



Drug and Alcohol Abuse Policy

Introduction

1. East Midlands Vocational Academy Ltd (EMVA) recognises that alcohol and drug abuse related problems are an area of health and social concern. It also recognises that a member of staff/student with such problems needs help and support from his / her employer/tutor.
2. EMVA also recognises that alcohol and drug abuse problems can have a detrimental effect on work performance and behaviour. EMVA has a responsibility to its employees/students and customers to ensure that this risk is minimised.
3. Accordingly, company policy involves two approaches
 - Providing reasonable assistance to the member of staff/student with an alcohol or drug abuse problem who is willing to co-operate in treatment for that problem.
 - Disciplinary rules, enforced through disciplinary procedures, where use of alcohol or drugs (other than on prescription) affects performance or behaviour at work/school/college, and where either (1) an alcohol or drug dependency problem does not exist or (2) where treatment is not possible or has not succeeded.
4. EMVA has not the internal resources to provide or arrange treatment or other forms of specialist assistance. Such services are provided by GPs, hospitals and other agencies. Through this policy EMVA will seek both to assist a member of staff/student in obtaining such specialist help, and to protect his/her employment/education.

Assistance for a Member of Staff or Student

1. EMVA will, where possible, provide the following assistance to a member of staff/student:
 - Helping the member of staff/student to recognise the nature of the problem, through referral to a qualified diagnostic or counselling service.
 - Support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in

post or transfer to other work, depending upon what is appropriate in terms of the staff member's condition and needs of EMVA.

- The opportunity to remain or return to work/school/college following the completion of a course of treatment, as far as is practicable, in either the employee's/students own post or an alternative post.
2. EMVA's assistance will depend upon the following conditions being met:
- The Occupational Health Service / Doctor diagnoses an alcohol or drug dependency related problem.
 - The member of staff/student recognises that he/she is suffering from an alcohol or drug abuse problem and is prepared to co-operate fully in referral and treatment from appropriate sources.
3. EMVA and its employees/students must recognise the following limits to the assistance EMVA can provide:
- Where a member of staff/student fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the Disciplinary Procedure.
 - If the process of referral and treatment is completed but is not successful, and failure in work performance or behaviour occurs, these will be dealt with through the Disciplinary Procedure.
 - A member of staff's continuation in his/her post or an alternative post during or after treatment will depend upon the needs of EMVA at that time.

Disciplinary Action

1. In line with EMVA's disciplinary rules, the following will be regarded as serious misconduct:
- a) Attending work/school/college and/or carrying out duties under the influence of alcohol or drugs.
 - b) Consumption of alcohol or drugs whilst on duty (other than where prescribed or approval has been given).

Breach of these rules will normally result in summary dismissal and only in exceptional cases will either notice or the reduced disciplinary action of a final written warning be applied.

2. Where a breach of these rules occurs, but it is established that an alcohol or drug abuse related problem exists, and the member of staff is willing to co-operate in referral to an appropriate service and subsequent treatment, EMVA will **suspend** application of the Disciplinary Procedure and provide assistance as described above.

Staff/students who do not comply with the treatment suggested or continue to abuse alcohol or drugs will be subjected to the application of the Disciplinary Policy.

Procedures

Nature of the Procedures

1. The procedures define management responsibilities and provide guidelines on:
 - a) Where assistance to a member of staff/student should be provided and the nature of and limits to such assistance.
 - b) The application of EMVA's Disciplinary Procedure.
2. Through the Occupational Health Service / Approved Company Doctor the Company will provide:
 - a) Advice and support to managers on
 - i) Whether an alcohol or drug related problem exists
 - ii) progress in treatment
 - iii) re-establishment or continuation at work of a member of staff/student or other appropriate arrangements.
 - b) Assistance to members of staff/student with alcohol or drug abuse related problems.
3. This does not include directly providing treatment or specialist help which is the responsibility of GPs, hospitals and other agencies working in the field. Liaison with these persons and agencies, will assist staff referred in the following ways:
 - a) through counselling encourage them to come to a better understanding of their problem and the benefits of seeking treatment or help;
 - b) providing advice and direction regarding obtaining treatment and specialist help;
 - c) assisting in continuing at or achieving a return to work.
4. Alcohol or drug abuse related problems can come to the notice of management through:
 - a) Failures in work performance or behaviour necessitating use of the Disciplinary Procedure. In such situations the procedure described above should be followed.
 - b) Other means, where a member of staff/students seeks or agrees to accept assistance on a voluntary basis. In such situations, the procedures described above should be followed.

Situations where use of the Disciplinary Procedure is Appropriate

Recognition of the existence of a possible alcohol or drug abuse problem.

1. Abuse of alcohol or drugs can affect performance and behaviour at work, ie, either through serious misconduct at work, (where there is a direct and demonstrable breach of the disciplinary rules regarding alcohol or drug abuse at work/school/college), or where there is a falling off of standards of work performance or behaviour, and abuse of alcohol or drugs is a possible cause.
2. The immediate line manager will be responsible for responding to such situations, carrying out either counselling or disciplinary investigations and interviews, supported as appropriate by a more Senior Manager.
3. In such interviews the possible existence of an alcohol or drug abuse problem should be explored. The line manager is not required to diagnose the existence of an alcohol or drug abuse problem, merely to assess whether such abuse is a possible factor.
4. Any requirements of the Disciplinary Procedure regarding allowing the member of staff/student representation will be observed.

Diagnosing the existence of an alcohol or drug abuse problem.

