



DRUGS AND ALCOHOL POLICY

July 2024
Adopted from Hackney Learning Trust - last updated October 2015

About this policy

Purpose

This chapter describes the Drug and Alcohol policy. Refer to the table of contents, below, for a full list of topics covered.

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Version control

The table below shows the history of the document and the changes that were made at each version:

Version	Date	Summary of changes
1.0	July 2008	First published version.
2.0	April 2010	Removed reference to self-referrals to the Occupational Health Service (OHS) and removed incorrect address details for the OHS.
3.0	October 2015	Update TLT to HLT, removed links to Trustnet and updated contact details.

Distribution

This policy is available on Hackney Learning Trust's website.

1. Policy Statement

Drug and alcohol abuse can contribute to accidents and ill health at work and can seriously impair judgement and physical coordination. The charity Alcohol Concern estimates that up to one third of serious accidents are drink-related. In safety-sensitive jobs such as driving or operating machinery, drinking even small quantities of alcohol will significantly increase the risk of an accident.

Drug and alcohol abuse can also affect co-workers' morale and productivity and damage the public image of an organisation.

The school provides a wide range of services affecting thousands of people. Our customers, business partners and co-workers must have complete confidence in the ability of our employees to carry out their duties safely and responsibly. For the reasons outlined above, the school is taking a zero tolerance approach to drug and alcohol abuse.

The Headteacher may wish to delegate line management responsibilities to their nominated management representative and in such cases any reference to Headteacher in this policy should be taken as the nominated management representative.

The objectives of this policy are:

- Provide information on the school's position with regard to drug and alcohol use.
- Help ensure the school meets its legal duty to employ only competent, safety-conscious employees.
- Demonstrate the school's commitment to health promotion and provide help and support to those seeking it.

2. Legal Position

The school has a legal duty to take steps to ensure its employees and other representatives are not under the influence of alcohol or illicit drugs during their working hours. This comes from an employer's criminal and common law duties. Under the Health and Safety at Work Act 1974, employers have a duty to provide competent and safety-conscious employees. This closely follows the employer's common law duty to recruit and retain competent employees.

Employees have a legal duty to discharge their responsibilities in a mature and safe manner in order to comply with:

- Their criminal law duties under the Health and Safety at Work Act 1974.
- Their common law duty to take reasonable care of others.

3. Scope

This policy applies to employees of the School at all levels, including volunteers and the Governing body.

4. Definitions

In relation to this policy the following definitions apply:

- **Under the influence**
The term “under the influence” refers to the obvious impairment of physical and/or mental ability. (See
- *Appendix 1 - Flowchart of [Support and Process](#)*

Appendix 2 - Employing Ex-Substance Users – Risk Assessment

Issues	Reasons
Are they competent to do the job?	This must be the main driver behind any recruitment.
What is this individual's history of drug misuse versus what is the type of work they will be undertaking?	Assessment is required to ascertain whether their individual history will have a detrimental effect on the work or the people they will be interacting with. The key is to treat each person and the case as an individual rather than follow a blanket rule. Will they be interacting with the public? What is your customer base?
Are they on medication?	Prescribed medicines could affect performance in some kinds of work. Medical advice should be sought where the individual is prescribed medication in relation to their drug misuse (such as methadone).
Are there any other legal issues to consider?	If driving is part of the job, it should be noted that individuals must inform the DVLA of any medical condition that may affect fitness to drive (including dependence on or misuse of drugs/alcohol in the past three years). Has the individual a criminal record in relation to their substance misuse? (If yes then this issue would need to be considered separately.)
Are there any insurance issues to consider?	Organisations should check their individual policies if appropriate.
Will there be a phased induction to the work (such as gradual increase of hours)?	Employees may find this helpful as part of their induction, especially if they have been out of work for some time.
Will there be comprehensive induction?	Employees who have been away from work for some time may need a more comprehensive induction to gain confidence.
Will there be adequate supervision?	Employers need to monitor and manage any risk and to ensure the employee is given sufficient and appropriate information and assistance on a regular basis.
Is there a clear policy on drug and alcohol use in the workplace?	Employees need to know what is expected from them.
Is there an employee assistance programme in place?	Employees need to know how to seek help if needed.

