



# Alcohol, Drugs & Tobacco - Staff

CHARITY POLICY & PROCEDURE

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### Statement of Intent

Talbot House Children's Charity Limited ("the Charity") is a responsible employer that takes our obligations to our employees very seriously.

Due to the nature of our Charity, Talbot House takes a zero tolerance approach to the misuse of drugs and alcohol on any of its premises. This policy has been developed in conjunction with DfE guidance to ensure that everyone is aware of the risks posed by the misuse of drugs and alcohol.

The Charity is committed to:

- Upholding the **Health and Safety Policy** already in place at Talbot House Children's Charity.
- Providing a safe and healthy environment which is conducive to the education and residence of the children within the Charity.
- Providing a robust policy which outlines our zero tolerance approach to drug and alcohol misuse.
- Educating young people on the dangers of alcohol and drug misuse and the harmful effects of tobacco.

Employees who develop alcohol or drugs related problems cause harm to themselves, and to others and impair their performance.

The Charity recognises the importance of the health, safety and welfare of our employees and so have developed this policy in order to help us ensure the health, safety and welfare of our employees and comply with our legal duties:

- Section 2(2)(e) of the Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment, and to ensure the health, safety and welfare at work of their employees as well as any visitors or contractors on the premises.
- It is an offence to supply, produce, offer to supply or produce controlled drugs.
- The Misuse of Drugs Act 1971 makes it an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs or allow the smoking of cannabis or opium on those premises.
- It is also an offence to aid or abet any of these offences.

This policy aims to:

- Comply with the Charity's legal obligations to provide a safe and healthy working environment for all employees.
- Comply with all of the requirements imposed by law.
- Promote and raise awareness of alcohol, drug and tobacco related problems, addiction and the effects of misuse and its likely symptoms.
- Encourage a sensible approach to drinking alcohol.
- Indicate restrictions on drinking alcohol at work.
- Protect Employees from the dangers of alcohol, drug and/or tobacco abuse.
- Guarantee the right of non-smokers to breathe air free of smoke; and
- Support staff who wish to give up smoking.
- Ensure that employees are aware of their responsibilities regarding drug misuse and related problems.

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The SMT have a specific responsibility to operate within the boundaries of this policy, to ensure that all employees understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

Any reference in this policy to non-prescription drugs refers only to controlled or illegal substances and does not refer to medicines, supplements and similar substances that are legally and commercially available in the United Kingdom.

The Charity defines a “drug” as a substance that, when ingested alters perception and the way the body works. This definition includes but is not limited to:

- All illegal substances.
- Alcohol.
- Tobacco.
- Solvents.
- Medicines.
- Legal highs are now known as new psychoactive substances.

This policy applies to all employees, workers, trustees, agency workers or self-employed contractors and all individuals working or visiting our site from time to time. This policy also refers to children who attend school on site or live within our residential facility.

The Charity expects all employees to work within the Charity's rules and procedures. All employees have a responsibility to conduct themselves in an appropriate and professional manner in accordance with the Charity's Code of Conduct and Values and co-operate in the application of this procedure.

This policy and procedure do not form part of any employee's contract of employment, and it may be amended at any time. Talbot House Children's Charity may also vary this procedure, including any time limits, as appropriate in any case.

### 1. Health and Safety

#### 1.1 Alcohol

In a social environment, the consumption of alcohol in moderation is an accepted part of life. In the workplace however it can impair the performance, result in inappropriate behaviour, and can place both the individual and those around them in danger, as well as affect health.

In the workplace alcohol abuse can take two different forms:

- Occasional inappropriate drinking; and
- Consistently inappropriate drinking.

In either case, the health of the individual employee will be affected and quite possibly the health and safety of those around them.

While it will be clear if an individual is drunk at work, the symptoms of larger scale systematic alcohol abuse may be less obvious. Symptoms of alcohol abuse may include:

- Frequent absences on Mondays and Fridays (or before or after days off where employees don't work Monday to Friday).
- Unusually high rates of absenteeism.
- Unkempt appearance / Lack of hygiene.
- Spasmodic work patterns and lower productivity.
- Poor relations with others.

