

Alcohol, Drugs and Other Substance Misuse Policy



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1. Introduction

This policy is concerned with the effects of alcohol, drugs and substance misuse in the workplace. For the avoidance of doubt, the workplace includes any location where work is being carried out on behalf of Semester Learning and Development (Semester). Examples include, but are not limited to:

- During working hours at home (if working from home)
- In one of our offices or training facilities
- At an employer's premises (for example when conducting a review or assessment)
- At an event if you are representing Semester

This policy does not form part of any employee's contract of employment, and it may be amended at any time. Semester may also vary any part(s) of the procedure laid out in this policy, including any time limits.

This policy applies to all employees.

2. Purpose

Semester recognises that it has a duty to provide a safe and healthy work environment to all its employees, learners, apprentices, visitors (where applicable) and other stakeholders, and will take appropriate action to safeguard their wellbeing. All employees also have a responsibility to ensure that their performance at work is not adversely affected by alcohol or drugs and they must ensure they safeguard their safety and that of others around them.

Semester acknowledges its obligation as part of the Health & Safety at Work Act 1974 and the Misuse of Drugs Act 1971 and will aim to provide a supportive and rehabilitative approach towards alcohol, drugs and other substance misuse problems.

3. Policy Statement

This policy recognises that alcohol, drugs and other substance misuse problems are primarily matters of health and social concern and that employees affected require help, advice, support and in some circumstances treatment programmes. In addition, this policy provides a clear framework for dealing with the inappropriate use of alcohol, drugs and other substance misuse at work, to ensure a fair and consistent approach is taken when dealing with issues which may arise.

4. Policy Aims

This Alcohol, Drugs and Other Substance Misuse policy aims to:

- Meet its legal obligation to ensure the health and safety of its employees, learners, apprentices and others in the workplace
- Provide a safe and healthy working environment
- Promote the health and wellbeing of all employees
- Raise awareness of the effects of alcohol, drugs and other substances and the impact of their use in the workplace
- Support employees in dealing with alcohol, drugs and other substance misuse problems
- Provide support and practical assistance for those with alcohol and drug problems, with the assurance of maintaining confidentiality and privacy

- Provide a fair and consistent procedure for dealing with those whose conduct, attendance or performance are adversely affected by alcohol consumption or other substance abuse
- Ensure that alcohol, drugs or other substance misuse does not compromise the safe, efficient and productive day to day activities of Semester
- Support line managers in dealing with those who are affected by alcohol, drugs and other substance misuse and work related incidents

5. Definitions

Alcohol, drugs and other substance misuse is defined as *'the intermittent or continual use of alcohol or substances which cause detriment to the member of employee's health, social functioning or work performance, and which affects efficiency, productivity, safety, attendance, timekeeping or conduct in the workplace'*.

Drugs and substances are defined as:

- **Illegal drugs**
 - A drug forbidden by law
- **Prescribed medication**
 - Medicines which can only be obtained with prescription from a doctor or other authorised healthcare professional
- **Non-prescribed medication**
 - Also referred to as over-the-counter medicine
 - Medicine which can be purchased without a prescription from a doctor
- **Solvents**
 - Oxygenated solvents – solvents which contain oxygen in their molecular structure
 - Hydrocarbon solvents – petroleum-based solvents whose chemical structure contains hydrogen and carbon atoms
 - Halogenated solvents – solvents which contain halogen atoms (such as fluorine, bromine, iodine or chlorine) in their molecular structure

The drugs and other substances covered as part of this policy are those which come under the Misuse of Drugs Act 1971 and any associated regulations.

6. Responsibilities

Semester is aware of its health, safety and welfare responsibilities to its employees and recognises that their wellbeing impacts on and is significant to performance.

6.1 Line Managers

Line managers are responsible, so far as is reasonably practicable, for ensuring the health, safety and welfare at work of employees in their respective area(s) of authority.

6.2 All employees

All employees must take responsibility for adhering to this policy and procedures. Employees who have concerns about another employee, learner, apprentice or other visitor is involved in alcohol, drug or other substance misuse must notify their line manager.

7. Alcohol, Drugs and Substance Misuse at Work

It is recognised that excessive consumption of alcohol, use of drugs and the misuse of other substances can impair both mental and physical performance and can lead to occupational problems. Semester discourages the misuse of alcohol, drugs and other substances and acknowledges that it is the responsibility of each employee to ensure they are in a fit state to work.

Semester recognises that from time-to-time employees will be invited (for the purpose of work) to attend organised events where alcohol is available. In these instances, employees must remain fit for work when conducting their duties and are always expected to maintain and be responsible for their own standards of behaviour and performance.

