

Alcohol and Drugs Policy

1. The aims of this policy is to:

- promote greater awareness of how alcohol and drugs dependency can be prevented;
- encourage and support self-referral or intervention at an early stage of dependency;
- manage dependency so that there is an efficient and supportive working environment;
- meet the School's legal obligation to discharge its duty of care to its employees and to others on the School's premises;
- comply with the School's legal obligations in general.

The policy shall apply to all staff, regardless of seniority. It shall not apply to students.

Legal position

2. Whilst there is no specific regulation relating to alcohol or substance use or misuse at the workplace, alcohol and substance use or misuse would come within the scope of the duties placed on employers and employees by the Health and Safety at Work Act and the Management of Health and Safety Regulations.

3. Section 2 (1) of The Health and Safety at Work Act 1974 states : "It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all his employees".:

4. Section 3 & 4 of the Health and Safety at Work Act 1974 places duties on employers to conduct their undertaking in such a way to ensure as far as is reasonably practicable that those not in their employment who are affected thereby are not exposed to risk to their health and safety.

5. Section 7 & 8 of the Health and Safety at Work Act 1974 places duties on employees to take reasonable care for the health and safety of both themselves and others who may be affected by their acts or omissions, to co-operate with their employer to enable them to comply with their legal obligations and not to intentionally or recklessly interfere or misuse anything provided in the interests of health and safety.

6. Under the Management of Health and Safety at Work Regulations 1999 as amended, employers are required to assess the risks to health and safety to which their employees are exposed while at work. The risk assessment includes the capability of employees to safely undertake tasks required of them. Knowingly allowing an employee under the influence of alcohol or substance misuse to continue working constitutes a breach of the Health and Safety at Work Act. A Breach of health and safety legislation is deemed to be a criminal offence.

7. The School as employer also owes a Common Law duty of care to its employees and others affected by its work activities, and could be held to be negligent, where the School knowingly allows an employee who is under the influence of alcohol or substances to remain at work and someone is injured as a result of the employee's actions whilst they are under the influence of alcohol or substances.

8. It is an implied term in all contracts of employment that the employer will take reasonable care for an employee's health and safety.

9. While it is expressly provided that dependency on alcohol or any other substance does

not, of itself, amount to a disability for the purposes of the Equalities Act 2010, a condition caused by such addiction or dependency may be such a disability. It is unlawful for an employer to discriminate against a disabled person and employers may be under a duty to make reasonable adjustments to prevent disabled persons from being at a substantial disadvantage.

The World Health Organisations European Charter on Alcohol

10. The World Health Organisation's European Charter on Alcohol, which has been signed by all Member States of the European Union including the UK, includes the following statement:

(There should be promotion of) working environments protected from accidents and violence and other negative consequences of alcohol consumption.

Impact of alcohol and drugs on an organisation

11. Alcohol-related and drug-related problems can:

- jeopardise health and safety;
- lead to unacceptable conduct;
- adversely affect working relationships;
- cause absenteeism and sickness absence;
- reduce productivity
- jeopardise an individual's career.

Staff counselling provision

12. Staff counselling is available to employees with alcohol or drugs problems and those working with them.

Responsibility of individuals

13. Alcohol should be consumed by employees on the School's working premises, which include Halls of Residence, only on the authority of the respective line manager. If consumption of alcohol in the School's bar facilities leads to unacceptable behaviour, then this can be dealt with by means of a complaint, even if this consumption takes place outside working hours, and the incident may necessitate the use of the School's disciplinary procedure.

14. Individuals who have an alcohol or drugs problem are advised to seek help from one or more of the following:

- their own General Practitioner;
- a specialist organisation (see Appendix A of the Policy for contact names and addresses).

15. There is no obligation on an individual with an alcohol or drug problem to inform their line manager. However, employees are strongly advised to do so, if the problem is affecting work performance or conduct. If this is not done, and then unsatisfactory performance or conduct occurs, it may lead to the immediate application of the appropriate disciplinary procedure.

16. Employees have a responsibility to notify their line manager in circumstances where prescribed medication may have an impact on their ability to perform their job in a safe

manner.

