Item 08
For Approval

Glasgow Kelvin College

Board of Management

Finance and Resources Committee – 20 September 2022

Revised Policies and Procedures

Report by the Director of People and Culture

1. Introduction

Members will be aware that the College has developed, in partnership with representatives of its recognised Trade Unions, a range of employment policies and procedures for Glasgow Kelvin College. In accordance with the agreed Policy and Procedure Review Schedule, the three policies and procedures were shared for consultation.

The purpose of this report is to apprise members of the outcome to the review of the Grievance Policy and Procedure, the Disciplinary Policy and Procedure and the Alcohol, Drugs and Substance Misuse Policy, provide an update and invite comment prior to the relevant policies being presented to the Board of Management for approval.

2. Grievance and Disciplinary Policy and Procedure

Members will recall that, in accordance with the National Recognition and Procedures Agreement, a national policy in relation to Grievance and Disciplinary is to be produced for the Sector. The National process to negotiate the Grievance Policy will commence, in the near future. A National framework Procedure for these Policies colleges will also be developed, but the final Procedure is a matter for consultation with local Trade Union representatives.

Both Unison and EIS/FELA requested that local consultation on these two documents be postponed by the College pending the National process, which, as noted above, has yet to commence. Both policies were featured on the JN/CC agenda for both Trade Unions, EIS-FELA from February to June and Unison from January to June 2022.

The decision was taken by the Board of Management at the meeting held 29 August to extend the review date of the Grievance Policy to 30 June 2023.

Members will recall that the paper titled Terms of Reference, Policy and Strategy approved by the Board of Management on 13 December 2022 delegated responsibility for the approval of policies and strategies to be approved by the Finance and Resources Committee. By exception the Chair my submit a proposed change to the Board where that change is judged by the Chair to be material or significant. The Grievance Policy and Procedure was identified by the Board as a

document if amended that would be considered directly by the Board. It was recommended that this document when amended in future is approved by the Finance and Resources Committee and presented to the Board for information only. This is the agreed arrangement with the Disciplinary and Appeals Procedure and would ensure consistency of approach. This was agreed by the Board of Management at its meeting on 29 August 2022.

Members are recommended to take the same approach with the Disciplinary Policy and Procedure and are requested to extend the review date of this document to 30 June 2023.

3. Alcohol, Drugs and Substance Misuse Policy

The Alcohol, Drugs and Substance Misuse Policy was first drafted in 2013.

The College undertook a consultation exercise with staff, managers and representatives of its recognised Trade Unions, EIS-FELA and Unison. Consultation began week early in academic year 2021-22 and ended May 2022. A few focus groups were held with staff during that time.

The Policy was also discussed at the formal Joint Negotiation/Consultative Committees held between January 2022 and June 2022 with both Trade Unions. A submission was made by EIS/FELA. Unison did not submit feedback.

In light of the feedback received and operational changes within the College a complete rewrite of the Policy was undertaken. The document now provides a coherent structure, which provides clear guidance and support both to managers in managing staff with ongoing dependency issues or isolated incidents. The content has been updated and duplication and repetitive text has been removed. In addition, the support available to staff, internal and external has been updated.

The attached document has been shared with Trade Union representatives for any final comment.

It is recommended that whilst this is an existing policy the extent of the revision renders it a new policy. Members are therefore invited to comment on the document. The Policy will be presented at the Board of Management Committee meeting on 10 October 2022 for approval subject to any amendments required following any further comments from the Trade Union representatives or consideration by members.

The College will provide awareness raising activities around the excessive use of alcohol and negative impact of using illegal drugs and substances. It will also provide training for managers in managing such situations both in terms of having a conversation with staff, offering support and the appropriate policies and procedures available to assist. Training for managers will be provided in academic year 2022-23 with routine awareness raising taking place throughout the year.

4. Resources Implications

There are no resource implications identified as a result of this report.

5. Equalities

There are no equality implications identified as a result of this report.

6. Risk and Assurance

There are no risk implications identified as a result of this report.

7. Data Protection

No data protection issues have been identified as a result of this report.

8. Recommendations

Members of the Finance and Resources Committee are recommended to:

i) note the content of this report and its appendices;
ii) note that the Grievance Policy review date has been extended to 30 June 2023;
iii) agree to the review date of the Disciplinary Policy being extended to 30 June 2023; and
iv) provide feedback on the Alcohol, Drugs and Substance Misuse Policy;
v) endorse the Alcohol, Drugs and Substance Misuse Policy subject to any amendments required by the Committee; and
vi) note that the revised draft Alcohol, Drugs and Substance Misuse Policy will be placed on the agenda of the Board of Management, 10 October 2022 subject to any amendments required by the Committee.

9. Further Information

Further information on the content of this report can be obtained from Doreen Shiels, Director of People and Culture Services (dshiels@glasgowkelvin.ac.uk).

Appendix 1

Disciplinary Policy and Procedure

Document Control Information	
Reviewed by the Strategic Management Team	**September 2022**
Date of Next Review:	
Approved by the Board of Management:	

The Board of Management (or any person/group with delegated authority from the Board) reserves the right to amend this document at any time should the need arise following consultation with employee representatives. **This Policy has been subject to an Equality Impact Assessment this can be accessed on: https://www.glasgowkelvin.ac.uk/equality-diversity/**

Glasgow Kelvin College

Disciplinary Policy and Procedure

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1. Introduction

Glasgow Kelvin College ('the College') expects a professional and consistent standard of conduct from all employees.

This policy and its associated procedure aims to encourage employees to achieve and maintain acceptable standards of conduct by providing a clear framework within which any instances of alleged failure to meet such standards will be addressed.

It also aims to ensure that a positive and consistent approach to managing disciplinary issues is adopted at all times across the College.

The Disciplinary Policy and Procedure has been developed taking into account the ACAS Code of Practice on Disciplinary and Grievance Procedures and it is designed to help managers, employees and their representatives' deal with disciplinary situations in the workplace.

2. Scope

This Policy and Procedure applies to all employees of the College and provides a mechanism for disciplinary matters to be handled promptly, transparently, fairly and consistently.

The Disciplinary Procedure will be used where there are possible issues of misconduct. This procedure does not apply to cases where an employee fails to perform to the required standard as a result of lack of skill, capability or training or has genuine sickness absence or where an illness or other condition causes or contributes to performance issues. In those cases, reference should be made to the Capability Procedure.

There may be cases where it will be appropriate to treat poor performance as a misconduct issue e.g. in cases of negligence or carelessness.

3. Principles

The Principles of this Policy are:

- The College will seek to resolve conduct issues at the lowest possible level and informal action will be considered, where appropriate, to resolve problems;
- No disciplinary action will be taken against an employee until the issue has been fully investigated to establish the facts of the case;

- For formal action, an employee will be advised of the nature of the complaint against him or her and will be given the opportunity to state his or her case before any decision is made at a disciplinary meeting;
- Employees will be provided with written copies of evidence and witness statements, under normal circumstances, in advance of a disciplinary meeting;
- Witnesses should be informed that a copy of their statement will be provided to the employee;
- At all formal stages of the procedure an employee will have the right to be accompanied by a trade union representative, work colleague or an official employed by a Trade Union;
- Employees may seek additional support or advice from the Human Resources Department;
- Employees will be provided with appropriate time off to attend the Employee Counselling Service to support them through the process;
- In certain situations, employees may be accompanied by an additional companion if agreed by all parties in order to assist the process e.g. an employee with a disability or if there is a language barrier;
- All meetings should be conducted courteously and fairly
- Where possible and practicable in the circumstances, an officer of the College who has been involved in any investigation into alleged misconduct will not be involved in either the disciplinary or the appeal hearing and any officer who has heard a disciplinary or dismissal hearing will not be involved in any appeal hearing.
- No employee will be dismissed for a first breach of discipline except in the case of gross misconduct, when the penalty will be dismissal without notice or payment in lieu of contractual or statutory notice (non-exhaustive examples of misconduct and gross misconduct are contained within the Disciplinary Procedure but any employee in doubt of their responsibilities or expected standards of conduct should speak to their line manager);
- An employee will have the right to appeal against any disciplinary sanction;
- Notwithstanding the stages of disciplinary sanction set out in the procedure, the procedure may be implemented at any stage, without the College being required to start with the lowest disciplinary sanction if the employee's alleged misconduct warrants this; and
- The College and its employees should raise and deal with issues promptly and should not unreasonably delay meetings, decisions or confirmation of those decisions.

4. Confidentiality

The College aims to deal with disciplinary matters sensitively and with due respect for the privacy of any individuals involved. All employees must treat as confidential any information communicated to them in connection with an investigation or disciplinary matter. A failure to do so may result in disciplinary action, up to and including dismissal.

