

## Health and Safety Code of Practice

### WCP1 Drugs

<b>Responsibility for Policy:</b>	Registrar and Chief Operating Officer
<b>Relevant to:</b>	University staff, students, users of and visitors to the University
<b>Approved by:</b>	University Health and Safety Committee
<b>Responsibility for Document Review:</b>	Head of Safety, Health and Environment
<b>Date introduced:</b>	January 1999
<b>Date(s) modified:</b>	January 2001, October 2009, October 2011, March 2014, May 2015, March 2017, January 2020
<b>Next Review Date:</b>	January 2022

#### RELEVANT DOCUMENTS

- Health and Safety at Work etc. Act 1974
- Management of Health and Safety at Work Regulations 1999
- The Scale and Impact of Illegal Drug Use by Workers – HSE 2004 – ISBN 071768027
- Guidance on Alcohol and Drug Misuse in the Workplace – Faculty of Occupational Medicine 2006
- Health Care Professionals Code of Conduct
- General Pharmaceutical Council Code of Conduct
- General Pharmaceutical Council Student Code of Conduct
- General Data Protection Regulation 2018

#### RELATED POLICIES & DOCUMENTS

- Liverpool John Moores University Health and Safety Policy Statement
- MCP1 Organisation for the Implementation of the Health and Safety Policy
- MCP2 Arrangements for the Implementation of the Health and Safety Policy
- LJMU Absence Policy
- LJMU Fitness to Practise Policy
- LJMU Fitness to Study Policy

**THIS CODE OF PRACTICE FORMS PART OF THE UNIVERSITY'S HEALTH AND SAFETY POLICY  
AND REPLACES ALL PREVIOUS ISSUES**

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## **1. INTRODUCTION**

### **1.1 Controlled drugs**

The Misuse of Drugs Act 1971 and Misuse of Drugs Regulations 2001 are the primary legislation aimed at preventing the misuse of drugs. Drugs covered by this Act are known as “controlled drugs” and are categorised as classes A, B and C. The law defines a series of offences including possession, possession with intent to supply, supplying or offering to supply and production of certain controlled drugs. Under the Act it is a criminal offence knowingly to allow any premises you occupy or manage to be used unlawfully for the purpose of producing and supplying controlled drugs.

### **1.2 Prescribed medication**

The University has an obligation to ensure the health, safety and welfare of its staff, students and others affected by its activities. As such the use of drugs and their effects are taken seriously by the University. Such use may include using/taking prescribed medication, which may also present a hazard (for example sedation or impaired cognition) to the safety of others.

### **1.3 New psychoactive substances ‘legal highs’**

New psychoactive substances (‘legal highs’) have been shown to cause heart attacks, strokes, organ damage, psychosis and in the most extreme cases, death.

## **2. OBJECTIVES**

The primary objective of this Code of Practice is to reduce to a minimum the possible effects of drug misuse on the user and others who may be adversely affected by the use of drugs. This Code of Practice applies to all staff, students and visitors without exception.

This Code of Practice also outlines the action the University will take in the event of a member of the University being suspected of involvement with the supply, intent to supply, distribution, possession, possession with intent to supply and production of controlled drugs.

## **3. RESPONSIBILITIES**

### **3.1 Where a colleague or student is suspected to be misusing drugs**

Staff or students of the University who suspect a colleague or student is misusing drugs have a duty to inform their line manager or tutor or professional body. Staff belonging to a professional organisation (for example nurses or pharmacists) also have a responsibility to inform on their colleagues if public safety is at risk. It is not just the responsibility of their employer. The matter should then be referred to Human Resources or Student Advice and Wellbeing Services as appropriate.

### **3.2 Where a colleague or student is suspected to be involved in the supply, intent to supply, possession, possession with intent to supply or production of controlled drugs**

Staff or students who suspect a colleague or student is involved in the supply, intent to supply, possession, possession with intent to supply or production of controlled drugs has a duty to report the matter to their line manager or tutor. It is also a duty of the University to report to the necessary authorities; this may include the Police and/or professional regulators. The matter should then be referred to Human Resources or Student Governance.

### **3.3 Responsibility of all members of the University**

The attention of all members of the University is drawn to their own responsibilities toward themselves, colleagues and others under Section 7 of the Health and Safety at Work etc. Act 1974. This makes it the legal duty of every employee to take reasonable care for health and safety of themselves and others who may be affected by their acts or omissions at work.

Staff and students must not attend the University when their performance is adversely affected by drugs. Staff and students must never drive, operate machinery or handle hazardous substances or transportable gases if affected by drugs or by any substance that by its mishandling becomes a hazardous substance or dangerous to health.

