

## SOLIHULL METROPOLITAN BOROUGH COUNCIL

# Drugs, Alcohol and Substance Misuse Policy

SMBC can provide information in a range of different ways, for example via the use of audio tape, summarising large documents, interpretation, translation and British Sign Language interpreting services.

If you require this information in an alternative format or need assistance because English is not your first language, please contact your line manager or nominated Human Resources Advisor in the first instance for further support.

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

This Model Policy was provided by the Solihull Schools HR Service. The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.

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4	April 2018	GDPR compliant. Section 14 added.
4.1	May 2019	Updated with new details of Occupational Health and Employee Assistance Programme
5	October 2022	Updated to clarify expectations and requirements around alcohol consumption at work, during work events and at work parties.

# Drugs, Alcohol and Substance Misuse Policy

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## **1. Introduction**

Solihull Metropolitan Borough Council is committed to ensuring the health, safety and welfare of its employees and everyone affected by its activities. It recognises that this commitment can be put at risk by those who misuse drugs, alcohol or substances to the extent that it may affect their and their colleagues' health, safety, performance, conduct and relationships at work.

The Council will take all reasonable steps to reduce, and seek to eliminate, the risk of injuries or incidents occurring because of individuals who are suffering from the effects of alcohol, drug or substance abuse.

This policy contributes to the Council's commitment to work with other agencies helping to make Solihull a healthier, happier and safer place in which to live and work.

## **2. Policy Statement**

The Council recognises that alcohol, drug and substance use and misuse can impact negatively upon employees' physical wellbeing and mental health and that these problems can affect an employee's ability to work safely and/or effectively. It also recognises that alcohol/drug dependence or substance misuse **may** be treated in the same way as other illnesses. Irrespectively, however, problems resulting from misuse can affect the delivery of our services.

This policy aims to support employees fairly through a supportive working culture, but also seeks to provide clear expectations of behaviour and ensure that any issues are dealt with effectively and consistently.

The Council has a legal obligation to protect employees' health, safety and welfare. The purpose of the policy is to protect employees and encourage those affected by their own or someone else's drug, alcohol or substance abuse to seek help. Employees who have or are developing any issues with drugs, alcohol or substances are encouraged to take steps to receive any necessary professional help and support voluntarily. Additional objectives of the policy are to prevent the risk of accidents and injuries caused by employees suffering from drug, alcohol or substance misuse and to promote employee health and wellbeing.

It is possible that an employee with a disability may suffer from comorbidities or a secondary mental health or physical condition relating to drug, alcohol or substance misuse. In these instances, reasonable adjustments and adaptations will be considered in line with the Equality Act 2010.

## **3. Roles and Responsibilities**

Employees are obliged to ensure their own and others' safety is not compromised, and to undertake their job roles responsibly and with care.

Employees must show due consideration to the damaging impression created by the smell of alcohol, particularly if their role involves direct interaction with members of the public or service users, and conduct themselves accordingly in a professional, responsible manner.

An employee who suspects a colleague is exhibiting signs of a drug, alcohol or substance misuse problem is advised to report the issue in confidence. Formal action will not be taken against an employee who raises any concerns due to a reasonably held belief if a disclosure is made to a manager, Human Resources or submitted in line with the Council's Whistleblowing policy.

Employees may find it difficult to admit they suffer from drug, alcohol or substance misuse issues, therefore managers should show sensitivity and be non-judgemental in discussions about the situation.

Line managers must conduct a risk assessment and implement necessary measures to limit and prevent health and safety risks after being made aware of drug, alcohol or substance misuse in their area.

Any occurrence involving the possession, supply or potential supply of controlled substances on Council premises should be reported to the police by a line manager or Human Resources and also subsequently addressed through the disciplinary policy.

#### **4. Scope of Policy**

This policy applies to:

- all employees including school-based employees and those seconded to other local authorities or organisations;
- workers engaged from other organisations to undertake work on behalf of the Council, e.g. contractors, consultants and agency workers; and
- volunteers undertaking voluntary work for the Council or schools.

The Council's No Smoking policy confirms the Authority's position on smoking. This policy does not cover issues relating to nicotine dependence.