- **Appendix 3 - Signs of Alcohol and Drug Intoxication**, on page 12). In some cases, stricter standards will apply. For instance, legal limits apply to anybody driving a vehicle.
- **Alcohol**
Any beverage which contains ethyl alcohol, including beer, wine, liqueurs, and spirits. Very low alcohol products (e.g. beer with 0.5% alcohol by volume) are included in this definition.
- **Illicit drugs**
Drugs which cannot be legally possessed under UK law, including a wide range of street drugs (e.g. cannabis, cocaine, LSD, heroin) and prescription drugs obtained without a physician's script. In this policy the term will also be used in relation to the misuse of substances which are not themselves illegal, e.g. solvents.
- **Prescription drugs**
Drugs which have been legally obtained with a physician's script and are being used for the purposes for which they were prescribed or manufactured.

5. General Principles

- No employee shall report for duty or be at the school or other work-related premises whilst under the influence of alcohol or illicit drugs.
- Employees shall not attend work involving any contact with customers and children while smelling of alcohol. Employees who are 'on call' or standby must not be under the influence of alcohol or illicit drugs or take alcohol or illicit drugs for the period of time they are on call.
- Employees who are essential or casual car users, or whose work involves driving The Learning Trust vehicles, should ensure that they exercise restraint and act responsibly whenever they are drinking alcohol, so that they are free from its effects when the time comes to start work.
- In accordance with the previous point, employees who drive for the purposes of undertaking School business are advised to avoid consuming alcohol during breaks and lunch periods or drinking heavily the night before. The school reserves the right to refer employees to the Occupational Health Service for drugs and alcohol testing.
- Where an accident occurs as a result of an employee's negligence, (in so far as their impairment through alcohol or illicit drugs is shown to be a contributory cause of the accident), then the school may seek to recover any third party damages from the negligent employee.
- Employees shall not be in possession of, or use illicit drugs when reporting for duty or whilst at work at the school or other work-related premises.

- Employees shall not report for work or duty or be at work in any school or other work-related premises whilst impaired by prescription drugs or over the counter drugs to the extent that the drugs' influence on that person may affect the safety of others.
- Employees who are clearly under the influence of alcohol or illicit drugs shall be immediately relieved of duty, and dealt with via the relevant Disciplinary procedures. (See *Disciplinary Action*, on page 10).
- No person shall keep alcohol or illicit drugs in school premises or vehicle.

A breach of this policy may result in disciplinary action being taken against the individual concerned.

6. Roles and Responsibilities

6.1. The role of employees

Employees must at all times be capable of carrying out their duties in a safe and responsible manner. Working safely and responsibly is a contractual duty of employment, but it is also a legal requirement, as explained in Section 7 of the Health and Safety at Work Act 1974. Employees may be held personally liable for the effects that their acts or omissions have on others whilst at work.

Working safely and responsibly means being free from the influence of alcohol or illicit drugs. Employees who have an alcohol or drug related problem, or suspect that they may have, should seek assistance at an early stage by approaching their Headteacher or senior staff, or if they prefer, a member of HR. An appointment with the Occupational Health Service may be made through HR. The help offered will be confidential and the situation will be handled in a sympathetic manner. To ignore a problem at an early stage may lead to greater problems in the future.

Note: For further information refer to the information about Hackney's Drug Action Team on their website (www.hackneydaat.org.uk). This provides details of local specialist services, including alcohol services.

Employees who suspect that a colleague may have an alcohol or drug related problem should encourage that person to seek assistance. If concern continues, the employee should discuss the matter in confidence with the Headteacher or senior staff, or a member of HR. Ignoring a colleague's problem through a sense of personal loyalty is ultimately not in that person's best interests. In some cases, such as with teachers or transport drivers, it may also jeopardise the safety of the pupils, or clients, in that person's care.

