

# Luton

## Adult Learning

### Policy and Procedure

### Drugs and Alcohol Policy

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# LUTON ADULT LEARNING SERVICE'S DRUGS AND ALCOHOL POLICY

The aim of this policy is to clarify the service's role in managing any issues with regard to drugs and alcohol (i.e. **"Drugs"** refers to **all drugs** including **medicines (prescription and inappropriate use of "over the counter")**, **volatile substances, alcohol, and illegal drugs**) as well as meeting the needs of learners. The policy provides information and guidance for responding to any drug-related incident within the service.

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## DRUG AND ALCOHOL POLICY STATEMENT

Luton Adult Learning is committed to promoting a safe and supportive environment in which to learn and work. In order to do so, it will:

- encourage and support mutual respect within the whole of the learning community.
- work with staff and learners to create an understanding of acceptable behaviour.
- assist learners and staff to make informed decisions about drug and alcohol use.
- promote a community which is supportive and which recognises different attitudes towards drugs and alcohol use.
- recognise the link between responsible behaviour and an enjoyable learning experience and seek to promote a social environment from which all may benefit.
- take very seriously its legal responsibility for the health, safety and welfare of its learners, staff and visitors and aim to provide a safe, healthy and high quality learning environment.
- recognise that staff with responsibilities for teaching and the support and welfare of learners and those who manage others have additional responsibilities to promote and to be alert to indicators of drug or alcohol misuse and to take appropriate action when necessary.
- provide guidance and information to staff and learners to help them develop the confidence to know what action to take if they are concerned about drug and alcohol misuse, the health and safety of fellow learners, of staff members, or of themselves.

# DRUG AND ALCOHOL POLICY

## 1. Introduction

This policy promotes a safe and supportive environment in which to learn and work. The overarching premise is one of support and education, focusing on boundaries of acceptable and responsible behaviour.

The use of drugs and alcohol is becoming increasingly common in our society, and with that in mind the policy is set within the context of national strategies. The National Alcohol Harm Reduction Strategy (2004) aims to reduce the harm and cost that alcohol misuse causes to society. It cites 'binge' drinking as a particular risk to health as well as increasing the risk of accidents, violence and sexual assault. In addition, the updated Drug Strategy (2002) aims to reduce the harm that all illegal drugs cause to society.

Support is available to learners through <http://www.lutondap.org/> or the curriculum teams. If learners disclose that they have dependency problems, their cases will be treated sympathetically and in confidence within the boundaries of the Services' statutory duties under its Safeguarding Children, Young People and Vulnerable Adults policy.

Learners who have or develop drug or alcohol-related problems may cause harm to themselves and to others. The misuse of drugs and alcohol (substance misuse) often affects their performance, conduct and relationships both on their course and at home. It can also have consequences for future career choices.

Luton Adult Learning has a legal responsibility for the health, safety and welfare of its learners, staff and visitors and aims to provide a safe, healthy and high quality learning environment. This includes addressing the risks posed by substance misuse, informing learners of their responsibilities and codes of conduct and providing help and advice on request. All learners have a legal responsibility to take reasonable care for their own safety and for that of others.

## 2. Who is covered by the policy?

The policy applies to learners in circumstances where there is a safety risk to themselves or others, or where their conduct or quality of work affects others. It applies whether learners are on the learning premises or elsewhere on study activities, including premises managed on behalf of the Luton Adult Learning Services by a third party.

In certain situations individuals may be subject to disciplinary action, be asked to leave and/or be reported to the police. The Service does not wish to criminalise its learners or visitors, but it has a legitimate interest in protecting people who study, work or are visiting from the likely consequences of substance misuse.

### **3. Aims of the policy**

The purpose of the policy is to:

- Promote health and safety and wellbeing by providing information, advice and support
- Inform learners about drug and alcohol use and misuse
- Provide advice on the support options available
- Enable individuals with drug and alcohol-related issues to seek help
- Offer guidelines to all learners and staff regarding their responsibilities and the required code of conduct
- Explain how misuse may lead to disciplinary or legal action

### **4. What do we mean by misuse?**

Substance misuse is defined as the habitual or intermittent use of alcohol or any drug or other substance which causes detriment to an individual's health, social functioning or study/work performance. It can often impair safety of themselves or others and affect attendance, time keeping, efficiency or conduct. Misuse also includes the possession, use or supply of illegal drugs.

The term 'substance misuse' relates to all illegal drugs (controlled by the Misuses of Drugs Act, 1971); all legal drugs, including alcohol, tobacco, volatile substances (those giving off a gas vapour that can be inhaled), ketamine, khat and amyl nitrates (known as poppers); and all over-the-counter and prescriptive medicines. Illegal drugs are divided into three classes: Class A includes cocaine and morphine, Class B includes amphetamines, barbiturates and cannabis, and Class C includes anabolic steroids.

