

Signs can vary depending on individual circumstances and what drugs are used:-

- Rapid change in behaviour pattern
- Tendency to become confused

- Aggressiveness without reason
- Changes in mood and energy
- Poor work performance
- Poor time keeping
- Loss of appetite
- Spells of fatigue
- Increased short term absences
- Poor working relationships
- Unfamiliar substances in their possession such as powder, foil, straws, tablets
- High rates of accidents
- Sudden change in weight

As can be seen above, the majority of the signs are behavioural.

Appendix 2: Short Term & Long Term Signs and symptoms of alcohol and drug use

Alcohol:

- Odour on the breath
- Intoxication / drunk
- Difficulty focusing; glazed appearance of the eyes
- Uncharacteristically passive behaviour or argumentative behaviour
- Gradual decline in personal appearance and hygiene
- Gradual development of difficulties in job performance
- Absenteeism (particularly on Monday)
- Unexplained bruises and accidents Irritability
- Flushed skin
- Loss of memory (blackouts)
- Availability and consumption of alcohol becomes the focus of social activities
- Changes in family connections, friendships and peer group associations

Drugs:

Cocaine / Crack / Methamphetamines / Stimulants:

- Extremely dilated pupils
- Dry mouth and nose, bad breath, frequent lip licking
- Excessive activity, difficulty sitting still, lack of interest in food or sleep Irritable, argumentative and nervous
- Talkative, but conversation often lacks continuity, changes subject rapidly
Runny nose, cold or chronic sinus / nasal problems, nose bleeds
- Use or possession of paraphernalia including small spoons, razor blades, mirror, little bottles of white powder and plastic, glass or metal straws

Depressants:

- Symptoms of alcohol intoxication with no alcohol odour on breath (remember that depressants are frequently used with alcohol)
- Lack of facial expression or animation
- Limp appearance Slurred speech

Note: There are few readily apparent symptoms. Abuse may be indicated by activities such as frequent visits to different physicians for prescriptions to treat nervousness, anxiety and stress etc

Ecstasy:

Confusion, blurred vision, rapid eye movement, chills or sweating, high body temperatures, sweating profusely, dehydrated, confusion, faintness, paranoia or severe anxiety, panic attacks, trance-like state, transfixed on sights or sounds, unconscious clenching of the jaw, grinding teeth, muscle tension

Hallucinogens / LSD / Acid:

- Extremely dilated pupils, warm skin, excessive perspiration, and body odour

and symptoms.

- Distorted sense of sight, hearing, touch, distorted image of self and time perception, mood and behaviour changes.
- Any portion of sensory perceptions may be altered to varying degrees. Synaesthesia, or seeing of sounds and hearing of colours is a common side effect of hallucinogen use.

Inhalants:

- Substance odour on breath and clothes, runny nose, watering eyes, drowsiness or unconsciousness, poor muscle control.
- Presence of bags or rags containing dry plastic cement or other solvent at home, in locker at school or at work.
- Discarded whipped cream, spray paint or similar cannisters (users of nitrous oxide).
- Small bottles labelled 'incense' (users of butyl nitrite)

Marijuana / Pot:

- Rapid, loud talking and bursts of laughter in early stages of intoxication Sleepy or dazed in the later stages
- Forgetfulness in conversation, inflammation in whites of eyes, pupils unlikely to be dilated, odour similar to burnt rope on clothing or breath.
- Marijuana users are difficult to recognise unless they are under the influence of the drug at the time of observation.
- Casual users may show none of the general symptoms
- Marijuana does have a distinct odour and may be the same colour or a bit greener than tobacco.

Narcotics / Prescription Drugs / Heroin / Opium / Codeine / Oxycontin:

- Lethargy, drowsiness, constricted pupils fails to respond to light Redness and raw nostrils from inhaling heroin in powder form
- Scars (tracks) on inner arms or other parts of body, from needle injections. Use or possession of paraphernalia including syringes, bent spoons, bottle caps, eye droppers, rubber tubing, cotton and needles.
- Slurred speech.

While there may be no readily apparent symptoms of analgesic abuse, it may be indicated by frequent visits to different physicians or dentists for prescriptions to treat pain of non-specific origin.

In cases where patient has chronic pain and abuse of medication is suspected, it may be indicated by amounts and frequency taken.

PCP:

- Unpredictable behaviour, mood swing from passivity to violence for no apparent reason.
- Symptoms of intoxication, disorientation, agitation and violence if exposed to excessive sensory stimulation.
- Fear, terror, rigid muscles, strange gait, deadened sensory perception (may experience severe injuries while appearing not to notice)
- Pupils may appear dilated

- Mask like facial appearance, floating pupils, appear to follow a moving object.
- Comatose (unresponsive) if large amount consumed, eyes may be open or closed.

Solvents, Aerosols, Glue, Gasoline:

- Nitrous oxide – laughing gas, whippits, nitrous
- Amyl Nitrate – snappers, poppers, pearlers, rushamines Butyl Nitrate – locker room, bolt, bullet, rush, climax, red gold
- Slurred speech, impaired coordination, nausea, vomiting, slowed breathing.