An employee who provides a statement will be advised that the individual who is subject to the investigation will normally be told the name(s) of any witness(es) who provides evidence relevant to the allegation(s) against them, unless in exceptional circumstances the College determines that a witness's identity should remain confidential, for example in cases of sexual harassment or where an individual has provided evidence on the condition that anonymity is preserved.

In such cases the College will endeavour to ensure that the employee is provided with a fair opportunity to respond to any allegation(s) made against them and, if this is not possible, will ensure that a determination is made as to the appropriate weight to be placed on any such evidence in light of any prejudice caused to the employee as a result of anonymity being preserved. The decision not to disclose the name(s) of a witness(es) will be discussed with the employee, and/or their Trade Union representative where appropriate.

5. Right to be accompanied

The employee has the right to be accompanied at any formal stage of the procedure by a trade union representative, work colleague or an official employed by a Trade Union.

Under this procedure, the employee does not have the right to be accompanied by anyone else (such as spouse, partner, other family member or legal representative) unless agreed otherwise as set out above in Section 3.

To exercise the statutory right to be accompanied the employee must make a reasonable request. The employee should provide enough time for the College to deal with the companion's attendance at the meeting and make clear in advance the name of the companion where possible and whether the individual is a Trade Union representative or work colleague.

If the chosen companion is not available at the time fixed for the hearing, then the employee has the right to postpone the hearing, to another time which is reasonable and within five working days of the first working day after the date proposed by the College.

6. Suspension

The College may decide to suspend the employee from work as a precautionary measure pending the outcome of investigation. Any such decision will be taken after consideration of relevant factors including but not being limited to:

- The nature and seriousness of the allegation and the likelihood of the allegations being established;
- The risks to the College and/or employees, students or other third parties of the employee's continued presence in the workplace;
- The risk of a recurrence of the behaviour that is the subject of the allegations;
- Any impact or prejudice that may be caused by the employee's continued presence in the workplace, in particular in relation to the employer's ability to conduct an investigation

The suspension will be for no longer than is necessary to investigate the allegations and the College will confirm the arrangements to the employee in writing. The initial period of suspension will normally be for no more than 10 working days. After this period the decision will be reviewed. If necessary the period of suspension may be extended for a further 10 working days, after which the decision will again be reviewed. Any decision to suspend will be kept under review. While suspended the employee should not visit the College premises or contact any employees, clients, learners, suppliers or contractors associated with the disciplinary investigation or offence under investigation unless authorised to do so.

Suspension of this kind is a precautionary measure, not a disciplinary penalty and does not imply that any decision has already been made about the allegations. The employee will continue to receive full basic salary and benefits during the period of suspension.

An alternative to suspension, where appropriate, would be to relocate the individual under investigation to another campus.

Employees will be provided with information on the support available to them through the Employee Counselling Service. Employees will receive information during their absence similar to any employee who is absent for any other reason.

7. Alcohol and Drug Misuse

The College may suspend disciplinary action under certain circumstances in respect of an offence related to alcohol or substance misuse in accordance with the terms of the College’s Policy Statements on Alcohol and Substance Misuse.

8. Overlapping Disciplinary and Grievance Cases

Where an employee raises a grievance during a disciplinary process the disciplinary process may be temporarily suspended in order to deal with the grievance. Where the grievance and disciplinary cases are related, it may be appropriate to deal with both issues concurrently.

9. Records

The College will keep a file with all written information relating to the disciplinary case. The records will be treated as confidential and kept in accordance with our data retention policy which can be obtained from the Director of Corporate Services.

The details of every disciplinary case will be maintained for monitoring purposes. The College will publish general statistics relating to the number of disciplinaries each year. No personal data is published as part of this process.

10. Training

Training and coaching of managers operating the procedure will be provided. Representatives of the College's recognised Trade Unions will be invited to attend. Advice and guidance on the application of the Disciplinary Policy and Procedure will be provided by Human Resources.

Disciplinary Procedure

1. Informal Procedure

Where practicable and/or deemed appropriate by the College, misconduct will normally be managed, or resolved, informally in the first instance.

Informal action will normally be carried out by the employee's direct line manager or supervisor.

It will take the form of a discussion between the employee and the line manager or supervisor with the objective of resolving any issues, encouraging and helping the employee to improve and identify whether additional training, coaching and advice may be needed is required. Informal resolution may also take the form of an informal warning or direction.

Both parties should fully understand the outcome of the discussion and that the formal processes may start if there is a recurrence of the misconduct or where other misconduct issues arise or where there is no improvement or if any improvement fails to be maintained.

Arrangements will be made to review progress over a specified period where appropriate. Where improvement is required both parties must understand what needs to be done, how the conduct will be reviewed, and over what period. The line manager will confirm in writing what has been decided.

Brief notes of any agreed informal sanction or action should be kept for reference purposes by the manager and a copy provided, where appropriate, to the employee. The discussion is not a disciplinary meeting and any warning issued whether orally or in writing is informal.

2. Formal Procedure

The formal disciplinary procedure will be used when informal resolution is not deemed appropriate or when informal attempts to address the issue have not proven possible or effective.

Managers should discuss the case with a member of the Human Resources Department prior to invoking the formal disciplinary procedure.

2.1 Investigation

The College will investigate alleged misconduct, without unreasonable delay and within an agreed timescale, to establish the facts in any particular case. The investigation will be carried out by the appropriate manager, refer to Table 1, with support and advice from a member of the Human Resources Department.

The employee will normally be told that the investigation will be taking place (unless there are circumstances in which this would not be appropriate), the allegation(s) which is the subject of investigation, the anticipated timescale and their right to be accompanied by a trade union representative, work colleague or an official employed by a Trade Union during any meeting to discuss the area(s) of concern.

The purpose of an investigation is for the College to establish a fair and balanced view of the facts relating to any allegations against an employee, before deciding whether to proceed with a disciplinary meeting.

The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the employee and any witnesses, and reviewing relevant documents.

Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary meeting has been held.

Employees must cooperate fully and promptly in any investigation the College deems to be necessary. This will include informing the College of the names of any relevant witnesses, disclosing any relevant documents to the College and attending investigative interviews if required.

If, after investigation, it is deemed that no further action is to be taken the employee will be notified of this in writing. The outcome will be recorded and any evidence collected during the investigation will be destroyed.

Where, after investigation, it is established that there is a case to answer the employee will be invited in writing to attend a disciplinary meeting.

2.2 Notification of a Disciplinary Meeting

The notification to attend a disciplinary meeting will contain sufficient information about the alleged misconduct and the possible consequences to enable the employee to reasonably prepare to answer the case at a disciplinary meeting. An employee will normally receive seven (7) working days advance notification of the date of the meeting. Evidence will be provided with the notification. The notification will give details of the time and venue for the disciplinary meeting, confirm who will be present and advise the employee of their right to be accompanied at the meeting should they wish. In the case of part-time staff the disciplinary meeting, where possible, should be within the employee's normal working hours.

If an employee's trade union representative, work colleague or an official employed by a Trade Union cannot attend the employee may offer a reasonable alternative time within five (5) working days of the original date.

Where an employee is persistently unable or unwilling to attend a disciplinary meeting without good cause the College may make a decision on the evidence available. If the failure to attend is related to a disability or health reason the College may seek the advice of its Occupational Health Service before deciding how to proceed.

2.3 Disciplinary Meeting

Both management and employees (and their companion(s)) will make every effort to attend the meeting. A guide to conducting a disciplinary hearing for managers is attached as appendix 1.

The disciplinary meeting will normally be attended by:

(a) the individual chairing the meeting (the 'Chair') - The Chair will be appointed taking into account the potential outcomes and the authority levels set out in Table 2. It will be for the Chair to hear and assess the evidence for and against the allegations and make a decision based on the evidence presented. The College reserves the right to appoint a panel consisting of a minimum of two where this is felt to be appropriate;

(b) the person who conducted the investigation ('the Investigating Officer');;

(c) a representative from Human Resources – to provide advice and support to the manager and take notes;

(d) the employee;

(e) the employee's trade union representative, work colleague or an official employed by a Trade Union (if requested by the employee); and

(f) relevant witnesses as previously identified when required to provide evidence.

At the meeting the following process will be followed:

- the Chair will introduce those present and explain the purpose and format of the meeting outlining the alleged misconduct and the potential sanctions;
- the Investigating Officer will be invited to present the case and respond to any questions posed by the chair or the employee;
- the employee will set out their case, respond to the allegations be given a reasonable opportunity to ask questions, present evidence and call relevant witnesses;
- both the Chair and the employee will be given an opportunity to raise points about the evidence provided by the Investigating Officer or witnesses.

Where the College or the employee intends to call relevant witnesses they should give advance notice that they intend to do this.

The College will normally rely either on statements and/or the terms of any

investigatory report produced by the Investigating Officer but may call witnesses where this is considered appropriate depending on the specific circumstances of the case.

