

## ALCOHOL & DRUGS POLICY

**Policy Statement:** The McSence Group recognise that alcohol, controlled substances and misuse or abuse of prescription and non-prescription drugs can be a serious problem, which can affect work performance where the group's policy is that the working environment should be free from the influence of alcohol or drugs. Possessing and supplying illegal drugs is a criminal offence, as is conducting certain duties under the effects of alcohol e.g., driving and will not be condoned. This policy has been developed to protect the health and safety of employees and to comply with relevant legislation, including the Health & Safety at Work Act 1974, the Misuse of Drugs Act 1971 and Misuse of Drugs Regulations 2001. This cover "alcohol or drugs which are defined as unlawful under criminal law, controlled substances, misuse of prescription and non-prescription drugs" and will be referred to throughout this policy as "alcohol and drugs".

**All Employees:** This policy applies to all persons working for or on our behalf of the McSence Group of Companies in any capacity including but not limited to:

- ✚ All employees at all levels, prospective employees, agency workers, seconded workers, temporary workers, contractors/sub-contractors, clients, agents, external consultants, volunteers, members of the public, group's supply chain, third-party representatives and/or business partners who will be referred to in our Group policies as "all employees".

**The Workplace:** This policy applies to all persons working for or on our behalf of the McSence Group of Companies in any capacity at the workplace(s) as defined below which includes but not limited to:

- ✚ McSence Premises, Offices, Units, Business Park, Client's Premises, External Meeting Places, Customers' Homes, Gardens, Sheltered Housing, Whilst On-Call, On-Duty, Emergency Cover, Working from Home including On-Line Meetings, Whilst Driving in Company Time, Working Public Areas (café's, trains, coffee shops, buses etc) and will be referred to throughout this policy as "the workplace".

**Purpose:** McSence Group has a duty to protect the health, safety and welfare of all employees, clients and the public. There is also a link between the misuse of alcohol and drugs as those who drink excessively or take drugs are more likely to work inefficiently, be absent from work, have work accidents endangering themselves, other employees and public where this purpose of this policy is to promote a responsible attitude to drugs and alcohol. McSence Group whilst unequivocally condemning the misuse of alcohol or drugs, recognises the importance of a working environment where such problems are not ignored, but addressed promptly and with empathy for the individual with the problem. However, we recognise that, for various reasons, employees could develop alcohol and/or drug related problems. Visitors will be asked to respect the group's policy and if any visitor is acting in a manner likely to be in breach of this policy, the company representative will politely ask them to leave the premises.

**Procedures:** McSence Group as part of our duty of care, reserves the right to carry out alcohol and drugs testing on a regular basis. Testing will be carried out in a way that protects the employee's dignity, maintains confidentiality in respect of the testing process and any declared medication being taken which may affect the results of the test. The alcohol and drugs test will be carried out by an external independent reputable testing organisation with our preferred supplier being Abbott Toxicology – UK, Crystal Health Group or Racoo Screening. Alcohol and drugs testing apply to all employees and the three categories are:

- ✚ Pre-employment drugs and alcohol testing
- ✚ "With-cause" drugs and alcohol testing
- ✚ Random drugs and alcohol testing

**Requirements:** The requirements of all employees in respect of alcohol and drugs are outlined below:

- ✚ All employees must not attempt to or attend the workplace whilst unfit for work due to alcohol or drugs.
- ✚ All employees must not be in possession of alcohol or drugs into the workplace.
- ✚ All employees must not bring alcohol or drugs into the workplace.
- ✚ All employees are prohibited from consuming alcohol or drugs in the workplace.

