



Te One School

Currently under review

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About the review process ⓘ

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Staff Breaches of the Alcohol, Drugs, and Other Harmful Substances Policy

For smoking and vaping, see [Smokefree and Vapefree](#).

At Te One School, the board must do what is reasonably practicable to ensure the health, safety, and welfare of workers (Health and Safety at Work Act 2015, s 36). This includes minimising any risk of harm associated with alcohol, drugs, or other harmful substances. A staff breach of the **Alcohol, Drugs, and Other Harmful Substances Policy** is a significant health and safety risk for the school. The school responds to staff breaches to ensure a physically and emotionally safe place for all students and staff (Education and Training Act 2020, s 127). We follow our privacy guidelines at all times.

What constitutes a breach

A staff breach of the Alcohol, Drugs, and Other Harmful Substances Policy involves being at risk of impairment by alcohol, drugs, and other harmful substances while on school grounds or during school-related activities. This includes consuming alcohol, drugs, or other harmful substances before or during school-related activities, or possessing alcohol, drugs, and other harmful substances (including related items such as pipes) while on school grounds. See the **Policy requirements** in **Alcohol, Drugs, and Other Harmful Substances Policy**.

A breach may also include:

- supplying alcohol, drugs, or other harmful substances to a student or under age person
- refusal to agree to a search of personal property, with no satisfactory explanation
- failure to disclose using medication (prescribed or otherwise) that may create a safety risk
- admission of alcohol and/or drug use during a disciplinary process.

Self-disclosure prior to an investigation is generally treated differently than a breach. See **Staff** in **Alcohol, Drugs, and Other Harmful Substances Policy**.

Staff must not attend school or school-related activities where there is a risk that they are impaired due to having consumed or used alcohol, drugs, or other harmful substances before school or any school-related activity.

Responding to possible breaches

Te One School responds to possible breaches on a case-by-case basis. If there are reasonable grounds to suspect that a staff member is in breach of the policy based on one or more indicators, the school may use a two-person observation system where two people confirm they have observed the indicators.

Possible breaches may be identified by indicators such as:

- observable ► **behaviours or symptoms** that may suggest possible alcohol, drug, and/or harmful substance use
- reports from a credible source, including someone witnessing a staff member using or possessing alcohol, drugs, or other harmful substances (or related items such as pipes) at school
- accident or injury (including near misses) – see **Recording and Reporting Accidents, Injuries, and Illness**.

The principal (or their delegate) investigates any possible breaches of the policy. This may involve consulting directly with the staff member to allow them to respond before determining next steps.

If a formal complaint or serious allegation has been made by a member of the school community or is implemented by the principal (or their delegate) after an informal discussion with the staff member, we follow the appropriate procedures. See **Assessing and Responding to Concerns and Complaints**.

Searches

Searches are only carried out if considered essential as a result of a serious allegation. Physical evidence may not be needed to conclude that a staff member is in breach of the policy, and any evidence obtained from a search must be obtained correctly so it can be admissible in a disciplinary and/or legal setting. We may seek legal advice before conducting a search to ensure it is actioned with caution, in a fair and safe way that protects the privacy of the staff member in keeping with the Privacy Act 2020.

The school reserves the right to conduct searches of school property for alcohol, drugs, and other harmful substances (including related items such as pipes). This may include lockers, filing cabinets, desks, cupboards, lockboxes, site storage, and school vehicles.

If we determine that there are reasonable grounds to request a search of personal property at school (e.g. staff bags and vehicles), we conduct the search with the sole purpose of searching for alcohol, drugs, and/or harmful substances (including related items such as pipes). The extent of any search depends on the circumstances. Any searches are conducted with due care and consideration of privacy and dignity. The staff member is given the opportunity to be present during the search, unless there are exceptional circumstances where this is not practical.

If a search of personal property has been requested based on reasonable grounds, a refusal to agree to a search with no satisfactory explanation is considered a breach of the policy. In these circumstances, we do not proceed with a search but instead follow the process for managing known breaches.

Managing known breaches

An informal discussion, formal complaint, or serious allegation investigation may determine that a breach of the Alcohol, Drugs, and Other Harmful Substances Policy has a satisfactory explanation, or that it requires action. Te One School may:

- offer support and rehabilitation
- ensure the employee remains away from the workplace by mutual agreement (if an agreement cannot be reached, Te One School may suspend the employee)

- take disciplinary action, up to and including dismissal for misconduct or serious misconduct
- take other actions, as appropriate.

Any school actions may be subject to conditions set by the Teaching Council.

All incidents of serious misconduct by teaching staff, including any risk of **impairment** by alcohol, drugs, or other harmful substances while responsible for the care or welfare of a student or a group of students, must be reported to the Teaching Council of Aotearoa New Zealand. See [Reporting a concern](#) 

Support and rehabilitation

Although the school is not required to offer support and rehabilitation, Te One School is guided by the Teaching Council and any legal rulings in determining appropriate support and rehabilitation.

Support and rehabilitation may include staff leave and/or access to available education and/or support services (e.g. counselling, alcohol and drug rehabilitation programme).

A return to work may be conditional on the successful completion of a course of treatment and approval by a nominated medical practitioner, or other conditions set out by the Teaching Council or the courts. It may also include alcohol and/or drug testing if requested by the courts or the Teaching Council.

Recording concerns and breaches

We record details about the breach and any resulting actions, as appropriate. We follow our [Privacy Policy](#) at all times.

Related policies

- [Staff Wellbeing and Safety](#)
- [Staff Conduct](#)
- [Concerns and Complaints Policy](#)
- [Privacy Policy](#)
- [Sharing Student Personal Information with External Agencies](#)
- [Ending Employment](#)
- [Education Outside the Classroom \(EOTC\)](#)
- [Risk Management](#)

Legislation

- Education and Training Act 2020
- Teaching Council Amendment Rules 2023
- Health and Safety at Work Act 2015
- Employment Relations 2000
- Privacy Act 2020

Resources

- Teaching Council of Aotearoa New Zealand: [Conduct concerns](#)  Employment New Zealand: [Drugs, alcohol and work](#) 
- WorkSafe | Mahi Haumarua Aotearoa: [Impairment and testing for drugs at work](#) 

SchoolDocs appreciates the input of Rebecca Laney, associate at Anderson Lloyd Dunedin, in the legal review of this policy.

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