Schools may choose to accept Solihull MBC's policy in consideration of NJC employees and Teachers employed by Governing Bodies on behalf of the Local Authority.

#### **5. Safeguarding**

This policy seeks to ensure that Solihull Council undertakes its responsibilities with regard to the protection of children, young people and adults at risk and will respond appropriately to any concerns raised as a result of the Drugs, Alcohol and Substance Misuse Policy.

#### **6. Legislation Relating to the Policy**

- Misuse of Drugs Act 1971
- Health and Safety at Work Act 1974
- Road Traffic Act 1988

- The Management of Health and Safety at Work Regulations 1999
- Equality Act 2010
- Psychoactive Substances Act 2016
- General Data Protection Regulation (2016/679 EU)

It is a criminal offence to drive, attempt to drive or be in charge of a motor vehicle whilst under the influence of drugs or alcohol.

## 7. Definitions

For the purpose of this policy the following definitions apply:

- A **drug and/or alcohol related problem** is defined as any consumption or use of, either intermittent or continual, which definitely and repeatedly interferes with a person's health and sound functioning, and/or their work capability and conduct.
- **Alcohol misuse** refers to drinking excessively and more than the recommended limits of alcohol consumption:
  - The UK's Chief Medical Officer guidelines for both men and women is to keep health risks from alcohol to a low level. It is safest not to drink more than 14 units per week <sup>1</sup>
  - In England and Wales, the alcohol limit for drivers is 80 milligrammes of alcohol per 100 millilitres of blood, 35 microgrammes per 100 millilitres of breath or 107 milligrammes per 100 millilitres of urine.
  - It takes an average adult around an hour to process one unit of alcohol so that there is none left in their bloodstream, although this varies from person to person <sup>1</sup>

Please refer to Appendix A for examples of units

Alcohol misuse also refers to an episode of drinking to intoxication or to drunkenness; or in circumstances of **binge drinking**, an episode of heavy drinking over a short period of time, such as over the course of an evening or over an hour or two.

- The term **misuse** is any use that harms social or physical functioning.
- A **drug** is any substance that affects the way the body functions physically, emotionally or mentally. This policy applies to all illegal drugs (Class A, B and C) and prescription drugs which have purposely been misused.

The term, **drug** and **substance misuse**, refers to the misuse of controlled and prescription drugs, including over the counter medicines taken in excess of the required dose, and use of illegal and designer drugs and other psychoactive substances (formerly known as "legal highs"), whether deliberate or unintentional. These include substances such as solvents and volatile substances such as aerosols or glue.

## 8. Restrictions Whilst at Work

No employee or other individual working under the Council/School's control shall, in connection with any work-related activity;

- report, or endeavour to report, for duty while under the influence of, alcohol drugs, substances or any prescription drugs that have not been prescribed and would render them unfit and/or unsafe for work;
- consume or be under the influence of alcohol, drugs or substances while on duty;
- misuse drugs or substances at any point during the working day, including breaks or whilst travelling to and from different locations when at work; or
- attempt to sell or supply drugs, alcohol or substances to any employee or individual connected with work undertaken at the Council/School.

Employees must inform their line manager, after following approved medical advice, of any prescribed medication that may have an effect on their ability to carry out their work safely and/or effectively.

The Council prohibits the drinking of alcohol within the workplace or on Council business by all those in scope of this policy other than a reasonable amount at **approved** functions.

This means:

- it is not permissible to consume alcohol during working hours at any Council location or as part of any hybrid working arrangement, including working from home, and employees are not allowed to consume alcohol during work breaks, including at lunchtime; and
- in limited, exceptional circumstances it may be permissible to provide alcohol during **approved** functions or special occasions only if prior authorisation has been obtained from a Director in writing (an email is acceptable). In these circumstances non-alcoholic drinks must also be available as an alternative, and at no time must the employee be adversely affected by alcohol consumption either during the event or upon returning to work.

Such events may potentially include:

- Civic Events, Long Service Awards or Employee Recognition Awards; or
- External functions hosted by a third party taking place outside typical working hours, apart from where an employee is still on duty or delivering a service.