Notes of formal meetings will be taken and not a verbatim record**.**

Copies of these notes will, where practicable, be given to the employee within ten College working days and they should inform the College if they wish to comment on the accuracy of the notes within seven (7) College working days of receiving them. Comments made by the employee in respect of the notes will be added as an addendum and the notes themselves will not be amended.

2.4 Adjournment

The Chair or Appeal Chair will have discretion to adjourn any disciplinary hearing or appeal hearing as deemed necessary. This decision is entirely at the discretion of the Chair or Appeal Chair and may be made after a request bythe employee or representative of the College or otherwise as deemed necessary.

2.5 Reaching a Decision and Potential Outcomes

At the end of the disciplinary meeting, the Chair will normally adjourn the meeting before making a decision, see section 5 of appendix 1. Following the adjournment, the Chair may issue an oral decision. If the Chair is unable to reach an immediate decision following the meeting, he is entitled to deliberate on the meeting prior to issuing a decision in writing. Written notification of the outcome will normally be issued within ten [10] working days of the meeting, or earlier if reasonably practicable, together with an explanation of any disciplinary action to be taken and notification that the employee has the right of appeal.

The penalties imposed must be reasonable in all circumstances and must take into account the nature of the misconduct, any disciplinary record, any mitigation advanced by the employee and be consistent with penalties imposed in similar cases.

The College reserves the right to impose sanctions at any level, or to skip levels, depending on the circumstances of the case.

The potential outcomes are as follows:

- No Action – after the meeting the Chair may decide that there is no action to take.
- First Warning – this will be confirmed in writing. This will usually be appropriate for a minor act of misconduct. A record of the warning will be kept but it will be disregarded for disciplinary purposes after 6 months subject to the employee achieving and sustaining satisfactory conduct.
- Final Written Warning – this will normally be issued if:

- it is more serious misconduct than that which would warrant a first written warning;
- there is further misconduct of a similar nature; or
- during the currency of an existing warning for a similar offence.

This will be in writing and set out of the nature of the misconduct and the change in behaviour required and the right of appeal. It will also warn that further incidents of misconduct may lead to dismissal (or some other action short of dismissal) and will refer to the right of appeal. A copy of this written record will be kept but disregarded for disciplinary purposes after 12 months subject to the employee achieving and sustaining satisfactory conduct.

- Dismissal (with notice) – this will normally be issued if there is still further misconduct during the currency of a Final Written warning. Dismissal decisions can only be taken by a nominated officer (to be confirmed) and the employee will be provided in writing with reasons for dismissal the date on which the employment will terminate and right of appeal.
- Summary Dismissal (without notice) – this will normally be issued where the employee has committed an act of gross misconduct.
- Action short of dismissal – this can be issued as an alternative to dismissal and will normally be accompanied with a Final Written warning.

Action short of dismissal includes:

- demotion (permanent or temporary) as an alternative to dismissal, and the dismissal is clearly justified in the circumstances;
- redeployment to an alternative role or section without loss in remuneration;
- recalculation, reduction and deduction from pay (cases of unauthorised leave or misclaims).

The employee will receive written details of the misconduct, will be warned that dismissal could result if there are further incidents of misconduct and will be advised of the right of appeal. A copy of this written record will be kept but disregarded for disciplinary purposes after 12 months subject to achieving and sustaining satisfactory conduct.

There may be exceptional cases where the College deems it appropriate to extend the period for which any warning remains 'live' and the College reserves the right to implement an extension of the duration of the warning where this is deemed appropriate by the College. Full reasons for this decision will be provided to the employee in the written notification of the outcome where this right is exercised.

The manager will produce a written report articulating a justification for the decision reached and the sanction applied.

2.6 Appeals against Disciplinary Action

An employee will have the right to appeal against disciplinary action if they feel that

the action taken against them is wrong or unjust. An appeal, for example, may be on the grounds of new evidence, undue severity/level of sanction or alleged breach of College procedure. The appeal should be submitted in writing to Human Resources, stating the full grounds for the appeal within seven (7) College working days of the date on which they were informed of the decision.

Appeals should be heard without unreasonable delay. The appeal will be dealt with impartially and wherever possible, chaired by a manager who has not previously been involved in the case and is more senior to the chair of the disciplinary meeting, in accordance with Table 1 (the 'Appeal Chair').

Both management and employees (and their companion(s)) will make every effort to attend the appeal meeting. At the appeal meeting, the Appeal Chair will introduce those present and explain the purpose and format of the meeting. The employee will be allowed to set out the grounds of their appeal and further questions may be asked by the chair as appropriate. The process outlined in section 2.3 will be followed.

Following the appeal meeting the Appeal Chair may:

(a) confirm the original decision; or
(b) revoke the original decision; or
(c) substitute an alternative sanction.

The Appeal Chair will inform the employee in writing of their final decision as soon as possible after the adjournment of the appeal meeting and usually within seven (7) working days of the appeal meeting. The College acknowledges the impact of that a formal process may have on an employee's health and wellbeing and will endeavor to progress the process within a reasonable timescale.

Where a sanction of dismissal is applied the appeal will be heard by a panel consisting a College senior manager and two members of the Board or Standing Committees. It should be noted that the appeal hearing will take place as soon as reasonably practicable given the external commitments of members of the Board and its Standing Committees.

There shall be no further right of appeal.

3. Misconduct and Gross Misconduct

The following are examples of matters that will normally be regarded as misconduct or gross misconduct.

3.1 Misconduct

Matters that will normally be regarded as Misconduct and will be dealt with under the Disciplinary Procedure

a) minor breaches of College policies or procedures;
b) minor breaches of the employment contract;
c) damage to, or unauthorised use of, College property;
d) persistent, unauthorised lateness;
e) unauthorised or unacceptable high levels absence from work;
f) failure to follow reasonable management instructions;
g) excessive use of College telephone for personal calls;
h) excessive personal e-mail, internet usage or social media;
i) deliberate negligence in the performance of duties;
k) unauthorised disclosure of confidential information; or
j) smoking in no-smoking areas;

The list is intended as a guide and is not exhaustive or exclusive.

3.2 Gross Misconduct

Gross misconduct is a serious breach of contract and includes misconduct which, in the College's opinion, is likely to prejudice College business or reputation or irreparably damage the working relationship and trust between employer and employee.

You can be summarily dismissed for a first offence which is considered to constitute gross misconduct. If you are dismissed for gross misconduct, the dismissal is without notice or payment in lieu of notice.

The following are some of the offences the College considers to be gross misconduct. This list is not exhaustive or exclusive:

a) serious misuse of College property or name;
b) Posting social media content that has the sufficient potential to or does bring the College into disrepute, or reflects negatively on the College, colleagues or learners (in line with the College's Social Media Procedures and ICT Acceptable Use Policy);
c) bullying or cyber bullying (actual or threatened);
d) acts of indecency or sexual harassment, at, but not limited to, work, social events associated with the College, attendance at external events or on residential;
e) unacceptable use of obscene, abusive or offensive language (including language of a discriminatory nature);
f) actual or threatened violence, or behaviour which provokes violence;
g) deliberately accessing internet sites containing pornographic, offensive or obscene material;
h) bringing the College into disrepute;
i) breach of trust and confidence;
j) causing loss, damage or injury through serious negligence;
k) theft, or unauthorised removal of College property or the property of an

employee, contractor, customer or member of the public;

l) falsification of records or other College documents including those relating to obtaining employment;
m) fraud, forgery or other dishonesty, including fabrication of expense claims and timesheets;
n) acceptance of bribes of other secret payments arising out of employment;
o) deliberate and serious damage to College buildings, fittings, property or equipment, or the property of an employee, contractor, customer or member of the public;
p) conviction for a criminal offence that in the College's opinion may affect our reputation or our relationships with our employees, customers or the public, or otherwise affects suitability to remain an employee;
q) possession or use of non-prescribed drugs on College premises or during working hours;
r) Consumption of alcohol on College premises or during working hours, other than on occasions approved by the College;
s) incapacity at work brought on by alcohol or non-prescribed drugs;
t) refusal to carry out reasonable management instructions, repeated or serious disobedience of instructions, or other serious act of insubordination;
u) serious neglect of duties, or a serious or deliberate breach of employment contract or the College's polices or procedures;
v) serious or repeated breach of health and safety rules or serious misuse of safety equipment or otherwise endangering the health and safety of a third party;
w) deliberate breach of statutory rules affecting employment;
x) unauthorised use or disclosure of confidential information;
y) unauthorised use, processing or disclosure of personal data contrary to the College Data Protection Policy;
z) unauthorised access to or use of computer data or computer hardware or copying of software, other than when authorised in the employee's normal course of employment;
aa) harassment of or discrimination against employees, contractors, clients or members of the public on the grounds of their protected characteristic(s);
bb) giving false information as to qualifications or entitlement to work (including immigration status) in order to gain employment or other benefits;
cc) knowingly taking parental, paternity or adoption leave when not eligible to do so for a purpose other than supporting a child;
dd) victimising another employee who has raised concerns, made a complaint or given evidence information under other College policies;
ee) serious misuse of College information technology systems (including misuse or developed or licensed software, use of unauthorised software and misuse of email and the internet);
ff) undertaking unauthorised paid or unpaid employment during paid working hours.

