

Safeguarding and Welfare Requirement: Suitable People

Providers must ensure that people looking after children are suitable to fulfil the requirements of their roles.

55 Alcohol or substance abuse



Policy statement

Alcohol & Drugs

The misuse of alcohol and illegal drugs has become an increasing problem in society affecting both individuals and business alike.

Therefore the nursery is committed to providing an environment that is safe for all employees, children and visitors so that every employee can carry out their jobs and fulfil their responsibilities unhindered by threats or accidents caused through other employee's abuse of illegal drugs or other substances or abuse of alcohol.

This policy document contains health and safety information on the dangers of excessive alcohol consumption, the taking of illegal drugs and substance abuse. Our policy on alcohol and illegal drugs misuse, which includes the requirement for workplace screening to detect the presence of alcohol or illegal drugs, reflects our overall concern for health and safety, and it is in this connection that this policy will be an express term of our contract of employment.

There is a belief by many that what people do outside of working hours is their own concern and does not affect their working lives. But drugs, alcohol and other substances continue to affect behaviour long after consumption. The Health & Safety at Work Act states clearly that it is the responsibility of all employees to take care to protect themselves and others affected by their actions. This makes it a workplace issue.

The misuse of these substances therefore has the potential to impact upon the health and welfare of all our employees, their performance and motivation, thereby affecting the safety of the children in our care.

It is the responsibility of everyone to ensure that the nursery remains a safe environment in which to work and care for children.

We recognise that some individuals may be dependent on alcohol or illegal drugs or other substances. We will help arrange counselling or refer individuals to external agencies.

However this is clearly defined within this policy document.

Purpose

The purpose of this policy is two-fold.

A) Health & Safety awareness

B) To increase awareness of the health risks associated with alcohol or drug abuse, to improve general health and decrease the levels of absence arising from alcohol and drug misuse.

Scope

The policy is designed to prevent the presence of alcohol in an employee's body in excess of the legal limit as defined by the Road Traffic Act (80mg% blood alcohol content, which would lead to prosecution under the Road Traffic Act). The cut off level for drugs is designed to identify levels of drug metabolites in the system, which demonstrate active drug use.

This policy will apply to all employees whose misuse of alcohol or drugs, in the opinion of management, interferes with their work. This will be determined as either poor performance, or workplace relationship issues. This policy will also apply to all contractors or agency staff.

Alcohol/drug misuse is defined as any circumstance in which a person's consumption of alcohol/drugs, whether through continual or intermittent use, causes physical, psychological or social dependence or harm to the individual leading to deterioration in work, performance or health, or becomes a danger to others.

This does not affect social drinking in so far as prohibiting social activity. However individuals who are under the influence of drink, drugs or other substances as a result of taking such substances outside of work will be subject to the contents and consequences of this policy document.

The policy does not apply to the taking of drugs prescribed by a medical practitioner. However, drugs prescribed by a practitioner or purchased over the counter can also be a concern because they can impair mental or physical performance whilst driving or operating machinery. Employees who have been prescribed drugs should keep them in a safe place, and not allow access to any other individual, except where the reason for disclosure is a drug which must be administered in the event of a seizure, fit, coma or other life-threatening situation. In such circumstances the details and purpose of such drugs must be disclosed to the employee's manager. All drugs must be kept in their original container, with the date, prescribing authorised dispensing practitioner's details visible. This must also include details of the dispensing chemist or hospital. Any employee taking medication, which may affect work performance, must notify their manager before starting work. Any restrictions and reasons for such restrictions will be discussed with the individual.

What happens when drinking alcohol

Alcohol is a social activity, which for a vast majority of people need not cause a problem. However to some individuals the risks associated with frequent excessive drinking can be considerable.

The UK Government guidance on drinking highlights the following:

- Before or during driving
- Before using machinery, electrical equipment or ladders
- Before working or in the workplace when appropriate functioning would be adversely affected by alcohol. The blood alcohol concentration of different people after consuming drink will vary widely. There are various reasons for this, including body weight, as lighter people are more easily intoxicated than heavier ones.

Women are affected more than males of a similar weight because of the concentration of blood.

Alcohol in a woman will be slightly higher, since women have more fat tissue and less water in the body - this causes alcohol to be absorbed at a faster rate. During pre-menstruation and ovulatory stages, absorption will be quicker.