Public funds should not be used to purchase alcohol at any Council event or meeting without the express written approval (email will be sufficient) from either the Chief Executive, Director of Resources and Deputy Chief Executive or a Director.

Employees need to appreciate and be sensitive to the possible public perception around alcohol consumption and should not be suspected of being under the influence of drugs, alcohol or other substances while undertaking their role by colleagues, service users or members of the public.

Employees must not report for work smelling of alcohol and are prohibited from drinking large amounts of alcohol before starting a shift without allocating a reasonable amount of time for the effects to reduce significantly.

Alcohol must not be consumed and should not be available at any event where children or young people are present.

The Council also reserves the right to invoke disciplinary action when the consumption of drugs, alcohol or substances outside work potentially brings the Authority into disrepute or implies a breach of trust and confidence on the part of the employee.

### **Work organised social events outside working hours**

Employees should not return to work until the next working day after a work party/social event, which must not provide an opportunity or an excuse for staff to behave inappropriately in any way, and it is strongly advised that only a moderate intake of alcohol is consumed during such occasions. Unacceptable or offensive conduct that would ordinarily warrant the instigation of disciplinary proceedings within a Council workplace, such as harassment, verbal abuse or violence towards another employee or third party, will not be tolerated.

A manager should, where present, assume authority for overseeing employees' conduct during any work event, irrespective of whether the event is in person or virtual, though employees will still be accountable for their behaviour.

## **9. Procedure**

The Council recognises that a member of staff with alcohol, drug or substance misuse problems needs help and support from their employer. However, the Council /School also understands that it has a responsibility to all its employees, service users, pupils and other stakeholders to ensure any risks are minimised.

Accordingly, the Council /School will seek to adopt two approaches:

- 1) To provide reasonable assistance to the member of staff with an alcohol, drug or substance misuse problem who is willing to cooperate by receiving appropriate treatment.
- 2) To take disciplinary action where the use of alcohol, drugs (other than on prescription taken in line with the prescribed dose) or substances affects an employee's performance or behaviour at work, and where available treatment is not possible, has been refused, ceased before completion or has not succeeded.

## **10. Recognising the Problem**

It may be difficult at times to determine the existence of drug, alcohol or substance misuse; for example, an individual could be suffering from an unrelated medical condition, however the following general and non-exhaustive lists contain signs which should indicate a cause for concern:



## **Alcohol Misuse**

Slurred speech  
Smelling of alcohol  
Flushed face

## **Drug or Substance Misuse**

Sores and abscesses, which could have resulted from injecting  
Puffy or bloodshot eyes, skin issues and appearing lethargic and confused  
Pinpoint or blown pupils (from an opiate or stimulant response respectively)

## **Common Symptoms Suggesting Possible Alcohol or Drug or Substance Misuse**

Hand tremors  
Increased absence levels, including issues with punctuality and an apparent pattern (for example, Fridays and/or Mondays)  
Regular visits to the toilet  
Difficulties maintaining appropriate relationships with colleagues  
Apparent disregard for personal appearance and hygiene  
Neglecting own and others' health and safety  
Concentration problems  
Neglect of personal hygiene or dirty or inappropriate clothing  
Unpredictable changes in mood and behaviour  
Loss of appetite  
Apathy and sluggishness, including a lack of enthusiasm  
Irritability and aggression  
Decline in work performance

The detrimental impact of drug, alcohol and substance misuse can manifest through an increased level of absence, heightened safety risks and erratic behaviour, for example, even if the misuse occurs outside work. An employee may be able to disguise signs of abuse when no issues are apparent, and will, therefore, require appropriate help and support because their physiology, mood, behaviour and thinking could be affected significantly in a variety of ways.

If a line manager has a reasonable belief that an employee is under the influence, and their performance or judgment is also impaired as a result, they should discuss the situation with a HR Advisor and arrange to send the employee home, regardless of any disciplinary action which may or may not subsequently commence, because the employee is likely to present a safety risk to themselves and others. They should consider arranging a taxi, but should not attempt to prevent an employee from driving, for example through physical restraint, because of the risk involved. If necessary, the police or the employee's emergency contact should be called if such a situation transpires.