The list is intended as a guide and is not exhaustive.

4. Criminal Charges or Convictions

An employee should not be dismissed or otherwise disciplined solely because they have been charged with or convicted of a criminal offence. The question to be asked in such cases is whether the employee's conduct or conviction merits action because of its employment implications.

Where it is thought the conduct warrants disciplinary action the following guidance should be borne in mind:

- the College should conduct a brief preliminary investigation of the facts, come to a view about them and consider whether the conduct is such as to warrant instigating the disciplinary procedure;
- where the conduct requires prompt attention the College need not await the outcome of the prosecution before taking fair and reasonable action;
- where the police are called in they should not be asked to conduct any investigation on behalf of the College, nor should they be present at any meeting or disciplinary meeting.

In some cases the nature of the alleged offence may not justify disciplinary action – for example because the employee is in custody. In these cases the College should decide whether, in light of the needs of the College, the employee's job can be held open. Where a criminal conviction leads, for example, to the loss of a license so that continued employment in a particular job would be illegal, the College should consider whether alternative work is appropriate and available.

Where an employee, charged with or convicted of a criminal offence, refuses or is unable to cooperate with the College's disciplinary investigations and proceedings, this should not deter the College from taking action. The employee should be advised in writing that unless further information is provided, a disciplinary decision in accordance with the Disciplinary Procedure will be taken on the basis of the information available and could result in dismissal.

The employee will be advised that, where this is deemed appropriate in the circumstances, they may instruct their trade union representative, work colleague or an official employed by a Trade Union to act on their behalf or submit written representations for the College to consider prior to making its decision.

5. Alcohol and Drug Misuse Recovery Programme

The College may suspend disciplinary action in respect of an offence related to alcohol or substance misuse.

In accordance with the terms of the College's Policy on Alcohol, Drugs and Substance Misuse, an employee with such a problem should be given the opportunity of accepting referral to the counselling services arranged by the College. If the Employee Counselling Service and the employee accept that an alcohol or drug problem exists and providing the employee undertakes to co-operate and successfully undertakes the recovery programme, disciplinary action will be suspended in respect of the offence which led to the referral.

The College reserves the right to proceed with any disciplinary process in circumstances where the allegation made against the employee is sufficiently serious or unrelated to the problem identified, even where an underlying alcohol or drug problem exists. Each case will be determined on its own facts.

6. Adjustments to Procedure

The College will endeavour to adhere to the time limits specified in the above procedure, however, this may not be practicable in the specific circumstances. Accordingly, the College reserves the right to extend any applicable time periods. In circumstances where it is not practicable to adhere to the above procedure within the time limits specified or within a reasonable period, the College will modify the procedure as appropriate and will notify the employee of the reasons for the delay and will keep the employee updated as to progress at reasonable intervals.

Reasonable adjustments

Reasonable adjustments may be made to this procedure where an employee is suffering from a disability as defined by the Equality Act 2010.

7. Supporting Policies and Procedures

- Equality and Diversity Policy
- Grievance Policy and Procedure
- Disciplinary Policy and Procedure
- Commendations and Complaints Procedure
- Public Interest Disclosure Policy
- ICT Acceptable Use Policy
- Complaints Handling Procedure
- Safeguarding, Children, Young People and Vulnerable Adults
- Social Media Procedures
- Alcohol, Drugs and Substance Misuse
- Policy and Procedure for Protection of Vulnerable Groups (PVG) and Criminal Record Checks

8. External Agencies

MCL Medics (Employee Assistance Programme)

Download the App accessed through:
URL: https://www.mcl-medics.com/glasgow-kelvin/
Password: Welcome_Glasgow_Kelvin

Access Code: 593925

Email: eap@mcl-medics.com
Freephone: 0800 196 1441

ACAS (Advisory, Conciliation and Arbitration Service)

Telephone: 08457 47 47 47
Minicom: 08456 06 16 00

Table 1

Disciplinary Referral Guide

Category of Employee	**Investigation** (Stated Designation or Above)	**Hearing Chair**	**Appeal Chair**
Principal	Clerk to the Board	Ad hoc committee (Human Resources Committee)	Ad hoc committee (Board of Management)
Vice Principal	Principal	Ad hoc committee (Human Resources Committee)	Ad hoc committee (Board of Management)
Director of Faculty	Vice Principal	Principal (or nominated member of the Board)	Principal (or nominated member of the Board)
Senior Curriculum Manager or Head of Department	Director of Faculty	Vice Principal	Principal
Curriculum Managers or Line Manager	Senior Curriculum Manager or Head of Department	Director of Faculty	Vice Principal
Lecturers	Senior Curriculum Manager or Curriculum Manager	Director of Faculty or Senior Curriculum Manager	Director of Faculty or Vice Principal
Support Staff	Line Manager	Head of Department or equivalent from another Support Department	Vice Principal

It should be noted that the circumstances of the particular case may require another manager to undertake the roles indicated in the table.

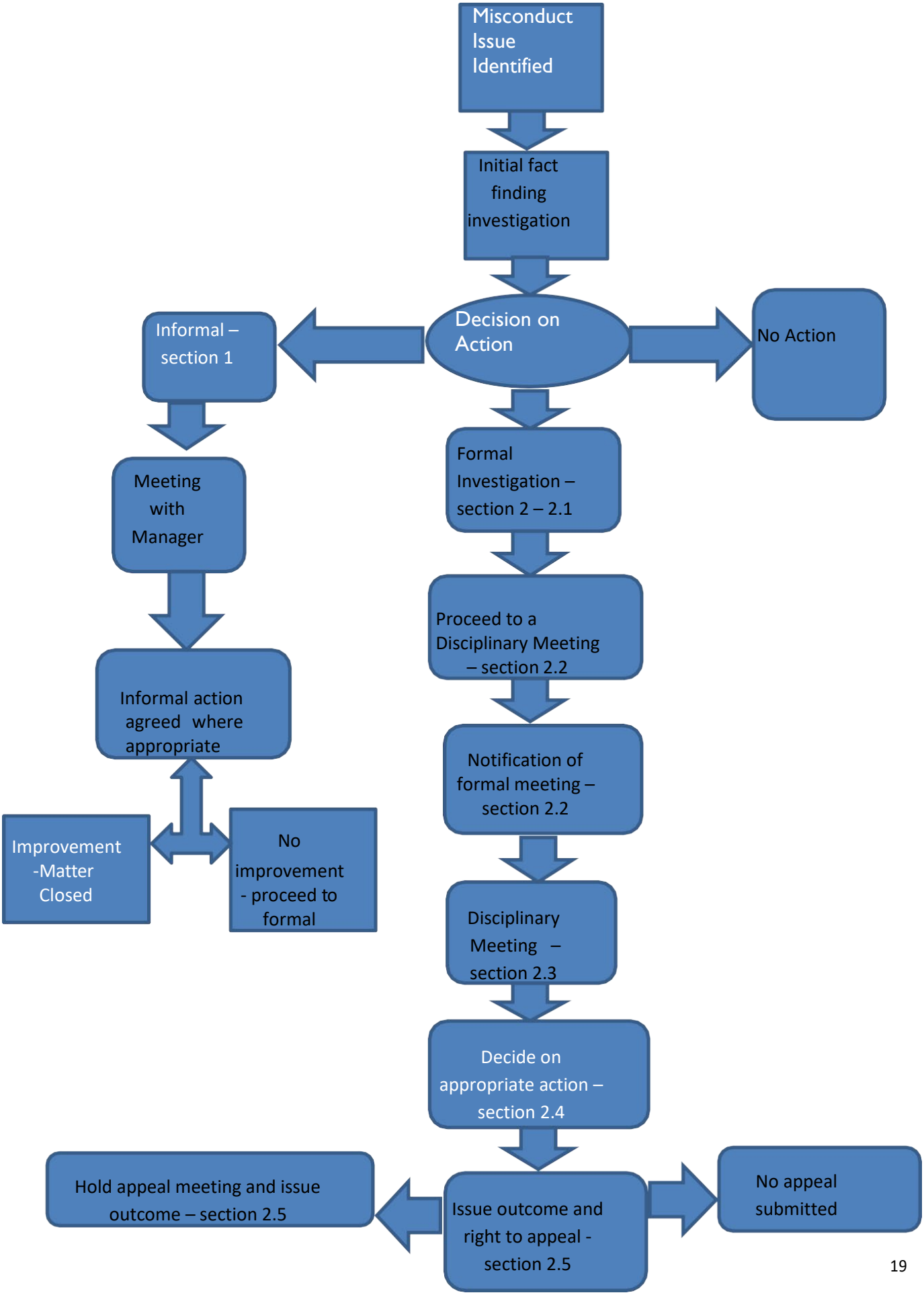
Where a sanction of dismissal has been applied and where an appeal against the decision has been submitted the appeal will be heard by a panel consisting a College senior manager and two members of the Board or Standing Committees.