6.2 The role of Headteachers (or nominated representative), governors and senior staff

It is the responsibility of the Headteacher (or Nominated representative) to ensure that this policy is brought to the attention of all staff and that they fully understand its content. This includes employees on medium- or long-term sickness absence as well as those on maternity leave.

The Headteacher (or Nominated representative), will be responsible for ensuring that no person in their team is allowed to start work whilst under the influence of alcohol or illicit drugs.

The Headteacher (or Nominated representative) must be alert to early indicators of a potential problem.

Appendix 2 - Employing Ex-Substance Users – Risk Assessment

Issues	Reasons
Are they competent to do the job?	This must be the main driver behind any recruitment.
What is this individual's history of drug misuse versus what is the type of work they will be undertaking?	Assessment is required to ascertain whether their individual history will have a detrimental effect on the work or the people they will be interacting with. The key is to treat each person and the case as an individual rather than follow a blanket rule. Will they be interacting with the public? What is your customer base?
Are they on medication?	Prescribed medicines could affect performance in some kinds of work. Medical advice should be sought where the individual is prescribed medication in relation to their drug misuse (such as methadone).
Are there any other legal issues to consider?	If driving is part of the job, it should be noted that individuals must inform the DVLA of any medical condition that may affect fitness to drive (including dependence on or misuse of drugs/alcohol in the past three years). Has the individual a criminal record in relation to their substance misuse? (If yes then this issue would need to be considered separately.)
Are there any insurance issues to consider?	Organisations should check their individual policies if appropriate.
Will there be a phased induction to the work (such as gradual increase of hours)?	Employees may find this helpful as part of their induction, especially if they have been out of work for some time.
Will there be comprehensive induction?	Employees who have been away from work for some time may need a more comprehensive induction to gain confidence.
Will there be adequate supervision?	Employers need to monitor and manage any risk and to ensure the employee is given sufficient and appropriate information and assistance on a regular basis.
Is there a clear policy on drug and alcohol use in the workplace?	Employees need to know what is expected from them.
Is there an employee assistance programme in place?	Employees need to know how to seek help if needed.

Appendix 3 - Signs of Alcohol and Drug Intoxication, on page 12 contains a list of indicators which may suggest that an employee has an alcohol or drug related problem.

The Headteacher (or Nominated representative) will offer advice and help in a professional and non-judgemental manner, and where necessary will refer employees to the school's Occupational Health Service provider.

The Headteacher (or Nominated representative) will facilitate health promotion activities, including supporting national campaigns related to alcohol and drug misuse. The school has a representative on Hackney's Drug Action Team (DAT) who can provide access to advice and support. The DAT has a training brochure which can be accessed on line. Courses are free and open to all Learning Trust and school staff.

The Headteacher (or Nominated representative) will deal with one-off incidents/problems e.g. a person coming into work smelling of alcohol or under the influence of drugs, as per the initial stage of the disciplinary procedure. The first stage would be for a suitably senior colleague to verify the smell of alcohol. A member of staff smelling of alcohol will be instructed to withdraw from work with customers and children and either sent home or advised to work in an office while the Headteacher (or Nominated representative) considers appropriate action in consultation with the HR Business Partner. The Headteacher (or Nominated representative) should meet with the member of staff and ask the member of staff if there is a problem at work, outside of work or with alcohol or drugs. Initial discussion and support with the member of staff can act as an early prompt in addressing the matter. If violent or aggressive behaviour is evident or the employee refuses to leave the premises, contact can be made with the police via the Safer Schools team.

6.3 The role of Human Resources providers

Human Resources Providers will provide high level advice and guidance on the Drugs and Alcohol Policy and Procedures to Headteachers (or their nominated representative).

6.4 The role of the Occupational Health Service

- To offer advice, guidance and encouragement to employees and Headteachers in the practical application of this policy.
- To refer individual employees to specialist agencies where appropriate.
- To remain involved with any agreed recovery programme, providing a liaison between employee, Headteacher, General Practitioner and specialist agencies.
- To encourage the early identification of problems by raising the awareness of alcohol and drug related problems and participating in health promotion activities.