#### 1.2 Drugs

Misuse of drugs can lead to reduced levels of attendance, reduced efficiency, and performance, along with impaired judgement and decision-making. Employees should be aware that anyone under the influence of controlled drugs is a risk to everyone around them and should be alert to possible signs of drug abuse. Such indicators commonly include:

- Sudden changes in behaviour.
- Confusion.
- Irritability.
- Fluctuations in mood and energy.
- Impairment of performance.
- Increase in short term sickness absence.

If employees are prescribed medication, they must seek advice from their GP about the effect on their ability to carry out their job and whether duties should be temporarily modified. If so, employees should advise their Line Manager immediately. Please be advised that Line Managers will seek further advice from the Senior Management Team (SMT), Chief Executive (CEO) and/or the HR Department.

#### 1.3 Tobacco (including smoking tobacco or electronic or e-cigarettes)

In accordance with Part 1 of the Health Act 2006, the Charity is a smoke free environment. This includes all buildings, outbuildings, playgrounds, playing fields, sheltered areas, all vehicles, car park areas and drives.

### 2. Searches

The Charity reserves the right to conduct searches for alcohol, drugs or tobacco on Charity premises including searches of desks, lockers, filing cabinets, any cupboards or areas on the premises, personal items including bags, coats or vehicles, and any other indoor or outdoor areas.

### 3. Testing

If the SMT has reasonable cause to suspect that an individual is unfit to carry out the full duties and responsibilities of their post through the effects of drugs/alcohol the individual will be required to undertake a test. Random testing will not routinely be undertaken by the Charity. However, the Charity reserves its right to undertake random testing in the future as and when deemed appropriate.

### 4. Prohibition of Alcohol, Drugs & Tobacco

Employees are expected to arrive at work fit to carry out their job and to be able to perform their duties safely without limitations due to the use or after-effects of alcohol and/or drugs (the use of drugs also includes the use of substances formerly known as "legal highs" or psychoactive drugs, which are legal substances which have the effect of illegal drugs).

- No non-prescription drugs can be consumed in, or brought onto, Charity premises, land, or vehicles at any time by any employee or person irrespective of their status in, or business with, the Charity.
- The prohibition of non-prescription drugs extends to all activities carried out by employees whilst they are at work. These activities include, but are not restricted to, driving on Charity business, when on call or standby duties or when on trips for Charity business, training, or social events.
- Employees who are incapable of working through the consumption of alcohol and/or drugs should be immediately removed from duty and the matter reported to their Line Manager, a member of the SMT, the HR Department.
- Employees are not obliged to work with anyone they consider to be incapable through the consumption of alcohol and/or drugs and should immediately report the matter to their Line Manager, a member of the SMT or to the HR Department.
- Employees taking prescribed drugs should inform their Line Manager, a member of the SMT or the HR Department. A risk assessment may need to be completed regarding, but not limited to, correct and secure storage of prescription drugs and side effects. All information relating to an employee's health including, but not limited to, matters involving alcohol and drugs, will be collected, held, and processed in accordance with the **Charity's Data Protection Policy**.

- 4.1 Smoking is not permitted on the Charity's premises except in certain designated outside areas. Employees may only smoke outside of the main gated entrance. Employees should only smoke before or after their shift, not during, or when working a sleep shift within residential, during official break periods with their Line Manager's consent. Smoking must always be out of the view of pupils or residents and visitors, and no uniform items should be visible. This rule also applies to Children who are smokers living within our Residential facility. Smokers must wash their hands if entering the building following a smoking break.
- All persons entering the premises are required to abide by the Charity's smoking rules. Employees must inform guests of the policy although it must be stressed that employees should not put themselves at any risk in furtherance of this policy.
  - Smoking is not permitted in any Charity vehicles or in any vehicles being used or hired for Charity business. No smoking signs must be displayed in premises and vehicles.
  - Smoking on Charity premises or in Charity vehicles constitutes an offence under the Health Act. If a member of staff does not comply with the Charity's smoking rules, disciplinary action will be taken in accordance with the **Charity's Disciplinary Policy**.
  - The Charity acknowledges that some employees may wish to make use of electronic cigarettes ("e-cigarettes") in the workplace, particularly as an aid to giving up smoking. E-

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cigarettes (sometimes also referred to as personal vaporizers (PV) or electronic nicotine delivery systems (ENDS)) are battery-powered products that release a visible vapour that contains liquid nicotine that is inhaled by the user. Although it is not a legal offence to smoke e-cigarettes in a public place, the Charity prohibits the use of e-cigarettes in the workplace. This is because, even though they do not produce smoke, e-cigarettes release a vapour that could provide an annoyance or health risk to other employees. In addition, some e-cigarette models look like real cigarettes, which makes the Charity's smoking ban difficult to police.