Side effects can occur from over the counter medicines and prescription drugs which affect an employee's performance and capacity to work safely. Employees are required to discuss the likelihood with the prescriber and notify their line manager if such a situation could develop.

Where it is suspected that an employee's performance or behaviour in the workplace raises a cause for concern and is related to drug, alcohol or substance misuse, then the line manager/head teacher should address these concerns at the earliest opportunity by discussing the matter with the employee and seeking appropriate support.

Any action will also consider:

- a) health and safety issues;
- b) safeguarding;
- c) the effects of performance, conduct and behaviour within the workplace, including relationships with other work colleagues; and
- d) attendance at work.

## **11. Assistance for Employees**

There is no single, correct way of addressing drug, alcohol and substance misuse and the most appropriate and effective method will vary between individuals. A wide range of support measures is available from local authority agencies, NHS support organisations, charities and counselling services, for example. The Council /School will, where possible, seek to take advantage of opportunities for early intervention and detection and look into a range of assistance and support measures, which may include;

- helping the employee recognise the nature of the problem, through a referral to Occupational Health and/or a counselling service, their GP or other appropriate agency.
- support during a period of treatment. This may include a period of sick leave or approved other leave, appropriate assistance whilst continuing in post or the temporary undertaking of other duties. This will be dependent upon the employee's condition, their job role, individual circumstances and the needs of the service.
- the opportunity to remain or return to work following the completion of a course of treatment, as far as is practicable.

The Council's /School's assistance will depend upon the following conditions being met:

- Occupational Health diagnosing an alcohol, drug or substance dependency related problem.
- the member of staff recognising that they are suffering from an alcohol, drug or substance misuse problem and are prepared to cooperate fully in a referral to and treatment from appropriate agencies.

The Council /School and its employees must recognise the following limits to the assistance that can be provided, namely:

- where an employee fails to cooperate in referral or treatment arrangements, no additional support will be given and any issues around performance and behaviour will be addressed through the Capability or Disciplinary policy respectively.
- if the process of referral and treatment has been completed but is not successful, and issues around performance or behaviour occur, these will be dealt with through the Capability policy or Disciplinary policy.

The entitlement for time off to attend appointments or counselling sessions will be granted as explained in the Sickness Absence Management policy. An employee may be asked to produce evidence confirming attendance at agreed sessions if a programme of support has been arranged through the Council.

Line managers are key in supporting employees who are receiving treatment for drug, alcohol or substance misuse. This could be added to an individual wellbeing plan and Occupational Health may assist if any concerns arise. Medical advice may need to be provided because some medication may affect an employee's ability to undertake particular tasks appropriately.

## 12. Disciplinary Action

In line with the Council /School's Disciplinary policy, the following will be regarded as potential gross misconduct:

- a) Attending work and/or carrying out duties under the influence of alcohol or drugs.
- b) Consumption of alcohol or drugs whilst on duty (other than were prescribed or if approval has been given).
- c) Possession, use or distribution of an illicit substance or produce, supplying or possessing with intent to supply a psychoactive substance.

The above examples do not comprise an extensive or exhaustive list, and disciplinary proceedings may be instigated if other terms of this policy are breached or if alleged unacceptable behaviour relating to potential drug, alcohol or substance misuse occurs.

Where misconduct occurs, but it is established that an alcohol, drug or substance misuse related problem exists and the member of staff is willing to co-operate in a referral to an appropriate service and complete a course of subsequent treatment, the Council may consider **suspending** the application of the Disciplinary procedure and seek to provide assistance as described in Section 11 above, though demonstrable improvements must be achieved if formal action relating to the misuse is to be avoided. If disciplinary action has been suspended to support an employee receiving help with their condition, it may still be appropriate in the circumstances to continue addressing misconduct issues that have consequently developed, such as persistent lateness. Each situation will be different and guidance on how to proceed fairly should be sought from Human Resources.

Employees who do not comply with the treatment suggested or continue to exhibit alcohol, drug or substance misuse will be subject to disciplinary proceedings.

An employee will not face disciplinary action for voluntarily seeking or agreeing to receive help to deal with drug, alcohol or substance misuse issues if their treatment is subsequently completed successfully or if no issues arise that warrant consideration for formal measures.