Appendix 3: Dealing with employees who are dependent on drugs or alcohol

1. If a Headteacher/Manager has any suspicion that an employee is showing signs of alcohol or drug dependency (see Appendix 1 & 2 for further information), the Headteacher/Manager will arrange to meet with the individual to discuss the problem further. A confidential report of this meeting should be kept. Advice could also be sought from the Occupational Health Advisor.
2. If the individual recognises that they have an alcohol or drug problem, then the Headteacher/Manager should refer the individual to the Occupational Health Unit for help and support.
3. The Occupational Health Advisor will discuss any possible action and encourage the individual to seek appropriate help which could include counselling or clinical treatment.
4. The individual will be required to attend review appointments with the Occupational Health Advisor or Physician and complete the agreement form (Appendix 4).
5. The Disciplinary procedure shall not be implemented whilst the individual is being supported under this procedure i.e. receiving treatment. However, if the individual refuses to seek and engage in appropriate help and treatment, the normal disciplinary procedure will be implemented immediately.
6. Whilst they are receiving treatment the individual may be on sick leave and they will be entitled to receive sick pay in accordance with the National Agreement.
 - 6.1. The Headteacher/Line Manager will be expected to maintain regular contact with the individual via telephone calls or visits during the sickness absence (in accordance with the Schools Policy on Managing Absence).
7. When the individual has received / completed the necessary treatment, the Headteacher/Line Manager will interview the individual (who may bring their nominated representative) and in light of the Occupational Health Physician's report, will determine whether the individual is fit to return to normal duties or not.
 - 7.1 If normal duties are not deemed suitable, consideration will be given to other suitable employment, ill health retirement or referral to dismissal panel.
8. If **the individual does not acknowledge** that they have a drug or alcohol dependency problem, then the line manager in consultation with the HR Officer, Occupational Health Advisor and Health and Safety Advisor, will meet with the individual in order to determine whether the individual can return to their normal duties, as well as discuss the need to follow the Disciplinary

Procedure. The School also reserves the right to undertake a “for cause” test for alcohol/drugs if the Headteacher/Manager has sufficient evidence to suggest the employee is under the influence.

9. If normal duties are deemed appropriate, then the Headteacher/Manager will meet with the individual to further outline the expected standards of performance and appropriate arrangements should be made to oversee and monitor the individual’s future work performance.
10. It is recognised that some individuals may regress to old habits. If an individual who has acknowledged an alcohol / drug dependency and has received treatment, but that their work performance / behaviour regress, the School will need to evaluate the circumstances.

Appendix 4: Formal agreement – support to manage alcohol or drug dependency

Formal Agreement between

Employee Name	
Pay Number	
Job Title	
Date	

and

Headteacher/Managers Name	
Job Title	
On behalf of School	
Date	

1. I, the undersigned agree to abide by the agreement detailed below that has been drawn up as a consequence of the management's concern about my use of alcohol and / or drugs.
2. I accept and fully understand that it is my responsibility to receive help to overcome my problem and to provide continuing evidence that I have sought and am continuing to receive support. To this end I will provide written confirmation as well as copies of appointments attended together with details outlining the progress of the support provided.
3. I have been advised to contact the following organisation which will offer help:-
4. Upon registering with the organisation, I agree to provide authority which will allow information concerning my attendance and treatment to be released in confidence to my headteacher/line manager.
5. I agree to attend all appointments made for me with the Occupational Health Advisor / Doctor.
6. I agree to blood or breath tests being taken at random.
- 7.
8. I understand that I should not report for duty under the influence of alcohol or drugs (even the morning after). I accept that my headteacher/line manager reserves the right to send me home if it is suspected that I am under the influence of alcohol or drugs. I agree not to consume alcohol or take un-prescribed drugs whilst at work / on duty / on call, in accordance with the Schools Alcohol and Drugs Policy.

9. I understand that if I do not take active steps to manage my drinking/drugs dependence and my attendance record and my work performance are not satisfactory then I may be disciplined.

I have read the above agreement and understand it fully.

Signed : (Employee)			Date	
Signed: (Manager)			Date	
Witness: (HR Unit)			Date	

Appendix 5: Contact numbers

For further information / support / advice, contact :-

Internal		
Occupational Health Unit	01286 679 746 01248 752510	occupationalhealth@ynysmon.gov.uk
Health and Safety Service	01248 751804	
HR Unit	01248 752513 01248 752928	
Local		
CAIS	0345 0612 112	www.cais.co.uk
North West Wales NHS Trust Substance Misuse Service	01248 351829	
Wales Alcohol and Drugs Support Line	0808 808 2234	www.dan247.org.uk
National		
Drinkline	0300 123 1110	
National Drugs Helpline	0300 123 6600	www.talktofrank.com
Alcoholics Anonymous (AA)	0800 917 7650	www.alcoholics-anonymous.org.co.uk
Drinkaware	020 7766 9900	www.drinkaware.co.uk
Samaritans	116 123 0808 164 0123 (Welsh line)	www.samaritans.org
NSPCC	0808 800 5000	www.nspcc.org.uk
Childline	0800 1111 (18 or under)	www.childline.org.uk