

**STOCKTON-ON-TEES BOROUGH COUNCIL**

**CABINET RECOMMENDATIONS**

**PROFORMA**

Cabinet Meeting .....5th November 2009

1. Title of Item/Report

Substance Misuse

2. Record of the Decision

Consideration was given to a report that provided members with a proposed substance misuse policy.

Members noted that the Health and Safety at Work etc Act 1974 had an over-arching requirement that employers should keep employees and third parties free from risk of harm as far as reasonably practicable. Employees were also required to cooperate with and implement their employer's policies in this respect.

The Management of Health and Safety at Work Regulations 1999 required a suitable and sufficient assessment of risks arising from workplace activities to be undertaken, and this included risks arising from potential drug and alcohol use. In addition, the regulations placed a legal duty on employees to inform their employer of any situation that could be considered to constitute risk, and therefore must report any other employee who appeared to be under the influence of drugs or alcohol. The proposed policy had been produced to ensure that employees were aware of the risks associated with substance misuse and the consequences, including any legal consequences, of their actions. In addition, one of the key aims of the Employee Health and Well Being Strategy was to support the health priorities for the borough, one of which was to address alcohol consumption. As the council employs nearly 10,000 staff of whom 74% live within the borough, it was expected that this policy would have a positive impact on the health of our citizens.

The policy was written to be supportive in the first instance. It would only be necessary to take more formal action if the member of staff refused to accept help and all other reasonable steps to address the issue had been tried.

The aims of the policy were to:

- Promote a culture in which substance misuse is unacceptable.

- Prevent substance misuse by raising awareness.
- Give a clear understanding on the Council's rules on drugs and alcohol
- Provide clarity and practical guidance on how to deal with substance misuse effectively
- Promote a safe working environment
- Recognise substance misuse problems primarily as a health matter needing help and treatment.
- To encourage employees, wherever possible, who suspect or know they have a substance misuse problem to seek help voluntarily and provide assistance to these employees to overcome their problem.
- Maintain and improve employee performance
- To take appropriate action under the disciplinary or capability procedure, where necessary.
- Implement a policy which will both protect the employee and the Council

The Trade Unions had been consulted and were broadly supportive of the approach. However, they had expressed some concerns over the proposal in the policy which required employees not to consume alcohol at all during working hours.

On 5th March 2009, Cabinet considered a report on drug and alcohol testing for taxi drivers. In approving the report, Cabinet resolved that "Officers investigate the introduction of random drugs testing for all who drive vehicles or operate heavy machinery on behalf of the Council". The development of testing protocols, training and discussions with the taxi drivers were nearly complete and it was anticipated that testing would begin shortly. For employees, the introduction of testing would need to be agreed with the Trade Unions and incorporated into a specific policy showing clearly the benefits to be gained and the financial implications associated with this approach. Testing was not widespread in local government and evidence for its introduction was not therefore readily available. It was therefore recommended that a decision on this issue be deferred until the operation of the scheme for taxi drivers had been in operation for 6 months. This would enable a clearer assessment of the benefits of the application of the scheme to employees to be fully understood.

During consideration reference was made to a study relating to alcohol misuse in the borough. It was suggested that the figures quoted in that study could provide an indication of the potential for necessary support to employees. It was unclear on what basis figures had been prepared and it was suggested that officers look into this further and inform members.

RESOLVED that:-

1. the Substance Misuse Policy be approved
2. consideration of the application of drug and alcohol testing to employees until the scheme for taxi drivers has been in operation for a period of 6 months be deferred.

3. Reasons for the Decision

Substance misuse means using a substance inappropriately or to excess, so it negatively affects the way the user feels or acts and/or has a detrimental effect on the user's health and wellbeing. It included alcohol, illegal or legal drugs, prescription medicines such as tranquillisers and anti-depressants, over the counter medicines and other substances such as solvents, glue and lighter fuel.

The inappropriate use of substances can damage the health and wellbeing of employees and have far reaching effects on their personal and working lives. At work, substance misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks, not only for the individual concerned but also for others, for example work colleagues, members of the public, contractors and service users. Furthermore, the effects of substance misuse could be detrimental to the Council's reputation, image and its ability to deliver high quality services.

The aims of the policy were to:

- Promote a culture in which substance misuse is unacceptable.
- Prevent substance misuse by raising awareness.
- Give a clear understanding on the Council's rules on taking drugs and alcohol
- Provide clarity and practical guidance on how to deal with substance misuse effectively
- Promote a safe working environment
- Recognise substance misuse problems primarily as a health matter needing help and treatment.
- To encourage employees, wherever possible, who suspect or know they have a substance misuse problem to seek help voluntarily and provide assistance to these employees to overcome their problem.
- Maintain and improve employee performance
- To take appropriate action under the disciplinary or capability procedure, where necessary.
- Implement a policy which will both protect the employee and the Council

4. Alternative Options Considered and Rejected  
None
5. Declared (Cabinet Member) Conflicts of Interest  
None
6. Details of any Dispensations  
Not applicable
7. Date and Time by which Call In must be executed  
Not later than Midnight on Friday 13th November 2009

Proper Officer  
10 November 2009