

## **Substance Misuse Policy and Procedure**

### **1. Scope**

- 1.1 This policy applies to all Council employees and contractors visiting the Council. It covers the misuse of substances in the workplace and the effects of such use, possession and/or dependency or addiction in the workplace.
- 1.2 In addition, this document sets out the rules to ensure that staff attend work free from the effects of alcohol or other substances.

### **2. Introduction**

- 2.1 The Council is committed to ensuring the health, safety and welfare of its employees and recognises the risks that may result from the misuse of substances.
- 2.2 In line with the Health and Safety at Work Act 1974, if an employer knowingly allowed an employee under the influence of alcohol or drugs to continue working and this placed the employee or others at risk, the employer could be liable to charges. Employees are also required to take reasonable care of themselves and others who could be affected by what they do. They, too, could be liable to charges if their alcohol consumption or drug taking puts safety at risk.
- 2.3 Alcohol and substance misuse is detrimental for the safety and wellbeing of staff, as well as the wider public, as it reduces work performance. The Council acknowledges that it can also:
- Lead to gross misconduct and threaten the reputation of the Council;
  - Adversely affect professional relationships;
  - Increase levels of sickness absence;
  - Reduce productivity;
- 2.4 The Council also accepts that substance misuse may be related to dependency and/or addiction, which has the potential for serious consequences on an employee's health and wellbeing. The Council is therefore committed to ensuring that employees suffering from substance misuse are responded to in a supportive and understanding manner.

### **3. Guidelines**

- 3.1 **Fitness for work** – employees must always attend for work in a fit and appropriate state with no impairment from the effects of any substance. Failure to attend for work in a fit state is likely to be treated as gross misconduct and lead to dismissal, as per the Council's Disciplinary Policy and Procedure.
- 3.2 **Consumption of substances during the working day** - employees should not consume alcohol or use other substances whilst at work. This includes drinking during breaks and lunchtimes as, even in small quantities, alcohol affects reflexes, response times and judgement, which has the potential to impact on performance and safety.

There will be some very exceptional occasions where consumption of alcohol will be permitted during the working day, i.e., only on festive occasions, such as Mayor Making, which have been approved by the Council or authorised by a Chief Officer.

3.3 **Consumption of substances outside of the working day** - All staff should be aware of the time that substances remain effective in their system. Employees should be sure that, when they report for work, they are not under the influence of any substance. They should also ensure that when consuming alcohol in public places, they are not identifiable as an employee of the Council in any way, for example identification badges, uniforms, ties and vehicles. Employees should always be mindful of their responsibilities under the Council's Code of Conduct.

3.4 **Use of prescription and over the counter medications** - Employees should be mindful that the use of prescribed medication at work may impact on their ability to effectively undertake their duties.

Employees taking prescription or over-the-counter medications which are likely to affect their performance or safety at work (e.g. medication labelled "May cause drowsiness – if affected do not drive or operate machinery" to which they are susceptible) must bring this to the attention of their manager immediately and before commencing work. Where there is any potential hazard they should be transferred to alternative work until advice has been sought in consultation with HR.

#### **4. The Council's Commitment**

4.1 Upon being made aware, the Council will support employees who are misusing a substance or consider themselves at risk of misusing a substance by:

- Responding appropriately to any employee who discloses that they are misusing a substance or consider themselves at risk of abusing a substance.
- Discussing with the employee how the Council can provide assistance, including access to existing provisions, such as Occupational Health and counselling.
- Offering temporary or permanent changes to working times and patterns, if organisationally possible and if the change would benefit the employee.
- Offering access to the full provision of leave types for appointments; including those with doctors or counsellors.

4.2 These commitments are made without prejudice to the Council's right to take disciplinary action against an individual for misconduct in respect of a serious substance misuse incident

#### **5. Advice for Employees**

5.1 Employees must make sure they bring any misuse problems to the attention of their manager and/or HR so that appropriate support can be given in the workplace, and a referral to Occupation Health organised.

5.2 Employees are also encouraged to seek specialist help and advice available from their GP or local agencies, details of which can be found at Appendix A.