### **5. The legal position**

Under the Misuse of Drugs Act 1971, the term 'misuse' covers the supply, possession and use of illegal drugs and the misuse, whether deliberate or unintentional, of prescribed drugs and substances such as solvents. Supply or possession of an illegal drug is unlawful. It is an offence for an employer, an occupier of premises or persons concerned in the management of premises to allow the supply, use or production of drugs to take place on their premises. The penalties for offences involving controlled drugs depend on the classification of the drug.

The Health and Safety at Work Act 1974 places a duty on employers to ensure, as far as is reasonably practicable, the health, safety and welfare at work of staff, learners and other users of its premises.

The Road Traffic Act 1988 states that a person is guilty of an offence if driving or attempting to drive a motor vehicle in a public place while unfit through drink or drugs.

Under licensing laws it is illegal to sell alcohol to someone who is inebriated.

## 6. Code of conduct

A code of conduct describes the legal health and safety obligations and provides guidelines for behaviour. What constitutes misuse will depend on many factors, but it is expected that all learners will take personal responsibility for ensuring that it does not affect work or study performance. A breach of this code may result in disciplinary action. The code states that:

- Learners must not be under the influence of drugs or alcohol in any classes/session.
- No member of staff will be at work under the influence of drugs or alcohol.
- Supply, possession or use of illegal drugs is forbidden.
- Prescription drugs are only to be used as prescribed.
- No one should undertake Service related business or represent the Service while unfit through drink or drugs.
- Substance misuse resulting in risk to the safety of others is likely to lead disciplinary procedures. Examples of situations where this might occur include using machinery or hazardous substances, driving, sports activities or any other activities identified as hazardous on a risk assessment.
- Learners undertaking activities identified as hazardous on a risk assessment and who are taking prescribed drugs must consult their doctor as to whether the drug(s) could affect safety (eg cause drowsiness or affect judgment or co-ordination). If so, they must inform their tutor or other person responsible for health and safety in the area and refrain from the safety-critical activities.
- Learners are strongly advised not to compromise their own safety by working with or being reliant upon (e.g. as a car or bus passenger) someone who has consumed alcohol or drugs.
- Learners are strongly advised that a disruption of academic activity due to substance misuse will be investigated by the curriculum concerned.
- Pressure should not be applied to encourage others to drink alcohol, take drugs or misuse substances. This includes disrespectful or exclusive behaviour and spiking drinks.
- It is illegal to serve alcohol to someone who is already intoxicated.

## 7. Confidentiality and data protection

All cases will be handled in strict confidence and all personal information will be processed securely in accordance with the Data Protection Act 1998. It may be used by the relevant managers to consider and plan any support needed and to manage the study relationship. Wherever possible, confidential disclosure of information by learners will be honoured, unless the learner or someone else is at risk.

## Appendix A

### Guidance

#### All learners should be able to:

- Access this policy and supporting documents.
- Seek help if they have a problem. Within the Service, help is available from teachers and managers.
- Encourage other learners to seek help if they have a problem.
- Access information about the effects of misuse on other people and on the quality of their own study/work.
- Alert an appropriate senior member of staff to any problems they see developing within the Service, particularly where legal or health and safety obligations are paramount.
- Co-operate with any investigation of suspected misuse.
- Seek help or advice if they have been asked, or if they seek help voluntarily, to co-operate fully with the support and advice offered.

### Teachers and Managers

#### Teachers should:

- Be aware of the policy, procedures, services available and referral processes for dealing with substance misuse problems, and ensure that learners within their area are informed of the policy and understand their roles and responsibilities. This information should be included in induction.
- Be aware of the signs of substance misuse and be prepared to refer as appropriate in accordance with policy, guidelines and advice.
- Share any on-going concerns with the designated safeguarding officer.

#### Managers should:

- Monitor risk assessments and working practices so that risks from substance misuse are included where appropriate, particularly in high risk or hazardous areas.
- Contribute to the development and facilitation of awareness-raising activities.
- Maintain professional and confidentiality boundaries, making these clear to learners and staff and operating them in relation to learners' and staff rights under the Data Protection Act.
- Have in place systems of referral to other agencies.

## Appendix B

### Procedure for dealing with drug or alcohol problems

- The Service aims to provide a safe learning and social environment for its learners.
- Early intervention can increase the likelihood of a positive outcome.
- All dependency cases will be treated sympathetically
- All information about the case will be handled confidentially and securely in accordance with the Data Protection Act.
- In most cases, a factual and evidence-based record of actions and advice should be kept, including dates and names of individuals involved.
- Action will be taken in cases of possession or supply of illegal drugs
- Possession or supply of illegal drugs is a criminal offence. The Service Manager must be notified immediately. The Service will report to the police all incidents involving the supply or taking of illegal drugs on the premises as required by the Misuse of Drugs Act 1971 and may decide to take action, whether or not the authorities decide to prosecute. This is because the Service retains the right to maintain discipline and to take disciplinary action where there is a clear breach of the policy relating to substance misuse.

Implementation of the Policy: In all incidents involving substance misuse or supply on the premises, action will proceed as indicated above.

Combined Policy written      November 2013