



Drugs Policy



Learn for Life

DRUG POLICY

Strategic Responsibility Principal	Status of this Document: May 2006 Reviewed July 2009 Reviewed August 2009
Functional Lead Health and Safety Officer/Assistant HR Manager	
Approval Authority Health and Safety Management Group	Next Review: August 2010

This policy sets out the aims, the regulations, and the assistance available to avoid drug misuse.

1 POLICY STATEMENT

1.1 Aim

The aim of the policy is to provide a safe environment for staff and students, by ensuring that

- no misuse, or illegal use, of drugs takes place on College premises;
and
- staff health, work performance, and conduct are not affected by drug misuse.

1.2 The Approach

To achieve the aims, the approach is as follows:

- To promote safe and capable working practice in relation to drugs;
- To ensure that the law in relation to drugs is observed by anyone on the College premises, including staff during their working hours;
- To seek to ensure an education programme which covers every level of the organisation
- To encourage staff experiencing drug-related problems to seek appropriate assistance at the earliest opportunity

- To provide appropriate assistance to employees who have been identified as having a known/suspected drug related problem
- Where a misdemeanour is thought to be caused through a drugs-related problem the matter will be fully investigated, and where appropriate, the necessary steps taken by the College to refer the person for assessment and treatment through laid-down procedures

1.3 Scope

- 1.3.1 This policy applies to all people working within College premises, including temporary staff and external contract personnel.
- 1.3.2 For the purpose of this policy, the term 'drug misuse' refers to the use of illegal drugs & the misuse, whether deliberate or unintentional, of prescribed medicines or substances such as solvents. A drug misuse problem is defined as any situation whereby an employee's use of such substances whether through intoxication, regular use or dependence, affects their health &/or work performance/conduct.
- 1.3.3 For the purpose of this policy, the term 'drug' refers to any drug, whether illegal, available over the counter (otc) from pharmacies and other retail outlets, or legal substances such as solvents. In the case of prescribed or otc drugs their possession and proper use is acknowledged as legitimate. Staff using prescribed drugs, which may affect their behaviour and /or work, have a responsibility to inform their line manager that they are taking such medication

1.4 Staff Responsibilities

- 1.4.1 It is the responsibility of all staff and managers to:-
- Be aware of the requirements of this Policy in carrying out their duties;
 - Keep themselves abreast of changes and revisions to the Policy;

1.5 Changes in the Law

- 1.5.1 The College will comply with relevant changes in the law as they occur, and thereafter will amend this policy statement, its associated procedures, and its operational guidance as soon as is practicable, notwithstanding any review date contained in this document.

2 CONTEXT

2.1.1 Drugs are taken for a number of reasons and can affect the body and mind in a variety of ways. These drugs may be medicines or drugs of misuse. The effects of some drugs may be prolonged and extend beyond recreational time into working time. In this way, drug misuse may influence work performance even if it takes place outside the workplace.

2.1.2 Like alcohol, the misuse of drugs is associated with a variety of costs, with implications for employer and employee alike. Workplace safety, job performance, levels of absenteeism, efficiency and productivity can all be affected by the misuse of drugs, whether legal or prescribed.

2.1.3 Because of the illicit nature of certain drug use, the extent to which it occurs, and the costs to the workplace are not well-documented as well as costs attributed to alcohol. However the misuse of psychoactive drugs is on the increase, and its considerable implications for health and safety at work, as well as legal issues for employers, need to be accounted for within the workplace setting.

2.2 Drug Abuse And The Law

2.2.1 Two Acts of Parliament are relevant to the problem of drugs in the workplace.

2.2.2 The Misuse of Drugs Act 1971

2.2.3 Of particular relevance to employers is the offence committed by the occupiers of premises if they knowingly permit the production or supply of any controlled drugs, the smoking of cannabis, or certain other activities to take place on their premises. The Act lists three categories of drugs which are subject to control according their relative harmfulness when abused.

- Class A Includes cocaine, heroin, methadone, morphine, opium, LSD, ecstasy.
- Class B Includes amphetamines, barbiturates, codeine, and cannabis.
- Class C Includes most benzodiazepines (sleeping pills, tranquillizers, e.g. valium) and the less harmful amphetamines.

2.2.4 The penalties for offences involving controlled drugs depend on the classification of the drugs. Penalties for misusing Class A and B drugs are in turn more severe than for Class C drugs. The Act also distinguishes, in terms of the penalties that may be imposed, between the crime of possession and drug trafficking, with the latter receiving more severe punishment.