Know your drinks

It is important that you know how much alcohol you are drinking and the effects, including how long it takes to eliminate alcohol from the body.

How is alcohol intake measured? -

Alcohol intake is measured in terms of units; the following drinks contain about one unit of alcohol:

- Half a pint of beer
- A single measure of spirit
- A glass of wine, sherry or aperitif

How quickly does the body eliminate alcohol?

One hour = one unit.

No matter how fast we drink our bodies eliminate alcohol at a rate of about one unit per hour.

This means if someone drank 2 pints of ordinary strength beer at lunchtime or half a bottle of wine (i.e. 4 units), they will have alcohol in their bloodstream 3 hours later. Similarly, if someone drinks heavily in the evening they may still be over the limit the following morning.

Even when blood alcohol concentration is lower than the legal drink/driving limit, alcohol reduces physical co-ordination and reaction speeds. It also affects thinking, judgement and mood. People may feel more relaxed and less inhibited after a couple of drinks, but getting drunk can lead to fights, arguments or other mood swings, including depression in some individuals. Large amounts of alcohol in one session can put a strain not just on the liver but also on other parts of the body as well, including muscle function and stamina. After getting drunk you should avoid alcohol for a period of 48 hours to give your body tissue time to recover. However this is a short-term measure and people whose pattern of drinking places them at significant risk should seek professional help.

Long-term effects

- Raised blood pressure resulting in possible stroke or coronary heart disease
- Risk of liver damage • Cirrhosis of the liver • Cancer of the mouth and throat
- Psychological and emotional problems

Daily Benchmarks

The following benchmarks are a guide to how much adult women and men can drink daily without putting their health at risk. They apply whether you drink every day, once or twice a week, or occasionally. There are times and circumstances when it makes sense not to drink at all.

Men

- If you drink between 3 and 4 units per day or less there is no significant risk to your health.
- If you consistently drink 4 or more units per day, there is an increased risk to your health.

Women

- If you drink between 2 and 3 units a day or less there are no significant risks to your health.
- If you consistently drink 3 or more units a day there is an increasing risk to your health.

Studies show that people who regularly drink small amounts of alcohol tend to live longer than people who do not drink.

The main reason is that alcohol gives protection against the development of coronary heart disease. However, this protective effect is only significant when people reach a stage of life when there is a risk of coronary heart disease. For men this is the age of 40. For women it is after the menopause.

The benefits come from drinking only small amounts of alcohol fairly and regularly i.e. between 1 and 2 units per day. No overall additional benefit comes from drinking more than two units per day, or from drinking a particular type of drink (e.g. red wine).

Drugs

Effects on the Individual

All drugs are potentially harmful or habit-forming, and some are addictive. Drug misuse affects all sections of society and those involved do not conform to any stereotype. Drug users come from all types of background. Some may feel that the issue of drugs and substance abuse is not a work related problem. However the effects that such substances have can cause accidents and give rise to such behaviour that can cause lasting problems within teams or on a one to one basis. Job performance, efficiency and productivity can all be affected by the misuse of drugs. It is not unknown for individuals to resort to theft from colleagues in order to fund their need for drugs.

The effects of drugs

Drugs can affect the brain in a number of ways. They can alter the way a person thinks, perceives and feels, and this can lead to either impaired judgement or concentration. Drug misuse can also bring about a change in personal hygiene and general health. This may cause poor performance at work.

Signs of drug misuse

- Sudden mood changes
- Unusual irritability or aggression
- A tendency to become confused
- Abnormal fluctuations in concentration and energy
- Impaired job performance and poor time-keeping
- Increased short-term absences
- A deterioration in relationships with colleagues, customers or management
- Dishonesty and theft

There could however be reasons which are not drug related that need to be investigated, such as stress, which could lead to some of these behavioural problems.

The legal position

The nursery has a general duty under the Health & Safety at Work Act 1974 (HSW) to ensure as far as is reasonably practicable, the health, safety and welfare at work of employees. Individual employees could also be prosecuted under this legislation. There is also a duty under the Management of Health & Safety Regulations 1992 to assess the risks to health and safety of employees. If we were knowingly to allow an employee under the influence of alcohol, drugs or any other substance to continue working, we could be prosecuted. Employees also need to take reasonable care of themselves and others who could be affected by what they do at work.