Table 2

Authorised Level of Disciplinary Action

Designation	Level of Disciplinary Action
Head of Department or equivalent from another Support Department or Senior Curriculum Manager	Informal Warning; Verbal Warning; or Written Warning.
Director of Faculty, Head of Department	Informal Warning; Verbal Warning; Written Warning; Final Written Warning; and Recommendation for Dismissal.
Vice Principal	Informal Warning; Verbal Warning; Written Warning; Final Written Warning; Suspension; Recommendation for Dismissal; Dismissal.
Principal (or in the Principal's absence the Vice Principal)	Informal Warning; Verbal Warning; Written Warning; Final Written Warning; Suspension; Recommendation for Dismissal; Dismissal.
Ad hoc committees of the Human Resources Committee and the Board of Management	Informal Warning; Verbal Warning; Written Warning; Final Written Warning; Suspension; Recommendation for Dismissal; and Dismissal (Board of Management Only).

Flow Chart of the Disciplinary Procedure



Appendix 1

CONDUCTING A DISCIPLINARY HEARING

The manager conducting the hearing should follow a structured format, which will ensure compliance with the College's Policy and Procedure and the ACAS Code of Practice. This will also ensure that every disciplinary hearing is conducted in a fair and consistent manner.

The manager should:

- open the hearing
- present the employer's case (essentially the investigatory report findings)
- hear the employee's case (in response to each finding at a time with a general opportunity to make additional/supplementary/general representations at the end)
- adjourn for consideration of both sides' cases
- reach a decision, including working out how to articulate an appropriate justification for that decision
- reconvene to communicate the decision or issue a decision in writing (the latter being advisable where not a straightforward case)
- explain the right of appeal

Prior to the point at which the hearing adjourns to consider the decision, there may be reasons why one or more other, earlier, adjournments of the hearing may be necessary as well, e.g.:

- if the employee becomes unwell, angry or upset
- if the employee presents a grievance
- if some unexpected evidence or information is presented by the employee which needs to be discussed, considered or investigated
- if the hearing has digressed, is taking a long time and a break is needed to refresh, recap and refocus

The length of any other adjournments will depend on the circumstances. Usually a brief adjournment will be sufficient to allow an employee to regain composure if they are upset or angry, or to enable the Chair to refresh, recap and refocus. Occasionally, it may be necessary to adjourn the hearing until another day. This might be appropriate if the employee becomes unwell or if the Chair needs to take advice and/or needs further investigations to be undertaken.

1 Opening the Hearing

The disciplinary hearing should follow a formal structure as laid out in the Policy as it is a serious meeting where potentially important decisions affecting the employee may be made. For this reason it can be anxiety-provoking for the employee and so the Chair should open the hearing by setting a tone which is serious and professional yet still relaxed and supportive, perhaps by:

- thanking the employee and the companion for attending
- introducing himself or herself as the person conducting the hearing, and anyone else present, explaining their role
- explaining the purpose of the hearing (to consider the findings of the investigation report)
- confirming the employee has received and had an opportunity to read the relevant written notification and copies of all evidence, including the disciplinary procedure
- explaining the format of the hearing (as detailed above)
- inviting initial questions and asking the employee to confirm that they understand that the hearing will consider the 'findings' set out at in the investigatory report.

2 Investigating Officer - Presenting the Employer's Case

Presenting the employer's case involves the Investigating Officer going through the evidence gathered as part of the investigation. If there is a relatively small amount of evidence, it might be appropriate to refer to each piece of evidence and ask the employee any relevant questions. Where a considerable amount of evidence has been gathered, it may be more appropriate for the Chair to refer only to those pieces of evidence about which he or she has questions. At this stage it is not appropriate for the Chair to communicate any opinions or judgements about what he or she believes, or about the potential outcome. The aim at this stage is to be objective and open-minded — presenting the evidence as it appears without inferring anything about the employee’s intentions or culpability.

3 Hearing The Employee’s Case

Once the employer's case has been presented, the Chair should then effectively hand the hearing over to the employee so they have a proper opportunity to outline their case and defence. If there are a number of allegations, it is recommended that once the Chair has gone over all of the allegations they then go though each one and ask for the employee's position in relation to each specific finding. They should then, at the end of this, ask the employee is they have any additional representations etc. that they want to make about the allegations generally or any of the specific findings to ensure that they have had a proper opportunity to defend themselves.

A Chair conducting a hearing should demonstrate throughout that he or she is listening attentively by maintaining positive body language and good eye contact while the employee is speaking. Even if the Chair/panel finds the employee's explanation implausible, it is important that they allow them to speak openly and without interruption. The Chair should make a written note, while listening to the employee, of anything they wish to say in response, but should only ask questions and/or make comments (based on those notes) at the end when the employee has finished speaking.

If the employee starts to digress or drift on to other matters that are not relevant to the allegations being considered, it is acceptable to interrupt and refocus them back onto the key issues.

The employee may wish to bring witnesses to the hearing to support their case. Provided that they have notified the employer in advance, they should be allowed to do so. The witness should not be present throughout the meeting, but the employee should be allowed to 'call' each witness individually. If the employer intends to call witnesses, the employee will be notified of this in advance. To comply with the ACAS Code, the employee should be permitted to "raise points about" the information given by the witnesses.

Once the employee has presented their case, the Chair should summarise the information put forward by both parties and any clarification should be requested at this point.

4 Adjourning For Consideration of Both Sides' Cases

Adjournment is a key stage in the disciplinary hearing and it is important that the length of the adjournment reflects the seriousness of the matter, the potential consequences for the employee and the amount of evidence presented by both sides.

A short adjournment of 20 to 30 minutes might be appropriate for consideration of a small amount of evidence, on a relatively minor matter, which is most likely to result in no more than a first written warning. A longer adjournment should be taken for proper consideration of all the evidence on a more complex matter, and/or one which might result in a final written warning or dismissal. Fair consideration of all the facts is evidenced by an adjournment of appropriate duration, so it is important to record the duration of the adjournment within the meeting minutes, the adjournment or decision may take a few days to reach.

During the adjournment, the manager should:

- reconsider the evidence of the investigation
- review the evidence/version of events presented by the employee
- check there are no further questions that need to be asked or facts that need to be investigated
- refer to the College's policy and disciplinary procedures, previous decisions to establish:
- the degree of seriousness with which it is appropriate to view the allegations, and

- what the potential disciplinary consequences might be

5 Reaching a Decision and Articulating a Justification For It

There are two key decisions the Chair has to make during the adjournment:

- whether the available evidence sufficiently substantiates the allegations and, if so
- what level of disciplinary action is appropriate in the circumstances

In determining whether the available evidence substantiates the allegations, the Chair should:

- gather together a list of all the key statements and pieces of evidence that support the allegations
- gather together also a list of any statements and evidence that do not support the allegations
- go through both lists and decide, in each case, whether that piece of evidence:
  - should be disregarded and, if so, why disregarding it is justified
  - should be accepted and taken into account and, if so, why that is justified
- having gone through the above stages, weigh up the evidence which he or she has decided to take into account and form an overall balanced view about the truth of the allegations, based on that remaining evidence

If the Chair decides that the allegations are substantiated then, in determining the level of disciplinary action that is appropriate, they should take into account:

- the College's disciplinary procedure and Code of Conduct about the relevant types of misconduct and levels of disciplinary action

- any extenuating factors that might have had a bearing on events

- the employee's length of service and previous disciplinary record

- any earlier examples of how similar matters of misconduct have been dealt with in the College (in order to ensure that the College's approach to disciplinary sanctions is consistent over time)

The College's disciplinary procedure should help to establish what level of disciplinary action the type of misconduct would normally warrant. Once a misconduct incident has entered a formal disciplinary procedure (as opposed to being dealt with informally, which may be more appropriate in instances of minor, isolated problems), the available levels of disciplinary action, in ascending order of seriousness, are usually:

- first written warning
- final written warning
- dismissal — usually with notice, but may be without notice (summary) in cases of gross misconduct

The Chair should consider whether it is appropriate to issue the normal level of warning in the particular circumstances of the case. Extenuating circumstances that might be taken into account could include:

- mental or physical health problems (stress or other ailments causing pain)
- personal problems (recent bereavement, divorce, problems affecting family members, financial issues)
- provocation (for some types of behavioural misconduct)

Where there are extenuating factors, and the employee otherwise has long service and a good disciplinary record, consideration should be given to how other similar matters have been dealt with in the College in the past and, taking all this into account, it may be appropriate to adjust the level of sanction accordingly. It is good practice for the Chair to keep a written record of all that he or she considers during the adjournment. This will serve to provide evidence at a later date of what was considered and of the decision-making process. It is also helpful in any event for creating the basis of the written decision that will be given to the employee, and the written justification that should be part of it.