6.5 The role of employee representatives and Trade Unions

Employee representatives will encourage employees to comply with this policy, and where necessary, to seek assistance and use the support available.

A representative may attend discussions with the Headteacher (or nominated management representative) where the employee requests this.

7. Procedures

7.1 Employees

An employee with an alcohol or drug related problem should seek advice as soon as possible. This may be done as follows:

- The employee may approach their Headteacher or senior manager who will handle the request for help in a professional and confidential manner.
- Where an employee does not wish to discuss the problem with their Headteacher or senior manager, an approach may be made directly to the Hackney Learning Trust's Human Resources Team who may, with the employee's agreement, make a referral to the Occupational Health Service or specialist support agency.
- Alternatively, an employee may wish to directly approach an outside agency for help e.g. their General Practitioner or a specialist support agency.

7.2 Work colleagues

If an employee suspects that a fellow worker has a problem, they should ask that colleague to seek advice. If the colleague refuses to seek advice and the employee remains concerned about them, then the matter should be discussed with the Headteacher, senior manager or HR Team.

Any individual who has reasonable cause to believe that an employee is in violation of any provision outlined in this document, shall report this immediately to their supervisor. Where the individual believed to be in violation is the Headteacher, the report shall be made to the Chair of Governors.

7.3 Headteacher (or nominated management representative)

If a Headteacher (or nominated management representative) is approached by an employee who is concerned about a co-worker, then that Headteacher (or nominated representative) should discuss their concerns with the employee. The employee may be accompanied by a staff representative or work colleague of their choice.

If the Headteacher (or nominated management representative) is satisfied that there is a problem they must ensure that action is taken and a formal action plan drawn up. This action plan will consider whether the individual can be supported at work, or whether they should be removed from the work area.

Discussions should be conducted in confidence and confined to aspects of work performance and behaviour. No attempts should be made to diagnose - the employee should be encouraged to seek skilled help. If the employee accepts the need for skilled help, the Headteacher (or nominated representative) should refer the employee to HR. If the employee, for whatever reason, does not wish to seek advice from the Occupational Health Service, they should be encouraged to go directly to their General Practitioner or a specialist agency.

If the employee denies that there is a problem, the Headteacher (or nominated representative) should refer the employee to the Occupational Health Service and encourage them to seek advice via the Employee Assistance Programme, employee representative/ trade union, or by contacting their GP or support agency. In all cases the Headteacher (or nominated representative) must continue to monitor conduct and work performance.

If the Headteacher (or nominated representative) is of the opinion that the individual is impaired to such a degree that they will not be able to drive home safely, then the Headteacher (or management representative) should arrange transportation by taxi or other safe option. If the individual refuses the offer of safe transportation and drives or attempts to drive themselves, and if the Headteacher (or nominated representative) is of the opinion that such action represents a threat to public safety, then the Headteacher (or nominated representative) will alert the proper authorities.

8. Recovery Programme

A recovery programme may be drawn up between the OH Service and the General Practitioner. This will provide a planned programme for the employee to follow in order to overcome their particular drug or alcohol related problem.

If a recovery programme is accepted by an employee, the elements of the programme requiring the co-operation of the Headteacher (or nominated representative) and the Occupational Health Service should be discussed with all parties to ensure that they can give their full support. The Headteacher (or nominated representative) can only help if they are made aware of the need for support.

Where an employee undertakes a recovery programme involving absence from work, such absences should be regarded as equivalent to a loss of time within the sickness provisions as per the contract of employment.

A return to work during a recovery programme is only an option where there is no risk to the safety and health of co-workers, pupils, clients or other customers. The final decision to bring an employee back into the workplace rests with the Headteacher (or nominated representative).

If at the end of the recovery programme a different post or role is desirable, suitable alternative employment options will be explored by the Headteacher (or nominated representative) in conjunction with HR.