5.3 Employees who suspect or know that a colleague has a problem with substance misuse should encourage the colleague to seek help and, as appropriate, raise their concerns with their manager.

5.4 If for any reason an employee feels that they cannot raise the issue with their line manager they should raise it with their HR Partner. However, it will be necessary for HR to make the employees line manager aware of the issue so that appropriate support can be given in the workplace.

## **6. Advice for Managers**

6.1 Individuals with a substance misuse problem, may hide the issue and may be unwilling to acknowledge that there is a problem.

6.2 A manager who has evidence of an employee who potentially has a misuse problem, which is affecting their work performance or attendance should address this as soon as it becomes known. Whilst each case will be different it will normally be appropriate to follow the general approach below:

- Discuss this issue with the employee, seeking advice or support from HR;
- Discuss any job and workplace issues;
- Refer the employee to Occupational Health for assessment and further guidance;
- Signpost the employee to one or more of the local agencies in Appendix A;
- Offer the employee confidential counselling;
- Consider options for temporary changes to work arrangements;
- Carry out regular reviews to monitor progress and agree further action. These should continue until both parties agree that it is no longer needed.

6.3 Ideally the employee should be able to continue in work, but if they do go off sick the normal procedure regarding sickness absence management will apply.

6.4 If, after making reasonable efforts to support the employee, help is declined or the employee fails to follow the agreed approach to resolving the concerns and the problems persist, then action may need to be taken in line with other relevant Council policies.

6.5 If the employee successfully responds to the supportive measures provided by the Council, but subsequently relapses, further assistance will normally be offered. Each case will be considered on its merits and there will be a point at which it is reasonable to decide that no further assistance can be offered and action may be taken in line with other relevant Council policies.

## **7. Responding to an employee who is unfit for work**

7.1 Concern about an employee being under the influence of alcohol or another substance whilst at work may arise from a number of sources e.g., following an accident or incident, a report by a colleague or by direct observation by the line manager.

7.2 Whilst such situations are rare, however the manager is obliged to act promptly to respond to the situation.

### **7.3 Assessing the situation**

7.4 The manager must act promptly to deal with the situation by speaking with the employee to make them aware of their concern and to form an opinion as to whether they are under the influence of a substance.

7.5 The discussion with the employee should take place away from colleagues and the public, unless there is danger requiring immediate action. If possible, the manager should seek a second opinion, preferably from another manager/supervisor. When forming an opinion, relevant evidence to consider may include:

- the smell of alcohol or other substance

- facial flushing
- bloodshot eyes
- difficulty focusing
- lack of concentration
- slurred speech, hand tremors
- appearing unsteady
- erratic, aggressive or moody behaviour.

7.6 The manager must consider whether there could be other causes for any symptoms observed, such as the effects of chronic illnesses, prescription medication, recent shock, etc.

7.7 When considering fitness for work, the manager must have regard to safety issues, both of the employee, their colleagues and members of the public, as well as service delivery issues and the Council's reputation.

7.8 Where there is no underlying health issue, but it appears to the manager(s) that the employee is unfit for work, the manager may require the employee to return home until such time as they are fit to return to work. In such circumstances it is appropriate for the employee to use annual, flexi or unpaid leave to cover the absence. Where it is not clear why the employee is displaying concerning symptoms or behaviours, it will not normally be appropriate to take disciplinary action. The manager must discuss their concerns with the employee upon their return to work and record the details of the incident, seeking to ascertain with the employee the underlying cause for the behaviour. A referral to Occupational Health may be appropriate. Should a similar instance occur again then actions in line with 7.9 may be followed.

7.9 Where there is no underlying health issue and the manager(s) have a clear and reasonable belief that the employee is under the influence of alcohol or another substance and is therefore unfit for work, the behaviour may be considered to constitute misconduct. In such cases the employee may be sent home and consideration given to withdrawing pay for the period in question, subject to approval by the relevant Chief Officer. Disciplinary action may also be considered in line with Section 3.1.