2.3 The Health and Safety at Work etc. Act 1974

2.3.1 The employer's duty to ensure, so far as is reasonably practicable, the health, safety & welfare at work of all employees, should include taking into account the recognition of drug abuse as a possibility. Section 7 of the Act requires employees to take reasonable care of the health & safety of themselves and others who may be affected by their acts or omissions at work.

3 RESPONSIBILITIES

3.1 Functional Responsibilities

3.1.1. HR are responsible for managing/ guiding the support & referral systems which are in place

3.2 Staff Members

3.2.1 Individual staff members are responsible for handling themselves at all times in ways that do not give rise to concerns about drug misuse

3.3 Line Management

3.3.1 College managers are responsible for the enforcement of this policy. This includes their own staff, contractors and other visitors on the premises for whom they are responsible.

4 PROCEDURES and REGULATIONS

4.1.1 The confidential nature of records will be strictly observed by all those involved in this process, in line with the Data Protection Act.

4.2 Misuse Of Drugs On College Premises Or By Staff During Working Hours

4.2.1 The misuse of drugs on College premises or by College staff during working hours is not permitted. This ban relates to all staff and other personnel on College premises. The College considers it unacceptable for staff, or contractors staff or visitors to be unfit for work through the influence of drugs. The College recognises the controlled use and possession of medicines for personal use as an exception.

4.2.2 It is a requirement of the College that no employee shall :

- Report or endeavour to report for work intoxicated due to the misuse of drugs
- Report for work in an unfit state due to the use of drugs
- Be in possession of drugs while at work
- Misuse drugs while at work

4.2.3 Where a member of staff has a known drug problem, misconduct can lead to action being taken under the College's disciplinary policy and procedures. Illegal drug use gives employers the option of dismissal under the Employment Protection (consolidation) Act 1978, where drug use may be considered misconduct or breach of regulations.

4.2.4 Where there is suspicion that the law has been broken by an employee, management will normally involve the police.

4.3 Commitment To Education And Training

4.3.1 The College ensures, through Staff Development, that staff have the necessary information to understand the risks involved in misusing drugs, as well as an understanding of how the misuse of drugs impacts upon the workplace.

- 4.3.2 Active promotion of information takes place by local agencies which provide support and advice on drugs. Posters, videos and exhibitions are also used, where appropriate, to reinforce the main messages on drugs in the workplace. The Health & Safety Officer will provide such information.
- 4.3.3 The Health and Safety Officer will provide all staff with a copy of the policy, and ensure that all new staff receive an educational input on drugs as part of their induction programme.
- 4.3.4 The policy is displayed in staff areas. If staff have any questions regarding this policy, they should contact personnel or the Health and Safety Officer for assistance.
- 4.3.5 Senior staff shall receive specific guidelines outlining procedures for early recognition, discipline, grievance and referral.
- 4.3.6 The Employee Counselling Service may be contacted by using freephone number: 0800 435 768 between 8.30am & 4.30pm.

4.4 Identification Of Individuals With A Drug-Related Problem

- 4.4.1 Staff themselves, their managers, and colleagues all have a responsibility to identify individuals for whom drugs are, or may be, a problem. A drug related problem is defined as any drug-taking, either intermittent or continual, which interferes with a person's work capability or conduct, and/or health & social functioning.
- 4.4.2 The College will aim to ensure that any member of staff disclosing a drug-related problem is supported in accessing appropriate support and treatment specialists.

4.5 Voluntary Referral Of Individuals With A Drug-Related Problem

- 4.5.1 Staff who suspect, or know, that they have a drug-related problem are expected to seek help and treatment voluntarily, either through the procedures outlined in this policy or through resources of their own choosing.

- 4.5.2 If the programme of help requires absence from work, the employee's Academic or Section Head is to be notified (with the staff member's consent), and leave will be provided under the sick pay scheme appropriate to her/his conditions of service.

4.6 Non-Voluntary Referral Of Individuals With A Drug-Related Problem

- 4.6.1 If a drugs-related problem is identified or suspected either through general observation, or during the course of a disciplinary interview, the matter will be fully investigated and where appropriate the staff member referred for assessment.