Where an employee returns to work and their alcohol or drug problem recurs, the Headteacher (or nominated representative) should again refer the employee to the Occupational Health Service or specialist agency or take action within the framework of the school's disciplinary procedure. Before taking disciplinary action, facts such as the nature of the job, length of service and prognosis should be taken into consideration.

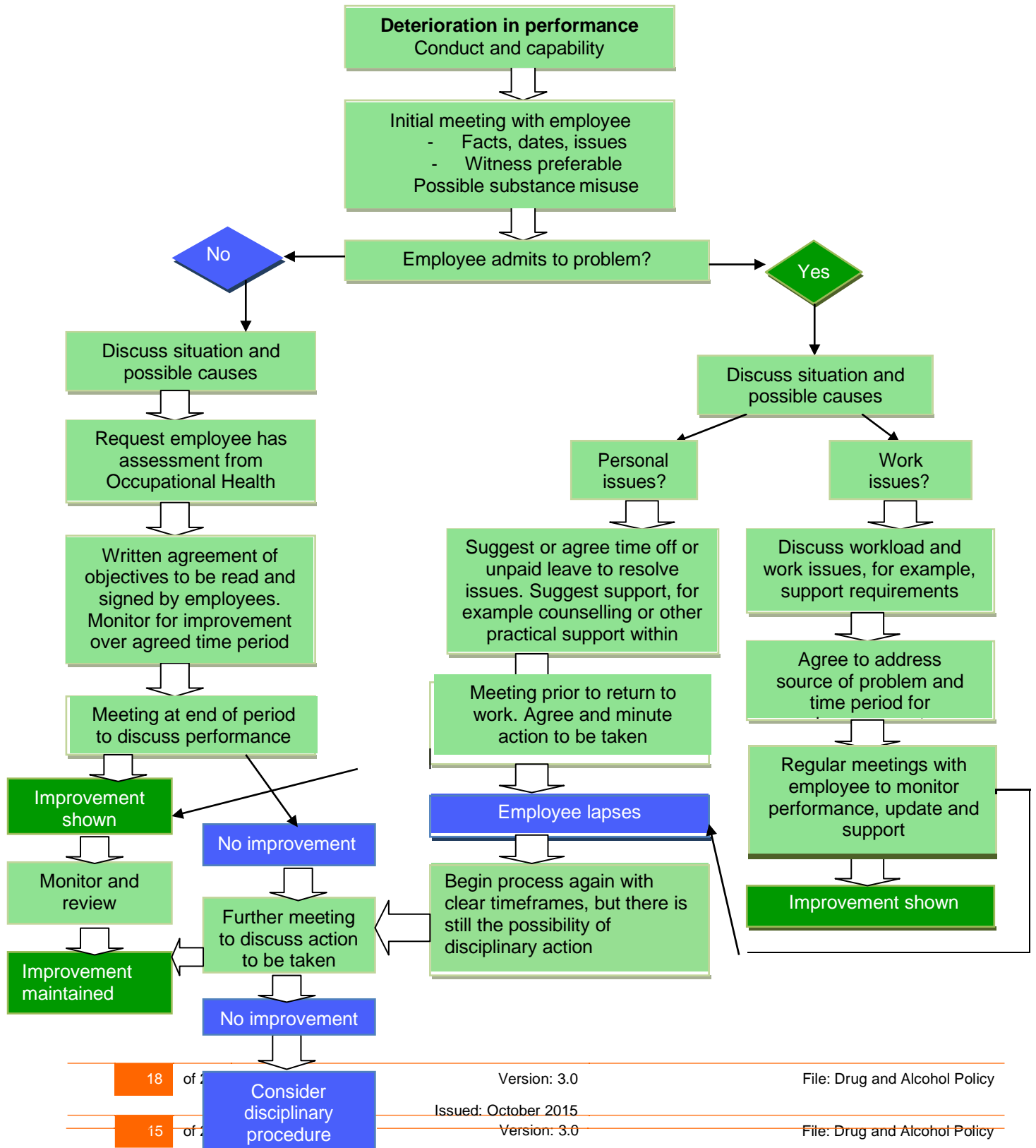
Every effort should be made to find suitable alternative employment, if this is appropriate.