The Road Traffic Act 1988

This states that any person, when driving or attempting to drive a motor vehicle on a road or public place, is unfit to drive through drink or drugs will be guilty of an offence. An offence is committed if a person is unfit through drink and drugs and in charge of a motor vehicle in the same circumstances.

Misuse of Drugs Act 1971

The Act makes the production, supply and possession of controlled drugs unlawful except in certain circumstances (for example, when they have been prescribed by a doctor). If you knowingly permit the production or supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on business premises, disciplinary action and possibly a prosecution will follow. Individuals who allow others to take such substances in their own homes also risk prosecution.

The Act lists the drugs that are subject to control and classifies them in three categories according to their relative harmfulness when misused.

Class A Includes ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of class B drugs

Class B Includes oral preparations of amphetamines, barbiturates and codeine and methaqualone (Mandrax)

Class C Includes cannabis resin, most benzodiazepines (e.g. Temazepam, Valium), and other less harmful drugs of the amphetamine group and anabolic steroids

Procedures

Rules concerning Use of Alcohol and Illegal Drugs

During working hours, on call time or whilst on our property, the nursery is concerned with the welfare of all its employees and the safety of all employees and visitors. Alcohol and other substances can have a lasting effect and employees should therefore pay particular attention to any use in the evenings prior to commencing work the next day. In addition to this, members of staff are reminded that the possession of certain substances is illegal. We therefore have the following rules concerning the consumption of alcohol/taking of drugs before work, whilst at work and returning to work after breaks.

Rules

- Alcohol will not be consumed during working hours or during lunch breaks
- Alcohol must never be consumed on the premises by a member of staff or volunteer during their working hours.
- No alcohol should be brought on to the premises, unless with the permission of the manager. Where alcohol is brought on to the premises it must be stored out of sight and reach of the children.
- When working directly with the children, practitioners must not be under the influence of alcohol or any other substance which may affect their abilities.
- If a member of staff suspects that another member of staff or volunteer is under the influence, they must immediately raise this concern with the officer in charge in order that appropriate steps are taken.
- If it is found that a member of staff is working under the influence they will be immediately removed from the group, and either taken home or an emergency contact called to collect them.
- The Local Area Designated Officer will be informed of the situation, as well as Ofsted.

- When the staff member is no longer under the influence a disciplinary meeting will be convened the outcome of the meeting will either be support and help and/or suspension from duty/ a warning/ termination of employment.
- If illegal substances are found in the possession of a member of staff during working hours the police will be called, along with the Local Authority Designated Officer and Ofsted and their advice sought.
- Staff are obliged to present themselves for work in an appropriate condition at the start of the working day / night and after breaks, without the presence of alcohol or drugs / substances in their bodies. Alcohol limits for this policy are as defined in the Road Traffic Act and drugs are as defined in the Misuse of Drugs Act

Any breach of the above rules will be dealt with under the Company's disciplinary procedures and may result in an employee's dismissal.

The purpose of screening

Workplace screening is a part of the overall health and safety policy of the nursery and is the process whereby persons would provide a breath or urine sample for analysis with the specific aim of determining whether any substance is present in the body. The screening process will detect whether a person has taken alcohol or drugs before arriving for work. Workplace screening will occur on the following occasions; pre-employment, post incident and behaviour that gives reasonable suspicion that an individual may be under the influence of alcohol drugs or other substances.

Where the employee is connected to any accident at work resulting in physical injury to himself / herself or to another person, persons or damage to property, management reserves the right to ask the individual to be screened.

Screening for alcohol may involve the employee being asked to take a breathalyser test administered by a member of staff who has been trained to undertake such tests.

The employee will be given written confirmation of the test results. Refusal to undertake such a test will be taken into account in assessing any disciplinary action.

Alternatively, a specialist testing agency may be involved.

Behaviour

Reasons for testing

When a manager has reasonable grounds to believe that an individual is under the influence of alcohol or drugs, which is affecting the behaviour of the individual.