Responsibility of Heads of Departments/Divisions and line managers

17. Heads of Departments/Divisions and managers are advised to read this policy together with the Guidance on managing pressure at work.

18. Heads of Departments/Divisions and managers need to be aware of their responsibility to discourage drink-related unacceptable conduct by ensuring that excessive consumption of alcohol does not occur at School-arranged informal or formal events.

19. Employment tribunals usually see work parties as still within the employment context, even if they are not held on the work premises. Therefore, behaviour at such parties should remain acceptable and care should be taken to prevent any negative impact on working relationships and the School's reputation with outside contacts. Conduct (e.g., sexual harassment) deemed unacceptable on the School's premises is also not acceptable elsewhere and may be addressed under the School's disciplinary procedures.

20. Monitoring of absence or accident rates is part of normal managerial responsibility. Line managers should be aware that increases in such rates might be linked to an alcohol or drug problem.

21. If an employee's appearance or conduct deteriorates without any obvious reason, the line manager should talk about the change with the person. If the reasons for the decline are still unclear following such discussion, then, at the request of a line manager, the HR Partner may make an appointment with occupational health services for the employee. The line manager should advise the employee of the reason for the referral.

22. Admission of an alcohol or drugs problem may be difficult for an individual to make and such a disclosure should be treated as strictly confidential. However, if the line manager believes that the law has been broken at work or that serious harm may result to the individual, or another person, advice on action to be taken should be immediately sought from the HR Partner.

23. The line manager should offer reasonable support; this includes treating absence, for treatment and rehabilitation, as normal sickness and recognising that relapses may occur. Return to work after successful treatment should be to the same job.

24. If admission of an alcohol or drug problem is made but this is not linked to commitment to treatment, then it should be made clear that, if help is refused and there is under-performance or misconduct in the future, there is a possibility that the appropriate disciplinary procedure action may be invoked.

25. Where other employees are aware of a colleague's alcohol or drugs problem, appropriate support should also be given to these people because the situation may increase the pressure on them or there may be feelings of resentment.

Responsibility of colleagues

26. An employee who is aware that a colleague, responsible for a safety-sensitive job, is under the influence of alcohol or drugs should inform their line manager. Concealment may not be in the best interest of either that colleague or others and could lead to action against

the School.

27. If aware of working with a colleague with an alcohol or drugs problem, it may be helpful to read information or seek advice from specialist organisations (see Appendix A of the Policy for contact names and addresses).

Role of HR Partners

28. HR Partners are available to provide support to line managers and staff and it is advisable to seek appropriate advice at an early stage. Information given will be treated in strictest confidence, unless criminal acts have taken place or health and safety has been, or is likely to be, put seriously at risk. If it is judged that such information cannot remain in confidence, then the person who disclosed the information shall be advised that this is the case.

Appendix A

- Alcoholics Anonymous (AA)

Tel: 0845 769 7555 (24 hours)

Website:

www.alcoholics-anonymous.org.uk

- Al-Anon (families and friends of alcoholics)

Tel: 020 7403 0888

Website:

www.al-anonuk.org.uk

- Drinkline - A National Alcohol Helpline

Tel: 0800 917 8282

Website:

www.drinksmarter.org.uk

Alcohol and drugs procedure

Procedure for managing unacceptable conduct or unsatisfactory performance at work related to alcohol or drugs consumption.

Introduction

1. Members of staff with alcohol or drugs problems have the same employment rights as members of staff with other health-related problems.
2. The policy and procedures therefore distinguish between:
 - inappropriate use, not dependency-related, that leads to unacceptable conduct (i.e., misconduct);
 - known dependency that leads to under-performance;

with recognition that dependency can result in unacceptable conduct.

3. When deciding whether or not the disciplinary procedure should be used, there should not be a distinction between whether the dependency is on alcohol or drugs.

Unacceptable conduct not dependency related

4. Unacceptable behaviour that is linked to inappropriate use, but not dependency-related, will usually trigger the use of the disciplinary procedure and, if deemed to be gross misconduct, may result in dismissal. The contractual disciplinary procedure shall be followed as normal. Suspension on full pay is advisable if an employee reports for work and is perceived to be under the influence of alcohol or drugs.