6 Reconvening to Communicate the Decision

In ordinary cases, it will usually be possible to reconvene within about an hour to communicate the decision. If the matter is very complex, and/or the evidence extensive, it may instead be necessary to reconvene on another day or to take some time to consider the outcome before communicating it in writing. Where it becomes clear that it is necessary to reconvene, the employee should be informed of this straight away.

If the Chair reconvenes to communicate the decision, he or she should:

- thank the employee for his or her patience during the adjournment
- outline the evidence that has been considered
- explain the decision and justification for it
- explain the duration of any warnings and any other disciplinary implications of the decision
- explain the right of appeal

In all cases, the decision should also be communicated in writing.

7 The Right of Appeal

To comply with the College's Policy and ACAS Code of Practice, all employees must be offered the right of appeal against any disciplinary action taken against them. The right of appeal, is detailed in the College's procedure, should be explained at the disciplinary hearing and then again in the written decision.

8 Confirm the Decision in Writing

In all cases, even where the decision is first communicated orally to the employee at the hearing, it should also be communicated in writing, as required by the College's Policy and Procedure and the ACAS Code of Practice. This might be done

at the same time as the decision is given orally to the employee at the reconvened disciplinary hearing (particularly if there has been a significant adjournment that has allowed time to write it up) or, if not, soon afterwards.

The written decision should be provided to the employee in accordance with the College's disciplinary procedures — this would usually be within five days of the disciplinary hearing. It should outline:

- the allegations
- a summary of the key evidence taken into account in reaching the decision
- the decision, the justification for it and, where appropriate, the duration of any warnings issued; and
- the right of appeal

A copy of the minutes of the disciplinary hearing should also be sent to the employee along with the written confirmation of the decision.

9 Record-Keeping Requirements

A detailed record should made during the disciplinary hearing, which should include:

- a list of each person in attendance and his/her role
- the date and time the hearing commenced
- a fairly detailed summary of what was said by whom (it need not be verbatim)
- the duration of any adjournments
- what was considered and discussed during the main adjournment
- the decision reached during the main adjournment, and the justification for that decision
- the end date and time of the hearing

In addition, the Chair, supported by HR will:

- request that the employee read, sign and return to the College a copy of the minutes to confirm they are an accurate representation of what was discussed during the hearing
- ensure that handwritten minutes are typed up

If the employee disagrees with the minutes, their comments should simply be attached as an addendum (to avoid going back and forward indefinitely). All records should be retained in accordance with the Colleges data protection policy.

THE ROLE OF A COMPANION (trade union representative, work colleague or an official employed by a Trade Union) IN A DISCIPLINARY OR GRIEVANCE HEARING

The role of a companion is limited. A companion is entitled to put forward the employee's case, sum up their case and respond on their behalf to any view expressed at the hearing. An employee will also be able to confer with their companion during the hearing.

The companion cannot answer questions on behalf of the employee or address the

hearing if the employee indicates that they do not wish the companion to do so. The companion cannot use their powers in any way which prevents the employer from explaining its case or which prevents any other person at the hearing from making a contribution to it.

The companion's role is not to give evidence on behalf of the employee.

The role of the companion is to advise and take notes. They may respond on the employee's behalf to a view expressed at the hearing but they have no legal right to answer questions on the employee's behalf.

The companion does have a legal right to address the hearing and may ask questions.

Reasonable time to confer privately with an employee either in the hearing room during the hearing and/or outside it should be given to the companion.

An employee who has been requested to accompany a fellow employee employed by the College and has agreed to do so should be permitted to take a reasonable amount of paid time off to fulfil that responsibility. That should not only cover the hearing but some time before and after the hearing to confer with the employee. The same applies to a trade union official.

When a chosen companion is not available to attend on the date proposed for the hearing the employee can postpone the hearing and offer an alternative time and date so long as it is reasonable and falls before the end of the period of five working days, beginning with the first working day after the first proposed by the College. In proposing an alternative date, the employee should have regard to the availability of the relevant manager(s). The location of timing of any alternative hearing should be convenient to both employee and employer.

Appendix 2

Alcohol, Drugs and Substance Misuse Policy

Document Control Information	
Reviewed by the Strategic Management Team	
Date of Next Review:	
Approved by the Board of Management:	

The Board of Management (or any person/group with delegated authority from the Board) reserves the right to amend this document at any time should the need arise following consultation with employee representatives. **This Policy has been subject to an Equality Impact Assessment, which can be viewed on our website:** https://www.glasgowkelvin.ac.uk/equality-diversity/

Alcohol, Drugs and Substance Misuse Policy

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1. Introduction

Glasgow Kelvin College is committed to providing a safe, healthy and productive working environment. The College, its recognised Trade Unions and staff recognise the need to ensure that all times the College has highly competent workforce capable of providing the best possible service to its learners, partners, communities and service users.

The College aims to create and support a healthy and efficient working environment, not only through its obligation to comply with the Health and Safety at Work Act, 1974, and the Misuse of Drugs Act, 1971, but also through a supportive and rehabilitative approach towards alcohol, drugs and substance abuse problems. Alcohol, drugs and substance abuse problems, which may or may not result in absence from work, not only has a significant effect on the member of staff but can also impact on the operating capability of the College, the safety of its staff and students, and on the wellbeing of the individual member of staff.

This policy does not form part of any contract of employment or other contract to provide services, and the College may amend it at any time (subject to agreement with or following consultation with recognised trade unions).

Any information you provide to us about your health will be processed in accordance with our Data Protection Policy. We recognise that such data is sensitive and will handle it in a confidential manner.

Policy rules on alcohol, drugs and substance abuse

Members of staff must arrive at work free from the effects of alcohol, drugs or substances, and the consumption of alcohol, Misuse of Drugs or substances is forbidden during working hours. subject to certain conditions the consumption of alcohol during work related social events is permitted, (See section 7).

2. Aims

The policy aims to:

- Ensure that a member of staff's misuse of alcohol, drugs and substance does not affect the health and safety of that individual, their colleagues or others with whom they come into contact in the course of their work.
- Set out the rules regarding the use of intoxicating substances and ensure employees are aware of the likely consequences to their employment if misusing them.
- Make staff aware of their responsibilities regarding alcohol, drug and substance misuse and related problems.

- Provide a framework to enable instances of misuse to be handled in an appropriate, confidential and consistent manner.
- Ensure that a member of staff's use of alcohol, drugs and substances does not affect the efficient and effective operation of the College's activities.
- Provide information on the symptoms and effects of alcohol, drugs and substance misuse and external sources of help.
- Provide guidance on managing staff who have an alcohol, drugs or substance related problem affecting their work to ensure they are treated with sympathy, fairly and consistently.

3. Definitions

Alcohol, drugs and substance abuse is defined as "the intermittent or continual use of alcohol or substances which causes detriment to the member of staff's health, social functioning or work performance, and which affects efficiency, productivity, safety, performance, attendance, time keeping or conduct in the workplace".

Drugs and substances are defined as illegal drugs, prescribed and non-prescribed medication, and solvents. Substances covered in this document are those that come under the Misuse of Drugs Act 1971 (Appendix A).

4. Scope

This policy is concerned with the effects of alcohol, drugs and substance abuse in the workplace and applies to all members of staff. Individuals working within the College, but not employed by the College e.g. contractors, visitors, customers, are required to adhere to the policy guidelines even although not covered by procedural details.

5. Guiding Principles

The policy and procedures incorporate the following principles:

(i) **Good faith** by which it is understood that this policy and its procedures will be applied to members of staff in a consistent manner and without discrimination.
(ii) **Fairness** by which it is understood that action will be promoted which is reasonable, necessary, known and understood. Members of staff involved are entitled to be heard with courtesy and respect
(iii) **Confidentiality** by which it is understood that information relating to alcohol, drugs and substance abuse should not be divulged to a third party not involved in the process, other than appropriate individuals.
(iv) **Representation** by which it is understood that if issues of alcohol, drugs or substance abuse arise within these procedures and a more formal approach is required to deal with them, a member of staff will be entitled to be accompanied by their Trade Union representative, an officer of a trade union or by a workplace colleague.

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(v) **Equal opportunities** by which it is understood that in applying these procedures all members of staff will be treated without distinction in relation to sex or gender, sexual orientation, marital or parental status or other family circumstance, disability, race, ethnic or national origin, political belief , membership of or activities as part of a trade union, and social or economic status.

6. Procedural Provisions

The general provisions of this policy are detailed below:

(i) The general provisions within this policy, which relates to staff with ongoing dependency problems, should be distinguished from isolated instances of attendance at work under the influence of alcohol, drugs or substances, and unauthorised absences resulting from the same (See section 8). These are issues of conduct that fall within the scope of the College Disciplinary Policy and Procedure.