Reasonable grounds for belief (This list is not conclusive)

- a) Where during working hours the employee is observed to be mentally or physically impaired and is deemed to be unable to perform work in a safe or productive manner
 - b) Where an employee's manager has reason to believe alcohol or drug misuse may be responsible for unsatisfactory work performance or attendance
 - c) If the manager believes that performance or attendance problems are caused through alcohol, drug or substance abuse, the individual will be referred to an independent doctor
 - d) Where an employee is involved in any fight, uses threatening behaviour or language, or is found asleep on the job
 - e) Evidence of alcohol or illegal drugs detected on nursery premises and found, or with reasonable belief associated with an individual, e.g. silver foil wrappers, syringes or drugs
- Any employee requested to submit to the screening procedure for the reasons stated above, for the purpose of an analytical test to detect the presence of alcohol/drugs or any other substance, will be suspended on full pay until the results are concluded.

Screening

Pre-employment

Candidates selected for senior appointment will be screened for drugs. Any candidate who refuses to be tested will automatically be barred from employment. Any candidate who tests positive will be refused employment.

Post incident testing

This screening will take place where there has been an accident or serious 'near-miss' situation. The purpose of this test is to give the employee the opportunity to confirm that alcohol or drugs were not a contributory factor with regard to the incident.

Behavioural or appearance

This screening will occur when with reasonable cause a manager suspects that an employee is unfit for work through alcohol or drugs whilst working or on nursery premises. Employees on call are also subject to testing.

Alcohol & drug screening (ensuring objectivity)

The chain of custody

To make absolutely sure that no individual is subject to unfair testing, an independent specialist, e.g. The Forensic Science Service or another agency, carries out all testing. The sequence of testing is as follows:

Trained collecting officer (External specialist from FSS or other appointed agency)

- 1) Identifies donor
- 2) Collects sample
- 3) Transferred in sealed container and sent to laboratory

Trained laboratory staff

Analyse sample for the following:

- Amphetamines (including ecstasy, and amphetamine sulphate)
- Benzodiazepines (including temazepan and valium)
- Cannabis
- Cocaine
- Opiates (including heroin, morphine, codeine and dihydrocodeine)
- Alcohol (breath testing is also used)

Adulteration testing

It is not unknown for users to attempt to fool the testing procedures by adding substances which they believe will alter the sample, to dilute it or swap their sample during the collection process. The collection process is designed to minimise the risks of a donor adulterating his/her sample.

Laboratory process

On arrival at the laboratory, the specimens and their packaging are examined to check that they have not been tampered with and that the security seals are intact. One of the urine samples is opened for analysis. The urine is subject to further analysis to exclude adulteration and screened for the presence of drugs using immunoassay-screening tests. If the immunoassay tests prove negative, the analysis is terminated and a negative result is produced and referred to the nursery. If a positive immunoassay screening test is given by a second aliquot sample of urine, a specific analytical process known as gas chromatography / mass spectrometry is run.

Reporting test results

All test results will be forwarded directly to the nursery. Appropriate action will then be taken.

Rehabilitation and assistance programme

The nursery will endeavour to assist any employee suffering from alcohol or drug misuse, in exactly the same way as we would treat an individual who is suffering from a serious health condition.

The identification of staff with alcohol / drug misuse problems will most probably come from one of the following sources:

- The manager recognises that an individual is not performing at work, or are neglecting themselves. After consultation with the employee counselling will be offered
- Absence and punctuality indicate that there may be an underlying problem with alcohol / drug misuse
- An employee asks voluntarily for support, in such circumstances employees can seek support by directly contacting their manager
- Disciplinary issues may also result in referral to outside assistance

All employees will be offered the opportunity to explain their actions and given help to improve their levels of performance / attendance with no recurrence of their original problem.

During the process of therapy, staff whose condition seriously affects their job function will be offered alternative work if practicable. This will be on a temporary basis whilst treatment is considered, and the evaluation of treatment once given.

Safeguarding/child protection

If a parent/carer is clearly over the alcohol limit, or under the influence of illegal drugs and it is believed the child is at risk, we will follow our safeguarding/child protection procedures, contact the local authority children's social care team and the police.

Staff will do their utmost to prevent a child from travelling in a vehicle driven by them and if necessary, the police will be called.

Where an illegal act is suspected to have taken place, the police will be called.

Legal framework

- Health & Safety at Work Act 1974 (HSW)
- The Road Traffic Act 1988
- Misuse of Drugs Act 1971

Further guidance

- Health and Safety Regulation...A Short Guide (HSE 2003)

This policy was adopted on	Signed on behalf of the nursery	Date for review
<i>June 2023</i>	<i>Stewart Hendry</i>	<i>June 2024</i>