Employees who will be driving, working in workshops or working at heights should not drink any alcohol or take any drugs or other substances during the working day and should refrain from drinking alcohol for at least 8 hours before driving or undertaking the activities listed above. Employees should also be aware that some drugs, substances and a high intake of alcohol may affect their performance and perception for a longer period.

If there are significant and reasonable suspicions that an employee may be under the influence of alcohol, drugs or other substances, and it is felt that their condition makes them incapable of working safely or makes them a danger to themselves or others, they may be deemed unable to carry out their duties satisfactorily and safely and therefore be suspended from work. In such instances, the individual's line manager must inform the Operations Director prior to an action being taken.

As a result of any suspected alcohol, drug or other substance misuse related incident, Semester may conduct an investigation to establish the facts and circumstances and may decide to deal with the incident using the disciplinary procedure.

Semester has a legal obligation to inform the police where it is found that an employee has been involved in the use, supply, offer to supply or the production of controlled drugs on its premises or that of an employer working with Semester.

8. Procedure

An alcohol, drugs or substance misuse problem can be brought to the attention of Semester in various ways. This includes, but is not limited to:

- An individual raising the matter themselves
- A line manager identifying the issue
- The result of a formal procedure (disciplinary, capability or absence management)
- A work colleague raising a concern

In the first instance, the line manager should encourage the employee to seek appropriate help from a professional or refer them to an Occupational Health Advisor. However, if the problem is deemed to be impacting on their ability to carry out their job function, the line manager has a responsibility to consult with the Operations Director.

Where the problem is deemed to not be adversely impacting the individual's duties, an action plan can be put in place which could require the employee to comply with an agreed programme of support to achieve a sustained improvement. Where this is the case, this the time period to demonstrate a sustained improvement is normally a maximum period of 6 months.

8.1 A Support Referral Request by the Individual

Employees are encouraged to voluntarily seek help and assistance to address any alcohol, drug or substance misuse problem, before it has an adverse effect on their work performance or their behaviour at work. The employee should approach either their line manager or the Operations Director to bring the problem to their attention and to clarify how they can access support which may be available through Semester.

Where an employee confirms dependency on alcohol, drugs or other substances to Semester, any absence for rehabilitation or treatment will be treated as any other sickness absence.

8.2 A Support Referral Request by the Line Manager

In some instances, a line manager may suspect an employee of alcohol, drug or other substance misuse based on their work performance, attitude, attendance or behaviour being unsatisfactory. In the first instance, the line manager should raise their concerns with the employee and seek advice from the Operations Director or external resources made available by Semester.

Where an employee confirms dependency on alcohol, drugs or other substances to Semester, any absence for rehabilitation or treatment will be treated as any other sickness absence.

9. Discipline Procedure

Confirmation of an employee suffering from an alcohol, drug or other substance misuse problem is not sufficient to excuse them from any disciplinary action being taken. However, Semester may take into account any time required to enable a problem to be assessed, and for rehabilitation and treatment to be offered when determining timeframes for the disciplinary and any outcomes. The exception to this is when an employee's actions are deemed to be an act of gross misconduct or where it is not reasonable to accept that their conduct was directly caused by their alcohol, drug or other substance misuse.

Where an employee is deemed as no longer capable of continuing in their current role, declines the offer of support or ceases a course of treatments prematurely without making the expected improvements in performance and/or conduct, Semester may implement their disciplinary procedure, and the individual could face disciplinary actions or termination of employment.

10. Relapse

Where an employee suffers a relapse, after following an agreed treatment or rehabilitation programme, Semester will consider the case on its individual merits. In these instances, the line manager should notify the Operation Director immediately and seek additional guidance from external resources made available by Semester.

Where an employee has failed to achieve the required improvement in their performance, attitude, attendance or behaviours by relapsing, the matter will be dealt with using Semester's disciplinary procedure.

11. Monitoring

It is the responsibility of the line manager to monitor work performance, attitude, attendance and behaviours and undertake regular reviews with the employee. During the reviews, they must ensure that the employee is still receiving the appropriate support whilst at work and that they are still following any rehabilitation or treatment programme agreed with them.

As a part of the monitoring process, the employee is expected to:

- Cooperate with the specified and agreed rehabilitation or treatment programme
- Attend and engage with the recommended treatment
- Attend and engage in the regular reviews with their line manager
- Be free from the effects of alcohol at work
- Be free from the effects of illegal drugs at work
- Be free from the effects of other substance misuse at work
- Meet any performance, attitude, attendance and behavioural targets agreed

12. Confidentiality

All dealings with any individual who falls in scope of this policy must be treated with the strictest of confidence. All and any record or reports associated with referrals to external agencies or an Occupational Health Advisor, must be classed as strictly confidential. All sensitive data will be held in accordance with the Data Protection Act.

13. Policy Review

This policy will be reviewed annually or earlier should it become necessary by the Operations Director.