- ✚ All employees are prohibited from taking alcohol or drugs when driving during company time including all private and all company vehicles.
- ✚ All employees who are driving are required to take specific action to ensure that they are always within the legal limits including the “morning after”.
- ✚ All employees representing the McSence Group at business functions, conferences, training events or attending company organised social events outside normal working hours can consume alcohol in moderation on the proviso they are not returning to work but must not drink to excess.
- ✚ Social drinking away from the workplace is a personal matter unless the employee’s attendance, work performance and/or conduct at work deteriorates.
- ✚ All employees must advise their General Practitioner, specialist, or pharmacist of the nature of their work and the company’s policy on alcohol and drugs which includes both prescribed and “over-the-counter” medications as they may cause side effects which have potential safety implications.
- ✚ All employees who require the use of prescription and/or “over the counter” drugs which may affect or does affect their behaviour at work must notify their Line Manager immediately for suitable assessments to be made.
- ✚ All employees must notify their Line Manager, Business Unit Manager or Senior Management Team if they believe they have an alcohol or drugs related issue.

**Records & Confidentiality:** Line Manager’s must ensure sensitive personal data specifically where the data reveals information about the employees’ health status, including both physical and mental health and the provision of health care services is always treated confidentially and is compliant with the McSence Group Data Protection & General Data Protection Regulation (GDPR) Policy. Line Manager’s under existing and new data protection rules (GDPR) must make sure that the information is (amongst other things):

- ✚ Adequate, relevant and not excessive
- ✚ Processed fairly and lawfully.
- ✚ Obtained only for one or more specified and lawful purposes, and not further processed in any manner incompatible with that purpose or those purposes.
- ✚ Accurate and up to date
- ✚ Processed in accordance with the rights of data subjects under the Data Protection Act
- ✚ Kept for no longer than is necessary.
- ✚ Secure i.e., using appropriate technical or organisational measures to protect against unauthorised or unlawful processing of personal data and against accidental loss or destruction of, or damage to, personal data.
- ✚ Any information which is divulged to a third party, will be done so under the remit for the greater good where the health and/or safety of the employee or others could be compromised.

**Disciplinary Procedures:** A breach of this policy is a disciplinary offence and will be dealt with in accordance with our disciplinary procedures. Depending on the seriousness of the offence, it may amount to gross misconduct and could result in the employee’s summary dismissal. McSence Group reserves the right to arrange for the employee to be escorted from the place of work immediately and sent home.

- ✚ Where an employee has an alcohol or drug problem affecting their conduct and performance at work and refuse the opportunity to receive help, the matter will be referred for action under McSence’ s disciplinary procedure as appropriate - Admission of an alcohol or drugs problem will not excuse an employee from disciplinary action, particularly in the event of serious misconduct, although the decision on a penalty will be considered and failure to satisfy the conditions of any recovery program may render the employee subject to further disciplinary action.
- ✚ Where an employee drives and are subject to disqualification from driving which is mandatory in the case of driving or attempting to drive when under the influence of alcohol or drugs and if an employee drives as part of their role, it will not be an automatically fair reason for dismissal. Pending trial, the employee can continue to drive, but if driving on company insurance, you will have to tell your insurance company to establish whether it will allow the employee to continue to drive on the policy. While it’s possible to dismiss an employee, who is facing or has a drink driving conviction, the fairness of such a dismissal will depend on a variety of factors, for example, the nature of the job. There would be no need to dismiss a worker who does not drive for work purposes and is able to get to and from work by alternative means than a car. If driving is only a small part of the role, it you may be able to make alternative arrangements to accommodate the employee during the period of disqualification.
- ✚ Even if a worker drives for work, before taking a decision to dismiss you would have to consider whether he can do his job using alternative transport or can be deployed elsewhere in the business for the duration of the ban.

For example, I have known field sales representatives make an agreement with their employer to allow a family member of the employee drive him to his appointments rather than lose his job. Any additional costs were met by the employee and regular checks were made by the employer to ensure the employee was sticking to the arrangement. In other cases, employees have been deployed to another role or given a desk job for the duration.