1. Should the interviews lead to the conclusion that an alcohol or drug abuse problem might exist and the member of staff/student accepts referral, the manager should refer the matter to the Occupational Health who will be responsible for establishing whether or not a diagnosis of alcoholism or drug dependence can be made.
2. Disciplinary action should be suspended until diagnostic advice is obtained. Where appropriate, suspension arrangements in the Disciplinary Procedure should be followed.
3. If the interview fails to lead to the conclusion that an alcohol or drug abuse problem exists, or the member of staff/student rejects, or fails to co-operate in referral, disciplinary action should be continued, where and as the situation justifies.

Confirmation that an alcohol or drug abuse problem exists and treatment arrangements.

1. If a positive diagnosis of an alcohol or drug abuse problem is made, and the member of staff/student agrees to co-operate in treatment, treatment arrangements should commence.
2. Where necessary, the Occupational Health Service/GP will advise the member of staff/student regarding treatment and will be responsible for monitoring progress with treatment and advising the manager concerned. This advice should be available at least monthly following commencement of treatment and thereafter as appropriate. (Disciplinary action should be discontinued unless the member of staff/student fails to co-operate on the treatment arranged.) Should a diagnosis of alcoholism or drug dependence not be confirmed or should the member of staff/student refuse to co-operate in treatment, disciplinary action should be continued.
3. The Occupational Health Service/GP will advise on whether a situation has been reached where there is a lack of progress with treatment or lack of co-operation by the member of staff/student. Managers must review the facts and consider whether or not there needs to be a return to the use of Disciplinary Procedures.
4. Where medical certificates are submitted, sick leave should be given. Should the employee/student continue to be fit for work during the period of treatment, he/she should be permitted to continue in his/her post or alternative work unless such an arrangement would have an adverse effect on company services. In such circumstances, annual or unpaid leave should be approved or, exceptionally, suspension arranged.
5. If a member of staff has been off work during the period of treatment, before returning to duty, he/she will be seen by the Occupational Health Service / GP who will advise management regarding capability for continuation in his/her own post and whether any special supervision or other arrangements are required.
6. Every effort should be made to comply with the advice provided by the Occupational Health Service / GP. If it is not reasonably practicable to do so, and as a result, the member of staff/student is not able to resume duty, employment may be terminated on the grounds of incapacity (ill health).
7. If a member of staff is again involved in disciplinary situations resulting from alcohol or drug abuse related problems, a second referral to the Occupational Health Service / GP and suspension of the disciplinary procedure may be appropriate. If they advise positively on the possibilities of further treatment or help and the willingness of the member of staff/student to co-operate, the disciplinary procedure may be suspended again to permit treatment and help to be undertaken. This second referral will not apply if the further disciplinary problems involve serious misconduct. Third and subsequent referrals are not permissible.

Situations where a Disciplinary Situation does not exist

1. There may be situations where the possible existence of alcohol or drug abuse problems affecting a member of staff/student comes to a manager's attention, although there is, or has been, no discernible affect on work performance or behaviour. This could arise if a member of staff/student confides in his/her manager/tutor about an alcohol or drug abuse problem, or a manager/tutor could see a need to approach a member of staff/tutor after observing possible "indicators" of an alcohol or drug abuse problem (ie) an absence pattern, information provided by the member of staff's/students colleagues, etc.
2. In such situations, EMVA wish staff and students to feel they could seek help from their employer/school/college (in complete confidence) without worry that their job security would be in jeopardy. Accordingly if managers should be faced with a situation of this type they should:
 - a) seek the advice of the Occupational Health Service / GP regarding whether and how the matter could be dealt with;
 - b) counsel the member of staff/student and, if appropriate, arrange for the member of staff to be interviewed by the Occupational Health Service / GP.
 - c) as in the procedure described above, the Occupational Health Service / GP will play a facilitating role (ie) seeking to establish whether a problem exists, advising and directing the member of staff/student towards appropriate forms of treatment and help.
3. These steps cannot be taken without the co-operation of the member of staff/student. If the member of staff/student does not wish to co-operate, no further action should be taken.
4. Should a member of staff/student take up the opportunity of assistance on this voluntary basis there need be no further formal involvement of management in terms of action or the right to learn of progress with treatment. It may be however that the member of staff/student would wish, or agree to, further involvement of management as a means of assisting progress with treatment.
5. Use of the disciplinary procedures and/or the application of the approach described above would only be appropriate if subsequently, the member of staff/student is involved in a breach of disciplinary rules.
6. Should the problems of the member of staff develop to an extent that his/her continuation in post or employment became impossible, it may be necessary to identify alternative work or arrange for termination, on the same basis as the company operates for staff/student with problems of incapacity due to ill health.

Drug /Alcohol Testing

1. EMVA will ensure that all its employees work within the laws of the land. The UK laws on use of drugs and alcohol are clear:

- It is a criminal offence for certain workers, such as drivers or operators of public transport systems, to be unfit for their work due to taking drugs or alcohol.
- It is a criminal offence to be unfit to drive, attempt to drive or be in charge of a motor vehicle when under the influence of drugs or alcohol.
- The possession, supply or production of controlled drugs is unlawful except for in special circumstances (e.g. when they have been prescribed by a doctor).
- Employees/students are also legally required to take reasonable care of themselves and to behave in a way that does not pose risks to the health and safety of themselves or others in the workplace. This includes consideration of the effects that intoxication through taking alcohol or drugs may have.
- Screening test for alcohol / common drugs to be carried out on one sample with either positive or negative results;
- Any positive results from screening to be confirmed by approved scientific techniques;
- Results to be reviewed by an expert and reported back;
- Second sample to be kept for further analysis as part of any appeal by the employee;
- Confidentiality will be maintained at all times.