

DRUGS AND ALCOHOL POLICY

Policy Group: Health and Safety

Effective: **1st** May 2019

Approved: Louise Clough, Director of People

Responsible officer: Mark Fletcher

Next renew due: May 2020

Ref no.: 2.3

GUIDANCE

Values | Vision | Tone of Voice

Values



Vision

Transforming lives through learning

Tone of voice

Our tone of voice takes its direct influence from our core values.

We are passionate about people and learners and are driven to get the best out of everyone by getting to understand them. We are caring and supportive, as well as being determined and strive for growth. We talk with purpose and enthusiasm in a way that connects and empowers people.

Innovation is at the heart of Learning Curve Group and we're always thinking about what's next!

SUMMARY CHANGES

Date	Page	Details of amendments

I. INTRODUCTION

Learning Curve Group are committed to providing a safe and healthy working environment for all our colleagues and improving the health and wellbeing of individuals within the workplace. We recognise the effects of drugs and alcohol misuse in relation to colleague's well-being, being under the influence of alcohol or drugs can seriously impair an individual's judgement and reactions leading to an increased risk of accidents and injuries occurring. The aim of this policy is to ensure the safety of all colleagues and visitors by having clear rules in place regarding use and possession of alcohol and drugs, and to support those who have reported a problem with alcohol or drug dependence.

Misconduct in relation to alcohol and drugs will be dealt with in relation to the disciplinary policy, poor performance in relation to alcohol and drugs will be dealt with in line with the performance management policy. Problems with attendance or a long-term alcohol/drugs related illness will be managed in line with the sickness absence policy.

Applies to:

This policy is applicable to all our colleagues, learners and subcontractors, owned/leased sites, work areas and associated work activities and must be complied with

Reason for policy:

This policy is in accordance with the Health and Safety at Work Act 1974 and the Misuse of Drugs Act 1971 and applies to all our sites and activities.

II. POLICY

We will ensure that all colleagues are aware of this policy, and that fairness of treatment and equality will be given at all times. Drug and alcohol awareness information will also be issued to all new colleagues at induction. All individual instances related to drugs and alcohol will be treated confidentially and the individual's dignity will be respected at all times.

When dealing with instances linked to the inappropriate use of drugs and alcohol all related circumstances will be taken in to account and advice from local medical practitioners will be sought if appropriate. We will consider potential options available and assess the suitability of these in line with business needs.

All colleagues experiencing ill health due to drug or alcohol abuse will be given appropriate assistance. We will look at other options before considering dismissal in the first instance, but where there continues to be a capability or conduct issue, appropriate sanctions will need to be made.

You will be expected to co-operate with the business in recognising and resolving drug or alcohol related issues that are affecting your work and attend a medical examination if the business deem it necessary.

Rules

Our policy is that during working hours and at all times whilst on work premises, colleagues must be free from the influence of drugs or alcohol. This will help to ensure your health and safety and others with whom you come into contact, to maintain the efficient and effective operation of the business, and to ensure customers receive the service they require.

For those reasons, the following rules will be strictly enforced. No colleague, learner or contractor shall -

- Report, or try to report for work when unfit* due to alcohol or drugs (whether illegal or not) or due to substance abuse;
- be in possession of alcohol or illegal drugs** in the workplace;
- supply others with illegal drugs** in the workplace;
- supply others with alcohol in the workplace,
- consume alcohol or illegal drugs or abuse any substance whilst at work.

*Whether a colleague is fit for work is a matter for the reasonable opinion of management. Alcohol and drugs may remain in the system for periods beyond the side effects felt/shown.

**Illegal drugs include but are not limited to heroin, cannabis/marijuana, cocaine, ecstasy and amphetamines

In addition, colleagues, learners or contractors must –

- ensure you are aware of the side effects of any prescription drugs;
- advise your line manager, a member of the management team or your tutor immediately of any side effects of prescription drugs, which may affect work performance or the health and safety of yourselves or others e.g. drowsiness

Identifying Drug and Alcohol Abuse

Research shows that there is no single characteristic that exists to identify drug and/or alcohol abuse, however the following characteristics, especially when occurring in combination or as a pattern over a period of time, may indicate the presence of a drug/alcohol related problem.

It should be noted that items mentioned below can be due to other causes and there may be other characteristics of drugs/alcohol abuse not highlighted.

- Absenteeism – frequent and unexplained absences, excessive sick leave, excessive lateness, leaving work early;
- High accident rate – frequent injuries, careless handling of equipment;
- Poor work performance – fluctuations in productivity, unreliability, difficulty in concentration, memory slips, not being honest about performance, improbable excuses for poor work, reluctance to accept responsibility;
- Misconduct – aggressive behaviour;
- Changes in personality – fluctuating relationships with colleagues, irritability, mood swings, lethargy, tendency to blame others, changes in attitude towards authority, over sensitivity to criticism;
- Other signs – regularly smelling of alcohol, facial blushing, blurry eyes, hand tremor, untidy appearance.