- ✚ But it may not be possible to do that and if not, you will have to invoke the formal discipline procedure. The usual rules apply. Investigate to establish the facts and if there is no reasonable alternative to a driving role, hold a disciplinary hearing to consider the evidence. If you have to dismiss, it will be a capability matter – loss of an e.
- ✚ If after counselling and assistance, and following review and evaluation, the employee's conduct or performance reverts to a problem level, the matter will also be dealt with under the disciplinary procedure.
- ✚ Where an employee behaving in a manner which would bring the Company into disrepute or that they fail to comply with the company's rules on health and safety or following other standard company procedures, the matter will be referred for action under McSence's disciplinary procedure as appropriate.
- ✚ Incapacity or misconduct caused by an excess of alcohol or drugs in the workplace is a potential gross misconduct offence under our disciplinary procedures and the employee is liable to be summarily dismissed - this also applies to any employee believed to be buying or selling drugs whilst on duty.

**Support, Help and General Assistance:** McSence Group will deal constructively and sympathetically if an employee has alcohol or drug related issues by making every effort to ensure that support and confidential help is made available as follows:

- ✚ Employee who suspects or believe they have a problem with alcohol or drugs are encouraged to seek help through their Line Manager, Business Unit Manager or a member of the Senior Management Team (SMT) where all such discussions will be treated in strict confidence.
- ✚ The Line Manager or a member of the Senior Management Team (SMT) can provide guidance on how to seek suitable help including but not limited NHS/GP, Drink Line, Meld (Mid & East Lothian Drugs).
- ✚ Employees who are concerned that a colleague is exhibiting symptoms of an alcohol or drug related problem should notify their manager. These concerns will be treated on a strictly confidential basis. It will be considered inappropriate to make deliberately false accusations against another employee and the person making any such false claim may be subject to disciplinary action under the Dignity at work policy.

**Line Manager Drug and Alcohol Awareness:** Line Managers within the McSence Group have a duty and responsibility of all concerned to identify and resolve problems at the earliest opportunity by following the group's alcohol and drugs policy. Below is a list of some common indicators of alcohol and drugs misuse although these are not exhaustive.

**Alcohol Misuse Indicators:** When people develop drinking problems their behaviour often changes over a period. If a number of these indicators are observed, it could be that the individual may have developed a problem with alcohol misuse:

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|------------------------------------|----------------------------------------------|
| ✚ Persistent record of absenteeism | ✚ Tremors, sweats, plethoric appearance      |
| ✚ Frequent Accidents               | ✚ Sudden change in behaviour                 |
| ✚ Deteriorating work performance   | ✚ Unexplained irritability & aggression      |
| ✚ Drunkenness on duty              | ✚ Poor memory and a tendency to be confused. |
| ✚ Smelling of alcohol at work      | ✚ Poor personal hygiene                      |
| ✚ Drinking and driving convictions |                                              |

**Drug misuse indicators:** Drug misuse or abuse may influence work performance even if the misuse takes place outside the workplace. However, caution should be taken with the indicators as they can be caused by other factors other than drugs:

- |                                               |                                                             |
|-----------------------------------------------|-------------------------------------------------------------|
| ✚ Sudden change in behaviour pattern          | ✚ Poor time keeping                                         |
| ✚ Tendency to become confused.                | ✚ Increase in short-term sickness absence.                  |
| ✚ Irritability and possibly violent behaviour | ✚ Deterioration in relationships with other people          |
| ✚ Abnormal fluctuations in mood and energy    | ✚ Financial difficulties, theft & other forms of dishonesty |

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**Company Intranet – Staff Zone:** All the McSence Groups policies, procedures, handbooks are available on-line to all employees on the McSence Group’s Staff Zone Intranet <https://mcsencestaffzone.wordpress.com/>

**Compliance:** Failure to comply with the provisions of this Policy may result in Disciplinary proceedings.



*McSence Group Signatory:*

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*Policy Amendments & Revisions: This policy will be reviewed annually and, if necessary, revised in the light of legislative or organisational changes. Improvements will be made by learning from experience and the use of an established annual review. Should any amendments, revisions, or updates be made to this policy it is the responsibility of the Company Senior Management Team (SMT) to see that all relevant employees receive notice and training if necessary.*

POLICY