### **3.4 Responsibility of the Occupational Health Unit**

The Occupational Health Unit will provide advice about fitness for work regarding staff referred by Human Resources and also regarding students who are referred in accordance with the University's Fitness to Practise and Fitness to Study Policies or the Faculty of Science Fitness to Practise Policies for Pharmacy and Health Professions Council students. There is a requirement to report to other professional regulators in the case of staff. The Occupational Health Unit cannot investigate or treat medical conditions.

## **4. MISUSE OF DRUGS**

### **4.1 Advice and help**

The University will undertake to ensure that any member of staff or student believed to be misusing drugs will get advice, help and, if necessary, treatment. Staff or students who think they may have such a problem will be encouraged to seek help voluntarily at the earliest possible moment.

Where the University becomes aware that staff may have a problem with drug misuse, the individual should be invited to discuss his/her situation with his/her line manager and a member of People and Organisational Development and offered the opportunity of professional advice and help.

Subject to the provisions below, time off will be allowed for any necessary treatment and job security will be protected in exactly the same way as for staff of the University with other health conditions.

### **4.2 Refusal to accept help**

Should a member of staff refuse help, or drop out of a treatment programme, this will not be automatic grounds for dismissal; but any unacceptable behaviour or level of performance thereafter will be subject to normal disciplinary procedures.

### **4.3 Relapse**

If a member of University staff relapses during or after treatment, the case will be sympathetically considered in the light of professional advice. Each case will be considered on its merits, but normally the University will agree to a further period of treatment following only a first lapse.

### **4.4 Representation**

Where relevant, all members of the University will have the right to be represented at any stage by their recognised Trade Union representative, staff or student representative or friend. In the

event of a dispute over the applicability of this Code of Practice in any particular case, it will be dealt with by the normal complaint and disciplinary procedures.

#### **4.5 Confidentiality**

The treatment record of any member of the University is confidential, and the University will endeavour to maintain confidentiality about individual problems, subject to the provisions of the law. However, the University reserves the right to record and disclose where proper the occupation of those who have received such treatment while in their employ or responsibility for the purposes of furthering research, without disclosing names or personal details. Disclosure may be made to the professional regulator.

#### **4.6 Students**

In cases involving students, counselling and any subsequent treatment that may be recommended may result in a recommendation to suspend studies.

### **5. SUPPLY, POSSESSION AND PRODUCTION OF CONTROLLED DRUGS**

Any member of staff or student suspected of possession, possession with intent to supply, supplying, offering to supply or producing a controlled drug will be reported to the Police, and suspended from the University, pending the outcome of Police investigations. When any Police investigation has reached its conclusion including any possible court proceedings, the Criminal Convictions Panel shall decide what action should be taken in the case of students. In the case of staff, the appropriate disciplinary procedures may be invoked, including those of the relevant regulator for professionally qualified staff teaching on professional programmes.

Any member of staff or any student whom the University has reason to believe is using a controlled drug on its premises (but not handling for the purpose of analysis), may be subject to disciplinary action and may be reported to the Police and the relevant professional regulator.

Any person who is not a member of staff or student of the University who is suspected of trying to enter any University premises to supply, offer to supply, attempt to supply or produce controlled drugs will be refused access, and the Police will be informed.

### **6. USE OF NEW PSYCHOACTIVE SUBSTANCES ('LEGAL HIGHS')**

The use of new psychoactive substances ('Legal highs') on any University premises is prohibited.

### **7. MISUSE OF PRESCRIBED DRUGS**

Staff and students seeking treatment for the misuse or dependency of prescribed drugs will be given support appropriate to individual needs to be agreed by the individual and Human Resources or Student Advice and Wellbeing Services as appropriate.

### **8. INFORMATION, EDUCATION AND SUPPORT**

Information for staff and students on drug misuse can be obtained from the NHS Direct website by using the following link: <http://www.nhs.uk/Livewell/drugs/Pages/Drugshome.aspx> or from NHS primary care services. Student Advice and Wellbeing Services will also provide information for students.

Additional support is available from:

- Student Advice and Wellbeing Services <https://www.ljmu.ac.uk/discover/student-support/health-and-wellbeing>
- Occupational Health Unit <https://www.ljmu.ac.uk/occupational-health>

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- John Moores Students' Union Welfare Advice Centre 0151 231 4900
- Liverpool Drug Dependency Unit, Hope House, 26 Rodney Street, Liverpool, L1 2TQ  
0151 709 0516
- NHS Direct 0845 46 47  
<http://www.nhsdirect.nhs.uk/>
- NHS General Practitioners
- Pharmacist Support <http://www.pharmacistsupport.org/>
- The Angelus Foundation <http://www.angelusfoundation.org.uk/>