

## ALCOHOL, DRUGS AND LEGAL HIGH MISUSE POLICY

### INTRODUCTION

- This Policy is designed to help protect employees and associates from the dangers of drugs, alcohol, psychoactive substances (formerly known as "legal highs") or any prescription drugs that have not been prescribed for the user and other substance misuse such as solvents and to encourage those with a problem to seek help.
- GPS recognises that substance misuse may be an illness to be treated in the same way as any other illness. However, there are significant dangers to the health and safety of substance misusers and their colleagues if the problem is untreated and this may also be treated as a disciplinary matter.

### APPLICABILITY

The Policy applies to all employees and associates, and also applies to other people who work at GPS, e.g. self-employed workers, temporary workers and contractors.

### DATA PROTECTION

GPS treats special categories of personal data collected in accordance with its Data Protection Policy. Information about how data is used and the basis for processing the data is provided in the GPS privacy notice.

### DUTY OF CARE AND RESPONSIBILITIES

GPS has a duty of care and a responsibility to promote the wellbeing of its workers and service users. This has two clear implications:

- It is important that clear action is taken to protect people in situations where their wellbeing is affected or put at risk by the substance use and misuse of others.
- Secondly, it is essential that workers should feel able to seek advice, support, guidance and counselling about drug-related concerns and problems. This in turn requires respect for and a commitment to confidentiality, clarity and openness concerning the limits of this and a widespread knowledge of appropriate internal and external advice and referral channels.

## **POLICY**

The Health and Safety at Work Act 1974 and other associated legislation requires GPS to act reasonably to protect the health and safety of workers, service users and visitors.

In addition, all individuals have a general duty of care to take care of themselves and not to endanger others.

The terms of the Policy **for all workers:**

- The keeping and/or use of alcohol, illegal drugs or other substances outlined above is not permitted on the premises of GPS nor client providers premises.
- Workers engaging in social drinking outside the work environment and outside working hours should ensure that they are not under the influence of alcohol when reporting for work.
- Any worker who is suspected of being under the influence of drugs, alcohol, psychoactive substances, any prescription drugs that have not been prescribed for the user and other substances such as solvents while at work may be required to be tested, and if the test is positive will be suspended and the Disciplinary Procedure invoked.
- A worker who is suspected of having an ongoing substance misuse problem will be monitored (records of absence and intoxication at work will be kept, the worker will be counselled, and progress will be monitored). The worker may be suspended if there is a risk to him/herself or to others.
- With the workers consent, a medical report may be sought to establish the workers fitness for work. In cases where the worker is judged to be unfit for work due to substance abuse, the disciplinary procedure will be invoked. The likely outcome for this being dismissal if there is no improvement or a serious risk to him/herself or to others.
- Any worker who is required to drive in the course of his or her work may be dismissed if he or she is banned from driving for a substance abuse related offence.
- Any employee found to be in possession of or dealing in illegal substances in the workplace may be dismissed and the Police informed.
- The GPS Disciplinary Procedure will be followed for any worker failing to observe the Policy, which will be treated as gross misconduct.

The terms of the Policy for **other people** who work for GPS, e.g. self-employed workers, temporary workers and contractors, are similar to the terms for workers except that the person's employer will be involved at the earliest stage and disciplinary/dismissal procedures will be as defined by that employer.

## **SIGNS OF MISUSE MAY INCLUDE:**

- Sudden mood changes.
- Unusual Irritability or aggression.
- A tendency to become confused.
- Abnormal fluctuations in concentration and energy.
- Impaired job performance.
- Poor timekeeping.
- Increased short-term sickness absence.
- Deteriorating relationships with colleagues or management.
- Dishonesty and theft (arising from a need to maintain a drug misuse habit).

Please note: all these signs may be caused by other factors (such as stress) and should be regarded only as indications that the worker may be misusing drugs.

## LEGISLATION

There is no legal obligation to report every drug-related incident or the identity of those involved to the police. However, Section 8 of the Misuse of Illegal Drugs Act 1971 requires that in the event of such an incident, clear action is taken to address the situation and ensure that it does not recur - and makes clear that 'failure to act' is an offence.

The Misuse of Drugs Act 1971 categorises controlled drugs into three classes;

**Class A:** includes Crack cocaine, cocaine, ecstasy (MDMA), heroin, LSD, magic mushrooms, methadone, methamphetamine (crystal meth).

**Class B:** includes Amphetamines, barbiturates, cannabis, codeine, ketamine, methylphenidate (Ritalin), synthetic cannabinoids, synthetic cathinones (for example mephedrone, methoxetamine).

**Class C:** includes Anabolic steroids, benzodiazepines (diazepam), gamma hydroxybutyrate (GHB), gamma-butyrolactone (GBL), piperazines (BZP), khat

The most commonly encountered offences under the Misuse of Drugs Act are:

- Possession of a controlled drug.
- Unlawful supply.
- Possession with intent to supply.
- Knowingly permitting or suffering controlled drugs on premises.
- Production or cultivation of a controlled drug.

The Psychoactive Substances Act 2016 expands this to include psychoactive substances, formerly known as "legal highs" or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance and to produce, supply or possess with intent to supply psychoactive substances.

The Health and Safety Executive (HSE) has produced guidance for employers on dealing with alcohol and substance abuse issues in the workplace in *A guide for employers on alcohol at work* and *Drug misuse at work: a guide for employers*.

# USEFUL RESOURCES

National Drugs Helpline: 0800 77 66 00 (free, confidential advice 24 hours a day)

## NATIONAL WORKPLACE ORGANISATIONS

**HSE Information Services:** Caerphilly Business Park, Caerphilly, CF83 3GG  
**Telephone 0870 154 5500**

### **Drug Action Teams**

Made up of personnel from health, local authorities and criminal justice agencies to agree local priorities and resources for all relevant agencies.

For details of nearest DATs contact;

**Drug Strategy Directorate ([drugs.gov.uk](http://drugs.gov.uk)):** 50 Queen Anne's Gate, London, SW1H 9AT  
**Telephone 0207 273 3765**

## SCOTLAND

### **Scottish Drugs Forum**

Shaftesbury House, 5 Waterloo Street, Glasgow, G2 6AY  
Tel : 0141 221 1175

### **NHS Health Scotland**

Provides information on health and factors which affect good health.

Woodburn House, Canaan Lane, Edinburgh, EH10 4SG  
Tel : 0131 536 5500

## WALES

Substance Misuse Advisory Regional Teams (SMARTs)

### **Dyfed Powys SMART**

Government Buildings, Picton Terrace, Carmarthen, SA33 3BT

### **Gwent SMART**

Brecon House, Mamhilad, Pontypool

### **North Wales SMART**

Bromfield House, Mold

### **South Wales SMART**

1 Alexandra Gate, Ffordd Pengam, Tremorfa, Cardiff, CF24 2SB

### **Health Promotion Wales**

Fynnon Las, Ty Glas Avenue, Llanishen, Cardiff, CF4 5DZ

## NORTHERN IRELAND

**Health and Safety Executive Northern Ireland**

83 Ladas Drive, Belfast, BT6 9FR

Tel: 028 90243249

Fax: 028 90235383

E-mail: [hse.ni@detini.gov.uk](mailto:hse.ni@detini.gov.uk)

Website: [www.hse.ni.gov.uk](http://www.hse.ni.gov.uk)

Helpline: 0800 032 0121

LRD: October 2022