4.7 Management Of Staff Who Are Suspected Or Identified As Requiring Help With A Drug-Related Problem

- 4.7.1 Staff acknowledging a drug misuse problem, are normally given the opportunity to attend the counselling service for assessment and referral for a programme of treatment where appropriate. Where staff accept such a referral, ongoing disciplinary action may be deferred until a medical report is received from the counselling service. In appropriate cases arrangements may be made for the staff to remain at home with pay, pending receipt of the medical report.
- 4.7.2 However, serious incidents, judged as gross misconduct by a disciplinary hearing, and resulting from a staff member misusing drugs, may lead to dismissal, even if a drug-related problem is acknowledged and treatment is currently being received.
- 4.7.3 It is recognised that staff may relapse during a treatment programme, but provided the ongoing trend in performance is favourable, such relapses will be taken into consideration. Subject to the safety of other staff, students or public not being threatened, impairments of performance/conduct of a less serious nature will be tolerated for the duration of a reasonable treatment period. It is appropriate that the College receives periodic reports on progress during treatment to determine that progress is being made.
- 4.7.4 Formal disciplinary proceedings during the treatment period may still be necessary for cases of serious under-performance, or for serious incidents

which would normally attract a hearing, which could lead to disciplinary action being taken. Any disciplinary issue or incident arising after a member of staff has disclosed a drug-related problem will be dealt with on its merits.

- 4.7.5 Failure to attend, or continue with an agreed treatment programme, will be one of the factors taken into account in an Academic or Section Head's decision as to whether to take formal disciplinary action in respect of less serious offences
- 4.7.6 Absence from work to undergo treatment, is regarded as normal sick leave and sick pay will be paid in accordance with the employee's conditions of service, provided the manager has received confirmation that the employee is participating in a recognised programme of treatment.
- 4.7.7 Where the employee is able to continue working during the treatment period, reasonable time off with pay will be granted to attend appointments.
- 4.7.8 Where an employee denies the existence of a misuse problem and therefore declines to accept assistance or treatment, the Academic or Section Head will address the issue of work performance or conduct in the normal way without special consideration being given to the possible existence of a drug-related problem.
- 4.7.9 The confidentiality of management referrals will be strictly observed by all those involved unless, where the employee remains at, or returns to work and for reasons of safety, management need to be informed. The HR Section will keep management informed of the employee's participation in a treatment programme and advise on any relevant health issues relating to the employee's work.
- 4.7.10 Employees will not be disadvantaged where promotional opportunities arise and the employee has undergone support or treatment for drug-related problems.

4.8 Representation of Staff with a Drug related Problem.

- 4.8.1 A staff member subject to disciplinary proceedings as a result of a drug-related problem is entitled to be accompanied to meetings by a union representative or work colleague.

5 IMPLEMENTATION and REVIEW

5.1 Promulgation of New/Revised Policy

- 5.1.1 The full up-to-date Policy is available on the College's Intranet at www.langside.ac.uk. Hardcopy versions can also be obtained from the HR Section upon request.
- 5.1.2 Revisions to the Policy should be approved by the Health and Safety Management Group.
- 5.1.3 Health and Safety will brief the SMT on the revised Policy and in turn, SMT members will brief their managers on the revisions and how they operate.
- 5.1.4 All staff will be informed by e-mail of updates to the policy. Managers with staff who do not have access to e-mail should make appropriate arrangements to cover this shortfall.

5.2 New In-post Staff

- 5.2.1 For staff taking on management responsibilities for the first time, the line manager will discuss this Policy and how it operates, with the new manager as a part of their induction into the new role.
- 5.2.2 Appropriate explanation is to be given at induction for new staff.

5.3 Monitoring

- 5.3.1 Annual reports to the SMT and to the Staffing Committee are to be provided, by personnel, relating to the incidence of drug misuse.

5.4 Review

- 5.4.1 The Policy will be reviewed on an annual basis by the Health and Safety Management Group. The Policy will be adapted to meet changes in the law as soon as is reasonably practical.

APPENDIX 1

Employees may seek help and advice on drug-related concerns by contacting the following services:

Know the Score: 0800 587 587 9
www.knowthescore.info

Drug Problem Service (Glasgow)

Woodside Health Centre
Barr Street
GLASGOW G20 7LR
Tel: 0141 531 9254

Glasgow Drug Crisis Centre

123 West Street
GLASGOW G5 8BA
Tel: 0141 420 6969