9. Disciplinary Action

Disciplinary action (see Disciplinary Procedure) may be taken in the following cases:

- Where there is a breach of this policy by an employee. Action may include sending the employee home, recording the event and initiating the disciplinary process.
- Disciplinary action may be taken where an employee has a drug or alcohol problem and they refuse to accept offers of help.
- When, after discussion with the agencies involved, it is confirmed that the employee is not co-operating with or following their recovery programme.
- Action may also be taken when an employee discontinues a recovery programme before completion.
- Where after the successful completion of a recovery programme, the employee at any time reverts to an unsatisfactory level of conduct or work performance related to alcohol or drug misuse.

Appendix 1 - Flowchart of Support and Process



Appendix 2 - Employing Ex-Substance Users – Risk Assessment

Issues	Reasons
Are they competent to do the job?	This must be the main driver behind any recruitment.
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Are there any insurance issues to consider?	Organisations should check their individual policies if appropriate.
Will there be a phased induction to the work (such as gradual increase of hours)?	Employees may find this helpful as part of their induction, especially if they have been out of work for some time.
Will there be comprehensive induction?	Employees who have been away from work for some time may need a more comprehensive induction to gain confidence.
Will there be adequate supervision?	Employers need to monitor and manage any risk and to ensure the employee is given sufficient and appropriate information and assistance on a regular basis.
Is there a clear policy on drug and alcohol use in the workplace?	Employees need to know what is expected from them.
Is there an employee assistance programme in place?	Employees need to know how to seek help if needed.

Appendix 3 - Signs of Alcohol and Drug Intoxication

It is important to recognise that the problems listed below may arise as a result of issues unrelated to alcohol or drug abuse. Alcohol and drug abuse is not concerned with such problems in isolation – rather it is a pattern over time and the signs can include:

Absenteeism

- High absenteeism rates for minor illnesses.
- Absenteeism particularly related to weekends.
- Repeated absences which are either unexplained or for trivial reasons.
- Generally poor health, attendance or time keeping where the reason given may or may not relate to alcohol or drug misuse.

Poor work performance

- Lack of concentration and impaired memory.
- Telling lies about performance or giving improbable excuses.
- Mistakes and errors of judgement.
- Unreliability.

Accidents

- Nature/frequency/timing of accidents (particularly in the morning or the first hour of the afternoon).
- Frequent accidents outside of work.
- Careless handling of equipment.
- Reduced safety 'sense'.

Changes in personality

- Altered relationships with colleagues (e.g. avoidance of company, borrowing from colleagues).
- Moodiness, irritability, lethargy.
- Diminishing responsibility.
- Tendency to blame others and over react to real or imagined criticism.

Observation of behaviour

- Smelling of alcohol.
- Walking unsteadily or with difficulty.

- Shaking or trembling hands.
- Slurred speech.
- Facial flushing.
- Lower standards of personal hygiene.

Appendix 4 - Help and Support

Employee Assistance Programme – confidential Helpline

The Employee Assistance Programme is the council's **confidential helpline**, providing employees and their immediate family expert, confidential advice and assistance on issues such as substance abuse, debt, stress, bereavement, relationship issues, etc. Employees will talk to a counsellor specially trained to deal with their concerns.

The Helpline is available 24/7 on 0800 243 458 (calls are charged at the provider's local rate).

There is also an online resource for information on various things, which is accessible at <http://www.workplaceoptions.co.uk/> (the username is 'Hackney' and the password is 'employee').