(ii) This policy may be applied simultaneously with other relevant College policies and procedures e.g. attendance management/capability, disciplinary, etc.

(iii) All managers have a central role in the effective of management of alcohol, drugs and substance abuse problems and their impact upon work performance and service delivery. It is imperative that all managers, supported by the College, acquire the skills and training needed to conduct relevant processes in a competent and supportive manner. This support needs to be particularly emphasised when a manager is dealing with the case. Support and advice can be provided by members of the Human Resource Management (HRM) Team, People and Culture Services.

(iv) It is intended to regularly raise awareness of the policy and to educate members of staff through a variety of health promotion initiatives.

(v) The College places a high value on the health of all staff and seeks to promote routinely the safe use of alcohol and to provide information on drug and substance abuse.

(vi) The College seeks to raise awareness to try and minimise the likelihood of alcohol, drugs and substance abuse of occurring and to limit the consequences for staff and the College activities when it does occur, the College will support staff through periods of alcohol and/or substance abuse related sickness absence, under the normal sick pay arrangements, with the aim of securing their return to work, and will encourage rehabilitation arrangements or other resolution as appropriate within its resources available.

(vii) If an alcohol, drugs or substance abuse problem is identified the member of staff will be given the opportunity to undertake appropriate treatment to enable them to achieve an acceptable standard of work and behaviour. This will take place during working hours, if necessary.

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7. Consumption of Alcohol on College Premises, During Working Hours or During Work Related Social Events

It is noted that members of staff must arrive at work, whether on any premises utilised by the College or hybrid working, free from the effects of alcohol, drugs or substances, and the consumption of alcohol or Misuse of Drugs or substances is forbidden during working hours.

The consumption of alcohol on College premises is not normally permitted. This restriction relates to all staff, students and other personnel on College premises. However, the Principal may agree to the provision of alcohol at specific events. Such permission must be given in advance and in writing. Permission may be given after the evaluation of each request on its merits. Members of staff should not consume alcohol at such events if intending to return to work.

Operation of Training Restaurant

Members of the public are permitted to provide their own wine for consumption with meals in the Training Restaurants. The College reserves the right not to permit the consumption of such wine in circumstances which it deems to be inappropriate.

Programmes of Study

Where the provision of alcohol is **essential** to the teaching/learning activities for programmes of study such use will be permitted. The use of alcohol in these activities will be strictly controlled by appropriate members of staff.

It should be noted however consumption of alcohol on College premises will only be permitted in exceptional circumstances.

Field Trips and Residential Visits

a) Field Trips

On field day trips the consumption of alcohol by both students and staff is prohibited.

b) Residential Experiences

(i) Before any residential experience is undertaken staff will discuss fully with students the use of alcohol for social purposes. Students will also be issued with written guidance on the use of alcohol for social purposes prior to any residential experience being undertaken.

(ii) When on a residential experience out with Britain either UK laws or the laws of the country being visited will apply, whichever is more restrictive on the consumption of alcohol. This will apply to both staff and students.

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8. Managing Alcohol, Drugs or Substance Abuse

Alcohol, drugs or substance abuse related issues with members of staff fall into one of two categories:

(i) **Conduct related issue:** an over-indulgence in alcohol, or misuse of drugs or substances, which results in socially unacceptable or even dangerous behaviour but which is not related to a physical or psychological dependence.

If it is established that a member of staff's misconduct in the form of alcohol, drugs or substance abuse is not due to a dependency, recourse to the Disciplinary Policy and Procedure may be appropriate. The nature and appropriateness of disciplinary action will depend on considerations such as the seriousness of the misconduct, and the type of work done by the member of staff, e.g. the safety risks of a member of staff being under the influence of alcohol, drugs or substances.

(ii) **Ongoing health related issue:** where a person's physical or psychological dependency on alcohol, drugs are substances continually or repeatedly interferes with their work.

In these circumstances, the matter will be treated as a capability issue whereby, in the first instance, the manager will discuss the matter with the member of staff. If an alcohol, drug or substance abuse problem is identified the member of staff will be referred to Occupational Health for further advice and support. The manager should seek advice and support from the HRM Team.

Relevant considerations before referring to Occupational Health for review will include the:

- member of staff's acceptance that there is a problem;
- member of staff's willingness and commitment to obtaining treatment; and
- number of previous occasions on which similar support has been provided

It is not the policy of the College to undertake drug or alcohol screening and /or testing on staff. If this felt to be required however this will be carried out with the consent of the staff member. Testing and/or screening will be co- ordinated by the HRM Team and carried out independently by the Occupational Health provider or a suitable alternative provider.

The College reserves the right to conduct searches for alcohol or drugs on its premises, including, but not limited to, searches of lockers, filing cabinets and desks, bags, clothing, packages, and any other items or areas as deemed necessary. Any alcohol

or drugs found as a result of a search will be confiscated and action may be taken under the College's Disciplinary Policy and Procedure.

9. Identifying a Potential Alcohol, Drugs or Substance Abuse Problem

The following characteristics, especially in combinations, may indicate the presence of an alcohol, drugs, or substance related problem, (It should be noted that these symptoms could be caused by other factors):

(i) Absenteeism: instances of unauthorised leave, frequent Friday and/or Monday absences, leaving work early, lateness (especially returning from lunch), excessive sickness absence, unusually high level of short term and intermittent absences with, or without, explanation.
(ii) High accident level: at work, elsewhere, driving or at home.
(iii) Work performance: difficulty in concentration, work requires increased effort, individual tasks take more time, problems with remembering instructions our own mistakes
(iv) Mood swings: irritability, depression, and general confusion.
(v) Appearance: deterioration and physical appearance and/or wellbeing.

10. Intervention

Where a member of staff recognises that they may have at dependency problem, they can request a confidential self-referral to occupational health for advice and support. The member of staff can contact their HR Business Partner to arrange a confidential appointment.

(i) **Voluntary approach** by a member of staff who may have an alcohol, drugs, or substance abuse problem: where such an approach is made by a member of staff to the line manager, the line manager should discuss the matter fully with the member of staff and with the agreement of the member of staff refer to Occupational Health and/or another appropriate external agency (See Appendix B) for advice and support. The line manager Should contact their HR Business Partner to make the Occupational Health referral. An agreed plan of support, including regular meetings for review, should be agreed to ensure that ongoing support is being provided.

(ii) **Action by colleagues:** it is possible that a member of staff with an alcohol, drugs or substance abuse problem will come to the notice of a manager through the observation of colleagues. It is in the interest off the member of staff with such a problem to be offered help as soon as possible if help is accepted prompt action may assist earlier recovery for the member of staff and will reduce the effects on colleagues.

Members of staff are encouraged to address the issue directly and not inadvertently cover up for colleagues with a suspected or known alcohol, drugs or substance abuse problem, as non-action may in the long-term impact on the colleague with the problem as well as other members of staff. The first approach should normally be for colleagues, where they feel comfortable with this approach, to encourage the member of staff to recognise their problem and seek advice either through their GP or the agencies listed an appendix B. If this fails, colleagues are encouraged to alert the line manager to the situation, in the best interest of their colleague, so that more formal support may be provided within the College's procedures as early a stage as possible.

(iii) **Action by line manager:** where on alcohol, drugs or substance abuse problem is suspected, this could be through inadequate or deteriorating work performance, levels of absence or lateness, how the staff member presents themself, the line manager will, in the first instance arrange to meet with the member of staff to discuss the matter within the terms of the most relevant policy, as appropriate. The discussion should be confined to aspects of work performance, attendance, behaviour and/or attitude. Your HR Business Partner will provide appropriate support and advice in how to manage this conversation. The manager may seek support and advice from a member of the HRM Team at any stage. Options available to the manager to support a staff member include:

- Referral to Occupational Health and appropriate treatment providers, where necessary in conjunction with the employees GP.
- Time off work to attend treatment and recognition of any periods of absence for such treatment in accordance with the College's policies e.g. time off for medical treatment and attendance management policies.
- Consideration being given to adjusting duties or offering other support where reasonable and as recommended by a medical professional e.g. Occupational Health, GP or specialist or as recommended in an agreed Fit For Work Plan, during treatment and for an agreed period thereafter, subject to operational requirements and feasibility.
- Reasonable time off for rehabilitation or counselling should be discussed and regular contact made. The employee must take responsibility for following the treatment programme.

11. Relapse

Where a member of staff, having received treatment, suffers a relapse the College will consider the case on its individual merits. In these circumstances the line manager should immediately seek advice from their HR Business Partner to determine the appropriate procedure to be followed.

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12. Other Serious Misconduct Caused by Alcohol, Drugs or Substance Abuse

Intoxication on the premises: if a member of staff is known to be, or strongly suspected of being intoxicated by alcohol during working hours, the line manager should consult with their HR Business Partner or if unavailable a member of the HRM Team. Arrangements will be made for the member of staff to be immediately and safely escorted from the College premises, and if deemed necessary arrangements will be made for the member of staff to be taken home. However, intoxication on College premises, whether resulting from a dependency problem or not, is considered a serious breach of discipline and may lead to disciplinary action being taken against the member of staff, up to and including dismissal.