7.10 However, where an employee is believed to have been under the influence of alcohol or other substance, the manager should make further reasonable enquiries of the employee on their return to work. Consideration should be given to the points outlined in Section 4 and Section 6 to aim to ascertain if the employee has a substance misuse problem and whether disciplinary action is appropriate.

## 8. Review

8.1 This Policy will be reviewed two years after implementation or earlier in the event of relevant further changes in legislation.

### Document Control:

Version no.	Effective Date	Reason	Review due
1.0	30.07.2008	New policy	
2.0	31.01.2017	Revised policy for consideration & agreement by JCC and Personnel Committee	31.01.2019

## Appendix A - Support Agencies

To assist managers and employees, the details of appropriate support agencies are listed below.

<b>Support Services Available</b>	
<p><b>Renaissance and Drugline Lancashire</b></p> <p>2 Union Court</p> <p>Union Street</p> <p>Preston PR1 2HD Tel 01772 253840 E-mail <a href="mailto:enquiries@druglinelancs.co.uk">enquiries@druglinelancs.co.uk</a></p>	<p>Comprehensive drug service for drug users, their families, friends and workers.</p>
<p><b>Alcohol and Drugs Service</b></p> <p>8-9 Fox Street</p> <p>Preston</p> <p>PR1 2AB</p> <p>Tel 01772 561300</p>	<p>Counselling, information and advice for young people worried about their own alcohol use. Drug day-care support for abstinent clients and those not using illicit substances.</p>
<p><b>Alcoholics Anonymous (Great Britain)</b></p> <p>National helpline 0800 9177 650</p> <p>E-mail <a href="mailto:help@alcoholics-anonymous.org.uk">help@alcoholics-anonymous.org.uk</a></p> <p>Website <a href="http://www.alcoholics-anonymous.org.uk">www.alcoholics-anonymous.org.uk</a></p>	<p>Self-help groups for people who recognise they need to address their alcohol use. Various meetings in Lancaster, Morecambe and across Lancashire.</p>
<p><b>Inspire Lancaster</b></p> <p>North Lancashire Integrated Recovery Service</p> <p>24 Great John Street</p> <p>Lancaster</p> <p>North Lancashire</p> <p>LA1 1NG</p> <p>United Kingdom</p> <p>01524 388 493</p> <p>And</p> <p><b>Belfield House</b></p> <p>173 Euston Road</p> <p>Morecambe</p> <p>LA4 5LQ</p> <p>United Kingdom</p> <p>01524 834210</p> <p>Website: <a href="http://www.cri.org.uk">www.cri.org.uk</a></p>	<p>Advice on Drugs and Alcohol to help minimise drug and alcohol misuse where possible</p>
<p><b>Drinkline</b></p> <p>Helpline 0800 9178282</p> <p>Website <a href="http://www.drinkaware.co.uk">www.drinkaware.co.uk</a></p>	<p>Advice to alcohol drinkers or anyone concerned about the drinker. Website includes database of local services.</p>

<p><b>Talk To Frank</b></p> <p>Tel 0800 776600</p> <p>Website <a href="http://www.talktofrank.com">www.talktofrank.com</a></p>	<p>Advice to drug users or anyone concerned about the drug user. Focus is on young people and concerned parents but help is available to adult drug users.</p>
<p>Narcotics Anonymous UK National Helpline 0300 9991212 Website <a href="http://www.ukna.org">www.ukna.org</a></p>	<p>Self-help groups for people who recognise the need to address their use of narcotics. Various meetings in Lancaster and across Lancashire.</p>
<p><b>Cocaine Anonymous</b> Helpline 0800 6120225 Website <a href="http://www.cauk.org.uk">www.cauk.org.uk</a></p>	<p>Self-help group specifically for cocaine users.</p>
<p><b>Adfam National</b></p> <p>Helpline 020 75537640 Website <a href="http://www.adfam.org.uk">www.adfam.org.uk</a></p>	<p>Works with and on behalf of families affected by drug and alcohol problems.</p>
<p><b>General Practitioners</b>, may also provide support or refer people to appropriate support services.</p>	