If a drug, alcohol or substance misuse problem is negatively impacting an employee's performance, it may be acceptable, depending on the circumstances involved, to address matters through the Capability policy and approach the situation taking the aforementioned factors into consideration.

### **13. Occupational Health**

Through the Occupational Health Service, the Council will provide advice and support to managers on;

- a) whether an alcohol, drug or substance misuse related problem exists
- b) progress in any treatment undertaken
- c) re-establishment or continuation at work, where appropriate
- d) assistance to employees with alcohol, drug or substance misuse related problems.

Employees should engage and cooperate with Occupational Health services in order to receive timely and appropriate support. Occupational Health may assist employees referred to them in the following ways:

- providing advice and signposting to obtain treatment and specialist help;
- assisting in continuing with or achieving a return to work

A small number of specialist GPs may provide treatment, but many will submit a referral to a specialist substance misuse treatment agency. In many cases, these are NHS or independent/voluntary sector organisations and free to attend. A follow-up service may be offered after formal treatment has been delivered in order to prevent a relapse.

### **14. Alcohol and Drug Testing**

The Council/School reserves the right to carry out 'for cause' testing on drugs, alcohol or substances in a situation:

- resulting from an incident indicating that an individual may be under the influence;
- where the perpetration of a criminal offence is suspected (e.g. being in charge of a motor vehicle whilst under the influence of drugs or alcohol); or
- where there are reasonable grounds to suspect an employee is compromising their own or others' safety through possible drug, alcohol or substance misuse but refusing to acknowledge the severity of the matter.

The Council/School reserves the right to introduce random drug and alcohol testing wherever appropriate. This may be necessary over a period of time as part of a support mechanism for an employee or as a prerequisite before resuming safety critical roles involving driving or handling machinery, for example, or in high risk areas near traffic, water or with heights.

Employee consent should be obtained before any testing is undertaken. Failing or refusing a test could constitute potential gross misconduct and may result in disciplinary action commencing if the Council has reasonable grounds to suspect issues relating to misuse and the employee does not provide sufficient justification in the circumstances. Testing will be carried out by fully accredited independent professionals to ensure the health and safety of workers and others.

## 15. Data Protection and Privacy

All possible measures will be in place to ensure the confidentiality of test results. Test results are processed and retained in accordance with the Council's data protection policy. Access to test results is strictly limited to people for whom it is necessary, such as the employee's line manager, HR and Occupational Health. Unauthorised access to test results will be treated as a disciplinary matter and dealt with in accordance with the organisation's disciplinary policy.

## 16. Help and Support

Any employee who believes they may have a drug, alcohol or substance misuse related problem is encouraged to talk in confidence to their line manager, Human Resources, Local Wellbeing Lead or trade union representative at any time. This is so that guidance on help and treatment may be sought before an employee's health, performance or employment is affected.

The Employee Assistance Programme (EAP) is an employee benefit designed to help employees to deal with personal and professional problems which could be affecting their home or work life, health or general wellbeing. The programme is run by an organisation called **Health Assured**.

This is a confidential facility that will provide information, expert advice and structured counselling by telephone 24 hours a day, 7 days a week. The service gives employees a place to turn for support any time of day or night, 365 days a year. Specialist support is available for addiction, health issues, relationship or financial problems and much more.

To use the confidential service you can contact the freephone number **0800 028 0199**, the email facility on their website or via the instant web chat facility via the website. [www.healthassuredeap.co.uk](http://www.healthassuredeap.co.uk) using the following login details:

Username: **Solihull**

Password: **MBC**

There is also '**My Healthy Advantage' Mobile App** and an Online Health & Wellbeing Portal which offers employees access to online webinars, factsheets and tailored programmes online, allowing them access to support independently, or alongside their counselling support. The 'My Healthy Advantage' app provides an enhanced set of wellbeing tools and features designed to improve your mental and physical health by using personal metrics to set goals and achievements. It is available on the Apple Store and Google Play store and you will need to use the **employer code which is MHA109491**.