- Employees wishing to smoke e-cigarettes must only do so outside of the main gated entrance, during official breaks and out of the view of pupils or residents and visitors.
- The Charity recognises the difficulty that employees wishing to give up smoking may face. The HR Manager can help support employees who wish to give up smoking with details of where to seek help. All requests for help will be treated in the strictest confidence. Information will be stored and processed in accordance with the **Charity's Data Protection Policy**.
- Any child attending the Charity will be offered alternatives through smoking cessation, with an overall goal to give up smoking. Children are not permitted to bring smoking materials or nicotine products to the Charity. This includes but is not limited to cigarettes, e-cigarettes, lighters, matches or pipes.
- Young people who live in Residential will be asked to relinquish all smoking materials to staff. When it is not being used, it will be locked in a safe place as a safeguarding precaution for the other children residing in Residential.
- If you notice a colleague or child displaying any or all the symptoms associated with alcohol, drugs or tobacco, employees should encourage them to seek assistance through their Line Manager, a member of the SMT, or the HR Department and inform their Line Manager. Employees should not, under any circumstances, discuss their concerns with any other colleagues.

### 5. Legal Drugs and Prescribed Medicines - Children

- We understand that some children may require medications that have been prescribed by a doctor.
- Further guidance can be found regarding school children within the **Charity's Supporting Pupils with Medical Conditions Policy**.
- Further guidance regarding the administration of medication for our residents can be found within the **Residential Medication Policy**.

### 6. Employees, Children, and Visitors found to be Under the Influence of Alcohol or Drugs Whist on the Premises

- Employees found to be under the influence of alcohol or drugs while on the premises will be subject to disciplinary action.
- Visitors found to be under the influence of alcohol or drugs while on the premises will be escorted off site. The SMT has the authority to ban persistent offenders from the Charity.
- School children found to be under the influence of alcohol or drugs while on Charity premises will be disciplined depending on the nature of the incident, parents/carers will be informed and where appropriate the police will also be informed.
- Circumstances surrounding children found to be under the influence of alcohol or drugs who are residents will be discussed with their social worker and/or care team and where appropriate the police will also be informed.

### 7. Disciplinary Action

- Employees who breach these rules and/or are unfit or otherwise incapable for work through the consumption of alcohol or drugs or in smoking situations will be liable for disciplinary action. Sanctions may include gross misconduct and employees may face summary dismissal.
- Situations concerning young people being involved in drug and/or alcohol situations on Talbot House Children's Charity premises will be managed depending on the nature of the incident and where appropriate the police will be informed.
- Visitors involved in drug and/or alcohol situations on school premises will be banned from entering Talbot House Children's Charity premises indefinitely and where appropriate, the police will be informed.

### 8. Medical Emergencies

- In any medical emergency, a trained first aider will be summoned. An Employee will remain with the individual/casualty until the trained first aider arrives. Following assessment by the first aider, a decision will be made to ascertain whether an ambulance should be called.
- Any observers including children will be removed from the immediate area as soon as is reasonably practicable.
- Emergency contacts will be informed and if the medical emergency involves a child or children their parents/carer/social worker/care team will be contacted and advised of the incident.
- If a child is felt to be at risk, the **Child Protection and Safeguarding Policy** will come into effect and children's services may need to be contacted.
- All accidents and incidents, including near misses or dangerous occurrences, will be reported as soon as possible following the **Charity's Health and Safety Policy**.

### 9. Policy Review

This policy is non-contractual and is subject to review in line with changes to legislation. This policy may be subject to review prior to the date shown if deemed necessary. The HR Department will be responsible for reviewing this policy.



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I have read, understood and acknowledge this Policy and will endeavour to follow the guidance outlined within.

Print name: \_\_\_\_\_

Job Title: \_\_\_\_\_

Department: \_\_\_\_\_

Sign: \_\_\_\_\_

Date: \_\_\_\_\_

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Please complete full details above, once complete please return to the HR Department within 5 working days.

Please do not hesitate to contact me should you have any questions.

HR Department

Talbot House Children's Charity