Drug Classifications

In the UK, illegal drugs are classified into three main categories. They can be Class A, B or C, with A attracting the most serious punishments and fines. Each drug is designated as controlled under the Misuse of Drugs Act 1971 and is allocated to a class based on the harm it is considered to cause. Under the Misuse of Drugs Act, it is an offence:

- to unlawfully possess a controlled drug
- to possess a controlled drug with intent to supply it
- to unlawfully supply (sell/give/share) a controlled drug
- to allow premises you occupy or manage to be used for the smoking or use of drugs

Class	Drug	Possession	Supply and Production
A	Crack cocaine, cocaine, ecstasy (MDMA), heroin, LSD, magic mushrooms, methadone, methamphetamine (crystal meth)	Up to 7 years in prison, an unlimited fine or both	Up to life in prison, an unlimited fine or both
B	Amphetamines, barbiturates, cannabis, codeine, methylphenidate (Ritalin), synthetic cannabinoids, synthetic cathinones (e.g. mephedrone, methoxetamine), ketamine	Up to 5 years in prison, an unlimited fine or both	Up to 14 years in prison, an unlimited fine or both

C	Anabolic steroids, benzodiazepines (diazepam), gamma hydroxybutyrate (GHB), gamma-butyrolactone (GBL), piperazines (BZP), khat	Up to 2 years in prison, an unlimited fine or both	Up to 14 years in prison, an unlimited fine or both
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Referrals

If you suspect that you may have a drug and/or alcohol dependency problem you should in the first instance discuss the matter with your line manager or a representative from the Human Resources team. Alternatively, a work colleague can make referrals on your behalf, provided that you agree. If such an approach is made the manager will follow the guidelines of this policy when dealing with such instances.

Managers concerned that a colleague may have a problem should, in the first instance, discuss their concerns with them confidentially (see identifying drug/alcohol abuse section). Where it is clear that there is a problem, advice should be sought from Human Resources. The line manager or departmental manager can refer you to your local GP for additional advice and guidance.

Colleagues concerned that a work colleague may have a problem with drugs and/or alcohol may wish to discuss this issue with Human Resources or their line manager. Should you choose to do so we will ensure full confidentiality at all times so far as is reasonably practicable.

Support Process

In consultation with the colleague and line manager, Human Resources can facilitate a referral to an occupational health provider. Reasonable time off to attend rehabilitation/treatment will be given; subject to business requirements. If you refuse to undergo treatment for alcohol or drugs, then your performance will be monitored for a specified period. If it remains unsatisfactory, you will be interviewed again and, if necessary, disciplinary procedures will commence. If you accept treatment, you will be asked to sign an agreement drawn up by Human Resources that sets out the obligations on both sides. Where possible, the business will guarantee that while undertaking treatment you will retain your position or, where the type of work may have caused the problem, attempt to redeploy you.

Should the treatment involve more than 20 consecutive days away from the workplace we will follow the procedure for dealing with long-term absence outlined in the Sickness and Absence Policy. Frequent short-term absence as a result of drug and/or alcohol problems will be dealt with under the same policy guidelines. Alcohol and/or drug dependency uncovered during the course of disciplinary procedures will be supported under this policy but will not necessarily negate disciplinary action being taken.

Driving at Work

Anybody who is expected to drive as part of their normal duties should be aware that drug and/or alcohol abuse can affect their ability to drive safely. Heavy drinking the evening before work can also leave you over the legal drink drive limit the next morning. There are strict alcohol limits for drivers, but it's impossible to say exactly

how many drinks this equals - it's different for each person. The limits in Scotland are different to the rest of the UK.

Level of Alcohol	England, Wales and Northern Ireland	Scotland
Micrograms per 100 millilitres of breath	35	22
Micrograms per 100 millilitres of blood	80	50
Micrograms per 100 millilitres of urine	107	67

You could be imprisoned, banned from driving and face a fine if you're found guilty of drink-driving. The actual penalty you get is up to the magistrates who hear your case and depends on your offence.

Being in charge of a vehicle while above the legal limit or unfit through drink you may get:

- 3 months' imprisonment
- up to £2,500 fine
- a possible driving ban

Driving or attempting to drive while above the legal limit or unfit through drink you may get:

- 6 months' imprisonment
- an unlimited fine
- a driving ban for at least 1 year (3 years if convicted twice in 10 years)

Refusing to provide a specimen of breath, blood or urine for analysis you may get:

- 6 months' imprisonment
- an unlimited fine
- a ban from driving for at least 1 year

Causing death by careless driving when under the influence of drink, you may get:

- 14 years' imprisonment
- an unlimited fine
- a ban from driving for at least 2 years
- an extended driving test before your licence is returned

Anybody who has their licence suspended must immediately inform their line manager. The loss of a driving licence may constitute grounds for dismissal where you are required to hold a driving licence in order to carry out your duties. This option may be used by the company dependent upon the circumstances that resulted in the loss of licence, although each case will be considered according to individual circumstances. Resumption of driving duties after a period of disqualification is at the absolute discretion of your line manager.

Monitoring and Review

All colleagues will be made aware of this policy on commencement with the company. It will be reviewed annually to ensure that it continues to meet company requirements.

Useful links

Alcoholics Anonymous

Tel 0845 769 7555

www.alcoholics-anonymous.org.uk

ACAD

(Advice and Counselling on Alcohol and Drugs)

www.acad.org.uk

FRANK

Tel 0800 776 600 (24 hours)

www.talktofrank.com

NHS

(Information and advice from the National Health Service)

www.nhs.uk

III. DEFINITIONS

Alcohol dependence is defined as:

"The habitual drinking of intoxicating liquor by an employee, whereby the employee's ability to perform his/her duties is impaired or his/her attendance at work is interfered with, or he/she endangers the safety of others".

Drug dependence is defined as:

"The habitual taking of drugs by an employee other than drugs prescribed as medication, whereby the employee's ability to perform his/her duties is impaired, or his/her attendance at work is interfered with, or he/she endangers the safety of others".

IV. RELATED POLICIES

HR 1.7 Performance Management Policy

HR 1.2 Sickness and Absence Policy

HR 1.1 Disciplinary Procedure

HSP 2.1 Health and Safety Policy