Drugs and substance abuse on the premises: a member of staff who takes mood or performance altering substances on College premises which have not been prescribed on medical grounds will, in the absence of mitigating circumstances, be deemed to be committing an act of gross misconduct and will be managed in accordance with the Disciplinary Policy and Procedure. This course of action will also be applicable to any member of staff believed to be buying or selling drugs and/or substances, unlawfully possessing drugs and/or substances, and who has stolen drugs and/or substances from the College. The Misuse of Drugs Act 1971 may also apply in these circumstances and the College may contact the Police.

A staff member who is prescribed medication by a professional medical practitioner, where the effects of the medication may impact on their ability to undertake their role or their health and safety or the health and safety of others, must discuss the matter with their line manager. This will enable the line manager to make reasonable adjustments where appropriate. Failure to inform the College may result in formal action being taken.

13. Training and Development

The College is committed to providing training to support the management of alcohol, drugs and substance abuse problems.

Training will be provided to line managers in order to develop “early recognition” techniques for identifying staff misusing alcohol, drugs or substances. Training and development in College policies such as the Attendance Management and Support Policy and the Disciplinary Policy and Procedure will also support line managers in managing members of staff involved in alcohol, drugs or substance abuse.

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14. Relevant Legislation

- Misuse of Drugs Act 1971
- Health & Safety at Work Act 1974
- Management of Health & Safety at Work Regulations 1999
- General Data Protection Regulations 2018 and the Data Protection Act 1998
- Human Rights Act 1998 (Article 8)
- Road Traffic Act 1988
- Transport and Work Act 1992
- The Equality Act 2010

15. Supporting Policies

This Policy should be read and used in conjunction with other relevant documents:

- Disciplinary Policy and Procedures
- Attendance Management and Support Policy and Procedures
- Dignity and Respect Policy and Procedure
- Family Friendly and Flexible Working Policy and Procedures
- Health and Safety Policy
- Data Protection Policy

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Appendix A

Misuse of Drugs Act 1971

The Misuse of Drugs Act 1971 (MDA) (Ref 10) is the main piece of legislation governing the unlawful possession and supply of controlled drugs and nearly all drugs with misuse and/or dependence liability are covered by it

Some of the most commonly used drugs in the UK today are:

- Cannabis: can cause anxiety, paranoia, lung disease, cancer, and can increase the risk of developing a psychotic illness
- Cocaine: highly addictive and can cause panic attacks, fits and heart attacks
- Ecstasy: can cause, liver, kidney and heart problems, and induce psychotic states
- Amyl Nitrate (also called 'poppers'): can cause extreme headaches and nausea
- Amphetamines: highly addictive and depressive. These drugs put strain on the heart and overdosing can be fatal
- Hallucinogens: such as LSD and magic mushrooms – hallucinations can be frightening and may include flashbacks of real events
- Ketamine: powerful anaesthetic which reduces sensations in the body. This means that people who have taken it can't feel pain properly, and can injure themselves without knowing it. Ketamine can also cause panic attacks and depression

For more information about particular drugs see the A to Z guide from FRANK **http://www.talktofrank.com**

Psychoactive Substances ('Legal Highs')

New Psychoactive substances (NPS), often known as 'Legal highs', are substances which replicate the effects of illegal drugs but are not controlled under the Misuse of Drugs Act. However, they are illegal to sell, supply or advertise for consumption. These "legal" drugs also carry health risks, particularly when mixed with alcohol and/or illegal substances, and with new drugs being constantly developed (and not necessarily tested), the long term physical and mental effects are unknown.

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Appendix B

Getting Help and Support

If you are struggling with alcohol or drug misuse, there are a number of services which can help you.

- Speak to your GP - they may be able to treat you, or theycan refer you to a local alcohol/drug specialist service.
- You may benefit from speaking to other people who have similar experiences to you. You can find support groups with organisations such as Alcoholics Anonymous (AA) and Narcotics Anonymous
- Alternatively you can search for addiction support services on website or search on http://www.talktofrank.com
- Support is available through our Wellbeing Service provided by MCL Medics who are independent of the College and the service is completely confidential.

Wellbeing - MCL Medics (Employee Assistance Programme)

Download the App accessed through:
URL: https://www.mcl-medics.com/glasgow-kelvin/
Password: Welcome_Glasgow_Kelvin

Access Code: 593925

Email: eap@mcl-medics.com
Freephone: 0800 196 1441

What is the Employee Assistance Programme (EAP)?

EAP is a free benefits service that is provided to all staff and is fully funded by the College. The EAP offers additional professional support and guidance for when things get a bit tough at work or at home. When things become difficult to manage, you can turn to the EAP to support you through life challenges that may affect your work performance, mental health and emotional wellbeing.

Ultimately, EAP is here to help you build better coping techniques with the help of the short term counselling solutions and lifestyle guides, and is available for you to use however you feel most comfortable.

What services are offered through the EAP?

There are three main services available through the EAP. Online portal and App which offers a library of health and wellbeing articles. In addition to this, there are resources on nutrition and fitness, including yoga videos and a range of lifestyle information. This

includes debt management, parenting and family guides and how to achieve a good work/life balance.

Counselling Service that gives you the opportunity to benefit from one of our specialised dedicated counsellors who are on hand to help you over the telephone, via video and face to face. Access to our legal and financial helpline which supplies information and financial advice on a range of issues you may need help with.

The EAP service is completely confidential and only statistical information relating to the usage of the service is passed to the College. All consultants providing the service are bound by strict ethical codes of conduct and confidentiality. If you wish, you may remain anonymous when using the service.

Drink Wise

If you would like to speak to someone about your own or a loved one's drinking, Drink Wise, Age Well offers advice and support for people over 50. Contact your local office on 0800 304 7690 or alternatively, visit the website at drinkwiseagewell.org.uk

Drinkaware

Assistance is available to help you learn about the impact of alcohol on you, your family or friends. Drinkaware will support you with the advice and information you need.

Want to change the way you drink? Why not download the MyDrinkaware App: https://www.drinkaware.co.uk/

Understanding what is an alcohol unit and alcohol by volume: https://www.drinkaware.co.uk/facts/alcoholic-drinks-and-units/what-is-an-alcohol-unit

Release

Telephone: 020 7324 2989 Email: ask@release.org.uk Web: http://www.release.org.uk

A national centre of expertise on drugs and drugs law providing free, specialist advice and information to the public and professionals on issues related to drug use and drug laws.

Council for Information on Tranquillisers, Antidepressants, and Painkillers (CITAp)

Telephone: 0151 932 0102 (Monday to Friday 10am-1pm, Weekends and Bank Holidays) Email: cita@citap.org.uk

Web: http://www.citawithdrawal.org.uk

Provides support and information for individuals, families, friends and professional advisors dealing with prescribed tranquillisers, sleeping tablets, and antidepressants.

Families Anonymous
Telephone: 0845 1200 660
Email:
office@famanon.org.uk
Web: http://famanon.org.uk

Families Anonymous is a world-wide fellowship of family members and friends affected by another's abuse of mind-altering substances, or related behavioural problems.

Cocaine Anonymous
Telephone: 0300 111 2285 (mobile friendly) or 0800 612 0225 (free from UK landlines) Email: helpline@cauk.org.uk
Web: http://www.cauk.org.uk

Cocaine Anonymous is a fellowship of men and women who share their experience, strength and hope with each other that they may solve their common problem and help others to recover from their addiction.

Alcohol Concern
Telephone: 0207 566 9800
Email:
contact@alcoholconcern.org.uk
Web:
http://www.alcoholconcern.org.uk

Support service to help people understand the dangers of drinking too much. They run the national drink helpline (Drinkline) on 0300 123 1110.

Alcoholics Anonymous
Telephone: 0845 769 7555
Email: help@alcoholics-anonymous.org.uk
Web: http://www.alcoholics-anonymous.org.uk

A help-line service for people who want help or advice about alcohol. Alcoholics Anonymous also run many local self-help groups to help recovering alcoholics. Contact them for further details of local meetings.

Al-Anon Family Groups
Confidential Helpline: 020 7403 0888 Email: enquiries@al-anonuk.org.uk
Web: http://www.al-anonuk.org.uk

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Provides support to anyone whose life is, or has been, affected by someone else's drinking, regardless of whether that person is still drinking or not.

Narcotics Anonymous
Telephone: 0300 999 1212 Web: www.ukna.org

A self-help group and help-line that deals with all aspects of opiate abuse.

FRANK
(National drugs information service)
Telephone: 0300 123 6600
Email: frank@talktofrank.com
Web: http://www.talktofrank.com

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