The EAP helpline is also available to line managers to offer support when dealing with challenging managerial situations. Their advisors do not advise on HR policies and procedures but can provide a facilitative and supportive space to help assist them with complicated or difficult issues. Some managers may want to rehearse a conversation, talk through how their own issues are impinging on a work problem or voice concern about their ability or confidence to manage a workplace conflict or difficulty. To use the service, managers can contact the freephone number **0800 028 0199**.

## **Further support and information:**

**Solihull MyLife portal** - To help you find information and advice to give up bad habits and look after your wellbeing and live healthily with the care and support you and the person you care for need.

There is a large number of organisations offering help, support and guidance to tackle the harm caused by alcohol, drug and substance misuse;

### **Alcohol dependence**

#### **Addaction**

<https://addaction.org.uk>

Helps people to recover from their drug and alcohol addiction problems

#### **Adfam**

<http://adfam.org.uk>

Working to improve the support available to families affected by drug and alcohol related issues.

#### **Al-Anon**

<http://www.al-anonuk.org.uk>

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

#### **Alcoholics Anonymous**

<http://www.alcoholics-anonymous.org.uk>

AA is an organisation of people sharing their experiences with each other, hoping to solve their problems and help others to recover from alcoholism.

#### **Drinkaware**

<https://www.drinkaware.co.uk/>

An independent charity, funded from donations and finance from drinks companies and supermarkets.

#### **Drinkline**

Helpline: 0300 123 1110

A free, confidential helpline for people who are concerned about their own drinking or someone else's.

#### **SIAS (Solihull Integrated Addictions Service)**

If you are a resident of Solihull and concerned about your own alcohol consumption, or alcohol-related issues affecting somebody else, contact:

- 0121 301 4141; or
- email to [help@sias-solihull.org.uk](mailto:help@sias-solihull.org.uk)

Anyone calling SIAS will receive immediate support and guidance and put in touch to receive the most appropriate help. This is unfortunately not available to staff who live outside the Solihull borough.

## **Drug dependence**

### **Know the score**

<http://knowthescore.info/>

Helpline: 0800 587 5879

For people who want to know the truth about drugs.

### **Narcotics Anonymous**

<http://ukna.org/>

Helpline for the UK: 0300 999 1212

A non-profit fellowship of recovering addicts who meet regularly to help each other stay clean. Membership is open to anyone with a drug problem seeking help, regardless of what drug or combination of drugs have been used and irrespective of a person's background. The only requirement for membership is a desire to stop using drugs.

### **NHS Choices Website**

National Health Service advice on getting help for drug addiction.

### **SIAS (Solihull Integrated Addictions Service)**

If you are a resident of Solihull and concerned about your own drug use, or the drug use of somebody else contact:

- 0121 301 4141; or
- email to [help@sias-solihull.org.uk](mailto:help@sias-solihull.org.uk)

This service is unfortunately not available to staff who live outside Solihull.

### **Talk to Frank**

<http://www.talktofrank.com/>

National drugs awareness site for young people and parents/carers.

## **Substance Misuse**

### **Re-solv**

[www.re-solv.org/](http://www.re-solv.org/).

Helpline: 01785 810762

Work to prevent volatile substance abuse

## **Other Help**

### **Samaritans of Solihull:**

**Telephone:** 0330 094 5717 (call charges apply)  
116 123 (National telephone service where this number is free to call)

**Email:** [jo@samaritans.org](mailto:jo@samaritans.org) (UK and ROI)

**Visit the branch:** **Samaritans Solihull**  
Station Approach  
Solihull  
West Midlands  
B91 1LE



## Appendix A

### What is a unit?

One unit is 10ml or 8g of pure alcohol. Because alcoholic drinks come in different strengths and sizes, units are a way to tell how strong your drink is.

**What does 1 unit of alcohol look like?**

Drink Type	Volume	Alcohol Percentage
Standard 4.5% cider	218ml	4.5%
Standard 13% wine	76ml	13%
Standard 40% whiskey	25ml	40%
Standard 4% beer	250ml	4%
Standard 4% alcopop (275ml)	250ml	4%

You shouldn't regularly exceed  **14** UNITS per week

**drinkaware**

Source: drinkaware 2016