



BUCKINGHAMSHIRE
NEW UNIVERSITY

EST. 1891



ALCOHOL AND SUBSTANCE ABUSE

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Background

- 1 Buckinghamshire New University (the 'University') is committed to ensuring the health, safety and wellbeing of our employees. It will take all reasonable steps to reduce or eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol or drug/substance misuse.
- 2 Although this policy is focused on an approach of employee health based on "fitness to work" we expect all staff to be professional and capable and not report to work under the influence of alcohol and/or any substances. The University does not consider it acceptable for staff to be impaired by alcohol and/or substances during the conduct of their duties however, any misuse can be considered a matter of conduct or capability dependant on certain circumstances.
- 3 The University has legal obligations under the Health and Safety at work Act 1974, and The Misuse of Drugs Act 1971.

Purpose Statement

- 4 The policy sets out the main principles underpinning the management of alcohol and drug / substance misuse, the legal framework (see **Appendix 1**) and provides guidance for managers in dealing with individual staff who may be affected by this (see **Appendix 2**).
- 5 To actively promote awareness and understand the effects of alcohol and drug related issues within the workplace and where appropriate, the University will look to help the member of staff affected to deal with these problems and signpost to sources of help.

Applicability and Scope

- 6 This policy applies to all employees and all those working as associate lecturers, atypical workers, contractors and visitors visiting the University's premises.
- 7 Any matters relating to students should be dealt in accordance with the Student Disciplinary policy, as appropriate.
- 8 This policy may be read in conjunction with the *Managing Sickness Absence Policy*, *Employee Capability Policy*, *Employee Disciplinary Policy*, *Health and Wellbeing Policy* and *Health and Safety Policy*.

Responsibilities

- 9 Each member of staff is expected to be able capable to carry out their job ensuring their own behaviour and work performance remains appropriate whilst engaged in university activity. They are responsible for familiarising and complying with the policy and understand the effect of alcohol and drugs on work and health. Each member of staff has a duty to take reasonable care for their health and safety and that of others who may be affected by their actions or omissions at work. If worried about their own drinking or drug taking, they are advised seek help from their line manager or another

senior manager within the service, employee assistance programme (EAP), external support services, their GP or further advice from Human Resources. Staff can seek further support and help in confidence and information is available in **Appendix 3** of the policy.

- 10 Managers are responsible for the health, safety and welfare of all employees and for dealing with such matters sensitively and confidentially and within the law. Managers should ensure that their staff and teams are aware of the policy, the support that is available to them if they have a problem and to be aware of the signs and effects that this can have on their health, performance and attendance.
- 11 The HR Business Partner can provide advice to managers and staff on the implementation of this policy, undertake management referrals to Occupational Health and advise when to invoke the Disciplinary, Managing Sickness or Capability Policy. The policy will be maintained, monitored and updated accordingly in line with any organisational or legislative changes.
- 12 Occupational Health will make an assessment of the individual upon receipt of a management referral from the HR Business Partner. They will provide advice and guidance on how best to support an individual who may have a problem with behaviour or work performance which might be related to alcohol or drug use.
- 13 Trade Unions have an important role in providing advice, support to their members and working in partnership with the managers and the HR Directorate.

Definitions

- 14 **Bucks values** stand for Clarity, Openness, Respect and Delivery on commitments and are the university's values.
- 15 **Alcohol misuse** is the level of drinking which affects an individual's work or behaviour in the workplace.
- 16 **Drugs** are defined as any substance that affects the way the body functions physically, emotionally or mentally.
- 17 **Classes of drugs** details of this can be found in **Appendix 4**.
- 18 **Substance misuse** includes misuse of controlled and prescription drugs, use of illegal or designer drugs and other psychoactive substances.
- 19 **Dependency** is a compulsion to keep taking an intoxicating substance or drink alcohol, which interferes with their (employee) work.
- 20 **Overindulgence** which results in socially unacceptable or even dangerous behaviour but which is not related to a physical or psychological dependence.

Principles

- 21 Managers should encourage on an informal basis, staff whom they believe may have an alcohol or substance misuse problem, but which is not affecting their work, to seek

help for this. Staff can seek further support and help in confidence and information is available in **Appendix 3** of the policy.

