

Alcohol & Drugs Policy

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Governance Committee		Date approved	
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Strategic Alignment

Improving the Council's Resource Base – A Workforce Strategy that is built around the needs of the Council (as a single resource base) to deliver the priority outcomes, ensuring future workforce requirements, new skills and innovative approaches, and succession planning are recognised.

Consultation process	<i>Consultation with stakeholders carried out Oct 17 – May 18</i>	
Stakeholders	Contacts identified for each service	
	<i>Joint Trade Unions</i> <i>JNC for Teaching Staff</i>	
Distribution		

Change record

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1 Purpose

Being under the influence of alcohol and drugs can seriously impair an individual's judgement, concentration and reactions leading to an increased risk of accidents and injuries.

The aim of this policy is to ensure the safety of all employees, workers, and visitors by having clear rules in place regarding use and possession of alcohol and drugs, and to support those who have reported a problem with alcohol or drug dependence.

2 Scope

This policy applies to all Council employees.

3 Principles

- All employees will be treated consistently and fairly in line with the policy.
- Those who advise that they have a problem with alcohol and/or drugs will be fully supported.
- Employees with an illness related to alcohol and/or drugs are encouraged to disclose this at the earliest opportunity to ensure support and help with their treatment.
- All matters concerning alcohol or drugs shall be treated as confidential.
- This policy complies with relevant legislation such as the Health & Safety at Work etc Act 1974 and the Misuse of Drugs Act 1971.

4 Legislation

The Health and Safety at Work etc Act 1974 requires employers to protect the health, safety and welfare of their employees and others who may be affected by their activities, as far as is reasonably practicable.

The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a risk assessment to identify hazards in the workplace and put measures in place to minimise these risks.

The Misuse of Drugs Act 1971 is the main legislation covering drugs and categorises them as classes A, B and C. These drugs are called controlled substances and class A drugs are considered to be the most harmful under this act. It is illegal for anyone, whether at work or not to produce, supply or be in possession of illegal drugs. Employers may be liable if they knowingly allow dispensing, manufacturing, possession, using or selling on their premises.

5 Definitions

For the purposes of this policy, alcohol dependence is defined as:

"A physical or psychological dependence upon alcohol, with a corresponding impact on the employee's ability to perform his/her duties, his/her attendance at work is affected, or he/she endangers the safety of others."

For the purposes of this policy, drug dependence is defined as:

"The habitual taking of non-prescription medication, whereby the employee's ability to perform his/her duties is impaired, or his his/her attendance at work is affected, or he/she endangers the safety of others."

Drugs will include illegal substances, psychoactive substances (formerly known as legal highs), over the counter medication and prescription drugs. The possession and use of prescription medication will be considered legitimate.

Employees with alcohol or drug problems fall into two categories:

- People who misuse alcohol or drugs that are not related to a physical dependency – this will be considered misconduct and will be dealt with under the Disciplinary Policy.
- People who are dependent on alcohol or drugs, and this repeatedly affects their health, behaviour or work performance – this will be considered a health issue. If appropriate, the matter will be dealt with as a capability issue.

6 Our position

The Council requires all employees to report for duty free from the effects of alcohol and drugs (as per definition above). It is not acceptable to be under the influence of alcohol or drugs at work or consume alcohol or drugs during hours of work- this includes paid and un-paid breaks.

Employees found in possession of illegal drugs or using illegal drugs while at work will normally be reported to the police. Advice should be sought from the Employee Relations Team at the earliest opportunity.

We may consider incidents outwith working hours that involve possessing, using or supplying drugs as a disciplinary offence. In determining whether to undertake any formal action, the following factors will be taken into account:

- Safety risks
- Where the incident took place
- Our reputation

- How the behaviour of the employee affected their responsibilities
- Contact with vulnerable groups
- Criminal proceedings

In some cases, the legitimate use of prescribed drugs can affect a person's ability to do their job. In such instances, employees should inform their line manager as soon as possible.

7 Alcohol and Drug Testing

This policy on alcohol and drug testing is in addition to the terms and conditions set out in contracts of employment. The Council reserves the right under this policy to exercise alcohol and drug testing of its employees. Consent will be sought before a test is requested on each and every occasion. Testing for alcohol and/or drugs will be undertaken "with cause":

With Cause Alcohol and Drug Testing

The employee may be tested for alcohol and drugs in all cases where he/she has had any involvement in a workplace accident or any incident that has caused or could have caused a danger to health or safety. Testing will also be carried out where management has grounds to believe that the employee is or may be under the influence of alcohol and/or drugs. Prior to making a request for a "with cause" test, approval must be sought from the Executive Director or nominated officer.

Carrying Out Tests

Alcohol and drug testing will be carried out only by qualified and competent representatives from an external toxicology company who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion to employees' privacy. All possible measures will be put in place to ensure confidentiality of test results, and checks will take place to avoid any false results.

Employees who are tested have the right to be informed of their test result before the result is shared with management.

An employee who unreasonably refuses to submit to an alcohol and drug test in accordance with Council policy, may be subject to disciplinary action.

Action After a Non-Negative Test

Action after a non-negative test will depend on the circumstances. Formal action should not be considered until the line manager has had an opportunity to speak further to the employee. Help and support, as outlined below, will be considered but it may be necessary for the Council to take disciplinary action under the Disciplinary Policy or Disciplinary Framework for Teachers, up to and including dismissal where:

- The effects of the employee's alcohol or drug taking are or could be serious, e.g. the employee works in a safety critical job and his/her use of alcohol or drugs has or could lead to a risk to health and safety.
- A previous alcohol or drug test of the employee within the last two years has produced a non-negative result.
- The employee denies that either alcohol or drugs are the cause of the problems;

- The employee refuses to accept the offer of referral for assessment and treatment;
- The employee stops a course of treatment before complete; or
- Does not meet the standards of work needed after undergoing treatment.

Where action is taken under the Disciplinary Policy or Disciplinary Framework for Teachers, an employee will have the right to appeal under the appropriate policy.

8 Help and Support

The Council will endeavour to ensure that advice and help are made available to any employee who feels that they have a problem with alcohol or drug misuse. In the first instance, individuals will be encouraged to seek help from their General Practitioner. Under these circumstances, a referral will also be made to Occupational Health. It may be necessary to request that the employee refrains from work temporarily, undertakes restricted duties or is assigned to an alternative temporary role to ensure their health and safety and that of others.

9 Treatment

If the employee accepts that they have an alcohol or drug problem, we will offer support and treatment as long as they produce medical certificates to cover the period or periods of absence they need to be absent from work to receive treatment.

We may consider suitable alternative employment, in line with the Redeployment Policy, if:

- the alcohol or drug problem is not resolved; or
- where the performance is not satisfactory when they return to their original or equivalent job.

10 Relapse

We will consider each case individually if the employee's work performance or standard of behaviour suffers again as a result of alcohol and/or drug-related problems.

The default position will be to provide further support, but disciplinary action may be considered where:

- the standard of work or behaviour is still not satisfactory; or
- The work is satisfactory throughout the period of treatment but lapses very soon afterwards.

Up to date medical advice will be sought before any decision is made to dismiss.

11 Ongoing Support and Review

Any employee who seeks the assistance of the Council in finding treatment for a drugs or alcohol problem has the complete assurance of confidentiality.

It is expected that the line manager of an employee in such circumstances will offer support to the employee and appropriately monitor the situation to ensure that the

employee is receiving the help required and is maintaining satisfactory work performance in the period following treatment.

If the employee wishes to discuss any concerns with a third party, they should contact the Employee Relations team for assistance.