5. Any mitigating factor, such as an unblemished work record, exceptional work demands, or ill health shall be taken into account at disciplinary hearings.

6. Suspicion of possession, using, selling or supplying Class A or B drugs on the School premises should be reported by the person with that belief to one of the following officers of the School: The Director, one of the Deputy Directors, The Secretary, or the Director, Human Resources. The officer receiving such a report shall pass this on to the police.

7. The person who is the subject of any such report shall be suspended on full pay. Whilst normal disciplinary procedures may be invoked, this process and any subsequent outcome will be completely independent of any police investigation or subsequent charge.

8. If, subsequent to dismissal and any appeal, it transpires that another person or persons arranged false evidence to lead to incrimination, then re-employment shall be sympathetically considered. If reemployment is within twelve months of dismissal, then the School shall recognise continuous service and meet the appropriate occupational pension contributions.

Unsatisfactory performance at work

9. Where either an employee has voluntarily acknowledged, or a manager suspects, a dependency that has led to under-performance, this will be seen as a health problem in the first instance. A medical assessment with an occupational health doctor external to the School may be requested by an employee, or the respective manager after discussion with the employee, and arranged by their [HR Partner](#). The assessment shall provide information on:

- the degree of any dependency;
- any rehabilitation treatment started or planned;
- the amount of time-off needed in the future for residential treatment, if this is appropriate;
- whether or not a job transfer is advisable on a temporary basis.

Before this assessment, the [HR Partner](#) must be advised by the respective manager of any safety-critical or health and safety management responsibilities that are normally part of the employees job.

10. The School shall give as much support as is reasonably possible to employees who acknowledge that they have an alcohol or drug problem and are committed to both successfully manage the dependency and return to the previous work performance. Time-off for relevant treatment shall be allowed under the appropriate Sickness Absence Regulations. If necessary, further specialist medical advice shall be sought through an occupational health doctor external to the School.

11. If, after treatment, a degree of dependency continues beyond a reasonable time-scale, normally six months, agreed with the employee and there is a continuation of unsatisfactory performance, or if there is a relapse, the School shall consider supporting further treatment, or ill-health retirement, before it invokes the incapacity procedure. The impact on the employees colleagues shall also be taken into consideration before any decision is made.

12. An employee who acknowledges an alcohol or drug problem but expressly confirms to the manager or their [HR Partner](#) that treatment will not be sought, shall be advised that lack of commitment to treatment and further unacceptable conduct are likely to mean that the disciplinary procedure will apply. Such advice shall be given in writing to the employee.

13. Employees with an alcohol or drug problem, who do not acknowledge this reliance, may expect the appropriate disciplinary procedure to be applied in the event of misconduct or under-performance. The alcohol or drug problem should be acknowledged to one of the following people: the immediate manager; an occupational health doctor external to the School; their [HR Partner](#); or a trade union representative.

14. The guidance given above incorporates the advice given in the Health and Safety Executives Guidance Note The Problem Drinker and Work, which recommends that employers have a policy of encouraging problem drinkers to seek help and treatment.

Unacceptable conduct linked to alcohol or drugs dependency

15. If, during a disciplinary hearing for unacceptable conduct, it becomes apparent that an alcohol or drugs problem is strongly linked to the alleged offence, the disciplinary procedure may be suspended and an offer made of referral for assessment and advice on treatment. If this offer is declined, then the disciplinary procedure shall continue as normal.

Deferred dismissal

16. As an alternative to dismissal, deferred dismissal can be considered at the end of the disciplinary hearing as a final opportunity for the employee to seek treatment. The expiry date fixed for a deferred dismissal shall take account of medical advice and shall be held sufficiently in advance to allow enough time to show response to treatment.

17. If the employee refuses this option or fails to make sufficient progress, then the decision to dismiss shall occur on the expiry of the fixed period. If the option to seek treatment is refused by the employee, then the disciplinary procedures shall apply in the normal way.

1 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, codeine and methaqualone (i.e. Mandrax).

2 Dependency is defined as drinking or drug taking which interferes with work capability and conduct to a noticeable extent.