- 22 The consumption of alcohol at work, any use of illegal drugs and/or substances is not allowed during working hours, or shift, and an employee's performance should not be impaired prior to starting work.
- 23 Those employees performing safety-critical roles, such as using potentially dangerous substances, operating machinery, dealing with specialised equipment or driving company vehicles, are not permitted to drink alcohol during working hours, or shift. This includes alcohol or drugs/substances consumed prior to work.
- 24 Employees should take responsibility for ensuring that they are fit to carry out their duties at all times. In addition, employees who drive or operate machinery as a requirement of their role must:
 - Never drive or operate machinery whilst under the influence of alcohol, drugs or substances.
 - Be aware that they may still be over the limit, or affected by alcohol the morning after they have been drinking. If this is the case make arrangements so they do not need to drive, if they know they will be driving later. This is also relevant for those operating machinery.
 - Be aware that prescription drugs or over-the-counter medicines can affect driving and operating machinery and can cause drowsiness.
 - Report drug and alcohol problems, including cautions, summons or convictions for alcohol or drug-related offences, to their line manager.
- 25 It is recognised that there will be special events and occasions where, with the permission of Senior Management, alcohol will be available. Employees who choose to drink on such events are expected to consume alcohol responsibly. On such occasions, where alcohol is available, suitable non-alcoholic alternatives must also be available.
- 26 Confidentiality will be maintained when dealing with individuals under this policy, within the limits of what is practical and within the law.
- 27 Certain cases that occur during employment may give rise to criminal proceedings/prosecutions against an employee by the police. In some cases it is still possible to proceed with the disciplinary process on the basis of the known facts. Where there is concern that an employee may have acted outside the law, the Human Resources Business Partner will be advised and a decision will be taken on the appropriateness of police involvement.
- 28 Sometimes an employee's actions outside of employment may lead to criminal proceedings/prosecution. Each case must be carefully considered. The HR Business Partner will be advised before any decision is taken to initiate formal disciplinary procedures. The fact that an employee is subject to criminal proceedings does not automatically mean the disciplinary process should be invoked.

Process for dealing with staff who appear under the influence of alcohol and / or substances

- 29 Managers should seek guidance from an HR Business Partner if they suspect a member of staff is under the influence of alcohol or a substance to determine the appropriate course of action.
- 30 Any individual under the influence of drugs or alcohol may be a risk to themselves, their colleagues and students and this is a reputational risk to the University. They will be suspended from work as per the University's *Employee Disciplinary Policy*. The University will consider each case individually and endeavour to act reasonably.
- 31 It is the responsibility of the manager to discuss with members of staff as soon as possible their behaviour, performance or absence if it indicates a possible problem with substance misuse or alcohol (see **Appendix 2**).
- 32 The manager should encourage on an informal basis, staff who may have a problem to seek further support or advice using the contacts in Appendix 3.
- 33 The HR Business Partner will undertake a management referral to Occupational Health seeking agreement from the individual. The referral may include where an employee has declared an issue with alcohol and/or substance misuse, it is suspected or if it is impacting on their conduct or capability (work performance/attendance). Following receipt of the advice from Occupational Health, the manager and the HR Business Partner will meet with the employee to discuss how best to manage this case.
- 34 The University will be as supportive as possible to the employee however, there may be situations where these will have to be dealt with under the provisions of the Disciplinary policy rather than under this policy. These examples could include intoxication on the premises or the employee is under the influence of a substance(s) or the employee is not willing to comply with recommendations. An HR Business Partner should be consulted immediately prior to this action to being taken. This may be deemed a serious breach of discipline under the *Employee Disciplinary Policy*.

Training

- 35 The HR Directorate will provide training sessions enabling managers to understand the principles and how to manage issues raised under this policy.

Appendices

Appendix 1: Legal Framework

There are various legal implications for the University where employees misuse alcohol or substances.

Act	Requirement / Implication
Health and Safety at Work Act 1974	The University may be committing a criminal offence under the Health and Safety at Work Act 1974 by not addressing an employee's alcohol or substance abuse problem. Under s.2 of the Act, the University has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees. The attention of employees should be drawn towards their own responsibilities to themselves and their colleagues under s.7 of the Act. It is an employee's legal duty to take reasonable care for the health and safety of themselves and of other persons who may be affected by their acts or omissions at work.
Management of Health and Safety at Work 1999	Places a duty on the university to assess the risks to health and safety of employees, and this includes risks arising from potential drugs and alcohol use. In turn, employees have a legal duty to inform their employer of any situation that could be considered to constitute risk, and must report any other employee who appears to be under the influence of drugs or alcohol.
Misuse of Drugs Act 1971	Under the Misuse of Drugs Act 1971 it is an offence for an employer to knowingly allow substances, as categorised on the Home Office website (www.homeoffice.gov.uk), to be used, kept or supplied on their premises. It is also illegal under the Act for an employer to ignore such occurrences. Possession, use or supply of illegal substances, or being complicit in such behaviour by others, is strictly forbidden in the workplace and will result in disciplinary procedures being instigated. The University may be made aware of such behaviour through outside sources as well as through an employee's actions at work.
Road Traffic Act 1988	States that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs shall be guilty of an offence.
Transport and Works Act 1992	Makes it a criminal offence for certain workers to be unfit through drugs and/or drink while working on railways, tramways and other guided transport systems.
Equality Act 2010	Dependency on alcohol or any other substance does not, of itself, amount to a disability for the purposes of the Equality Act 2010; however impairments that are the result of an addiction or dependency are covered by the Act.

Appendix 2: Guidance for Managers in recognising possible alcohol, drug or substance misuse and action steps

Managers can follow the procedure outlined in points 29 to 34 but a four step guidance has been provided for recognising and dealing with members of staff who may have possible alcohol, drug or substance misuse at work.