Alcohol and drug support organisations

Information about Hackney Drugs Action Team is available on the website www.hackneydaat.org.uk

Organisation	Contact details
Alcoholics Anonymous – the largest self-help group for people who acknowledge they cannot handle alcohol, and want a new way of life without it. Services are free.	Helpline: 0800 9177 650 Website: www.alcoholics-anonymous.org.uk The comprehensive website explains the philosophy of AA, what to expect and local groups.
Adfam National – the largest non-statutory organisation that works with and on behalf of families affected by drug and alcohol problems. Helpful for the family of the alcohol or drug user.	Helpline: 020 7553 7640 Website: www.adfam.org.uk
City & Hackney Alcohol Services Advice and counselling for people with alcohol problems, families and friends	The Crossroads Centre, 2 Westgate Street, London E8 Telephone: 020 8525 1313

Organisation	Contact details
<p>Westminster Drug Project A charity providing drug and alcohol treatment and recovery services in London, the South East and East of England.</p>	<p>Unit 13, Tudor Grove London E9 7QL or 102-110 Mare Street, London E8 3SG Telephone: 0300 303 2611 or 0808 168 8669 http://www.wdp.org.uk/find-us/london/hackney-0</p>
<p>Cocaine Anonymous – national self-help group specifically for cocaine users.</p>	<p>Helpline: 0300 111 2285 or 0800 612 0225, open 10:00 am to 10:00 pm Website: www.cauk.org.uk/index.html</p>
<p>Drinkline – a government-funded free service. Can provide advice to the alcohol drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker.</p>	<p>Helpline: 0300 123 1110 Website: www.drinkaware.co.uk</p>
<p>Talk to FRANK – a government-funded free service, previously named the National Drugs Helpline. Can provide advice to the drug user or anybody concerned about the drug user. Has a database of local support and treatment services that can help the user. The focus of the helpline is for young people and concerned parents, but will also assist drug users.</p>	<p>Helpline: 0300 123 6600 Website: www.talktofrank.com The website provides detailed information on drugs that the non-specialist can understand.</p>
<p>Narcotics Anonymous – the largest self-help group for people who want to stop using drugs. Services are free.</p>	<p>Helpline: 0300 999 1212 Website: www.ukna.org (includes details of local groups)</p>

Organisation	Contact details
The Home Office website for drugs policy includes a contact list of drug (and alcohol) action teams responsible for co-ordinating drugs and alcohol treatment services in each English local authority area. These local teams should be able to advise on which specific treatment agency the alcohol/drug user should approach in their local area.	Website: www.drugs.gov.uk/dat/directory

Appendix 5 - Management Interview Guidance

Before the interview

- Arrange for the interview to take place in a quiet environment where there will be no interruptions.
- Plan the structure and aims of the interview in advance.
- Gather together all necessary documentary evidence of performance and attendance problems - do not rely on memory.
- Have information to hand regarding the source of professional help.
- Allow plenty of time.
- Advise the employee in writing that you wish to discuss their performance/ conduct and that they may be accompanied by their Trade Union representative or work colleague of their choice should they so wish.

The interview

- The Headteacher (or nominated representative) may invite an HR representative to be present.
- Explain the purpose of the interview which is to make the employee aware that their work performance is being monitored and shows deterioration. Your aim is to determine from the employee whether there is a possibility of a drug or alcohol problem or whether there is some other problem which is affecting performance.
- Specify the particular instances of poor work performance or problems of conduct.
- Be objective, factual and non judgemental.

- Show concern for the employee, listen attentively and acknowledge the employee's positive contributions.
- Explain what the employee must do to improve work performance and conduct.
- Should the employee admit to having a problem, offer the opportunity of professional help and advice. Do not diagnose or give advice other than to point out the need for professional help of treatment and the consequences of failure to seek help.
- The meeting be adjourned and reconvened if necessary.
- A record of this interview i.e. a 'file note' must be made and given to the individual with a copy for their personal file.

Some don'ts

- Do not make comments on the employee's private life.
- Do not make accusations for which documented evidence is lacking.
- Do not use a judgemental manner.
- Don't argue with the employee.

It is important to follow the same procedure in every case. All employees should be treated consistently without exceptions. It is extremely important that at the end of the initial interview, the employee has no uncertainty about their situation and what needs to be done to rectify it.