The following characteristics, especially in combinations, may indicate the presence of an alcohol or substance related problem:

Indicator	Examples
Absenteeism	<ul style="list-style-type: none"> • Instances of unauthorised leave • Frequent Friday and / or Monday absences • Leaving work early, lateness (especially returning from lunch) • Excessive leave or patterns or increased sickness absence • Strange and increasingly suspicious reasons for absence • Unusually high level of sickness for colds, flu, stomach upsets • Unscheduled short-term absences, with or without explanation
High Accident Level	<ul style="list-style-type: none"> • At work, home or elsewhere
Work Performance	<ul style="list-style-type: none"> • Difficulty in concentration, work requires increased effort • Individual tasks take more time • Problems with remembering instructions or own mistakes • Poor timekeeping
Mood Swings	<ul style="list-style-type: none"> • Irritability, Depression, General confusion, change in behaviour (out of character)
Relationships	<ul style="list-style-type: none"> • A deterioration in relationships with colleagues, students or management and team morale • Avoidance of meetings and complaints from colleagues

In some instances, employees may seek help and advice themselves on this matter.

Four Step Guidance

Step	Guidance
Step 1: Investigate if there is a problem	<ul style="list-style-type: none"> • Consider the university's nature of the work, what is the employee's job, are they working in a hazardous environment that is safety critical and if there are any impacts there may be using safety-critical equipment, <i>e.g. using machinery, electrical equipment, and dangerous substances, working at height, driving or operating heavy lifting equipment</i> • Keep accurate, confidential records of poor performance, absence or misconduct • Discuss the unsatisfactory performance, conduct or absence with the employee • Clarify the expected work performance to ensure the employee knows what is expected of them

Step	Guidance
	<ul style="list-style-type: none"> • Inform the employee that should their performance not improve, this will result in activation of the disciplinary or capability procedures, as appropriate • Agree actions with the employee, including timescales for improvement
Step 2: Identify and decide what support	<ul style="list-style-type: none"> • Try to establish the cause of the dependency problem • Line Manager to discuss with the employee the support available, for example counselling, occupational health, employee assistance • Discuss external sources of help (Appendix 3) • Discuss any concerns with your HR Business Partner, who can also arrange the occupational health referral
Step 3: Manage continued under-performance	<ul style="list-style-type: none"> • Discuss any continued absence, performance or conduct issues with your line manager and contact the HRBP available for any advice • Has the employee acknowledged that alcohol / drug / substance dependency is the cause of the poor performance / conduct / absence? <ul style="list-style-type: none"> ○ If no: treat as a disciplinary (possible suspension) or capability case ○ If yes: seek (further) medical advice through Occupational Health
Step 4: Rehabilitation	<ul style="list-style-type: none"> • Consider the feasibility of rehabilitation including the employee's willingness and commitment to treatment and business critical nature of their work and discuss with their employee • Whilst undertaking treatment the employee will be entitled to the usual sick pay benefits • Once recovered, every effort will be made to ensure the employee returns to the same or equivalent work • If this is not possible, alternatives can be discussed with your HR Business Partner

Other considerations

Relapse: Where an employee who receives treatment suffers a relapse, the University will consider the case on its individual merits.

Recovery Unlikely: If after treatment recovery seems unlikely the University will consider the most appropriate course of action to resolve the situation.

Appendix 3: Sources of Help

Support sites

- Talk to Frank (www.talktofrank.com/)
- Adfam (Families, drugs and alcohol) (www.adfam.org.uk/)
- Addaction (www.addaction.org.uk/)
- Forward (www.forwardtrust.org.uk/)
- Drinkaware (www.drinkaware.co.uk/)
- Narcotics anonymous UK (<http://ukna.org/>)
- Alcohol Anonymous (www.alcoholics-anonymous.org.uk/)
- Drugscope (www.drugscope.co.uk)
- Health and Safety Executive (www.hse.gov.uk/alcoholdrugs/)
- Re-Solv (www.re-sol.org)
- Alcohol Concern (www.alcoholconcern.org.uk)
- Samaritans (www.samaritans.org/branches/chiltern-samaritans)

HSE Links

- Alcohol and Drugs (<http://www.hse.gov.uk/alcoholdrugs/resources.htm>)

NHS Information

- Addiction: what is it? (www.nhs.uk/live-well/healthy-body/addiction-what-is-it/)
- Alcohol support (<https://www.nhs.uk/live-well/alcohol-support/>)
- Drug addiction: getting help (<https://www.nhs.uk/live-well/healthy-body/drug-addiction-getting-help/>)
- Search for Local NHS GP (www.nhs.uk/Service-Search/GP/LocationSearch/4)
- NHS Choices (<https://www.nhs.uk/live-well/healthy-body/drug-addiction-getting-help/>)

University Services

Occupational Health: All contact/referrals should be through Human Resources. Contact Human Resources department for advice on 01494 605044 or email

humanresources@bucks.ac.uk

Employee Assistance Programme: A confidential Employee Assistance Helpline which is available 24/7 and details on how to access this service can be found [here](#).

Multi-Faith Chaplain: Operates a listening service available to all University employees.

Appendix 4: Classes of Drugs

The enclosed link provides the classes of drugs and the likely penalties for offences:

<https://www.gov.uk/penalties-drug-possession-dealing>