

Human Resources Service



Substance Misuse Policy

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## Substance Misuse Policy

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## **Substance Misuse**

Stockton Borough Council is committed to ensuring that employment practices are fair and consistent, compliant with employment legislation and in line with 'best practice' principles. The Council has a legal responsibility to ensure there is no unlawful discrimination on the grounds of age, disability, faith/belief, gender, race and sexual orientation.

**This policy applies to all Council employees.**

**The Council also expects agency and casual workers, contractors, volunteers and others working on its behalf to comply with this policy. Failure to do so is likely to result in the working arrangements being reviewed with a possibility of contracts being terminated.**

### **Introduction**

Substance misuse is 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 includes 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.

### **Aims and Principles**

This policy has been produced to ensure employees are aware of the risks associated with substance misuse and the consequences, including any legal consequences, of their actions.

Its aims are to:

- Promote a culture in which substance misuse is unacceptable.
- Prevent substance misuse by raising awareness.
- Provide practical guidance on how to deal effectively with substance misuse.
- Recognise substance misuse as a health matter needing help and treatment.
- Encourage employees, wherever possible, who suspect or know they have a substance misuse problem, to seek help voluntarily and to assist these employees to overcome their problem.
- To promote a safe working environment

- Maintain and improve employee performance.
- Take appropriate action under the disciplinary or capability procedure, where necessary.

## **Responsibilities:**

**Corporate Management Team:** has strategic responsibility for ensuring effective policies and procedures are developed, that managers and employees have the necessary skills and that policies and procedures are effectively and consistently implemented.

**Human Resources (HR):** as Business Partners are responsible for providing training and coaching as required and for providing advice and guidance on putting policies and procedures into practice.

**Employees with staff management responsibilities:** are required to ensure the health, safety and welfare of employees and others with whom they come into contact. This includes dealing with any issues related to substance misuse and its effects on work performance and attendance.

They must:

- Provide employees with all reasonable support.
- Intervene at an early stage where changes in performance, behaviour, sickness levels, and attendance patterns are identified, to establish whether substance misuse is an underlying cause.
- Instigate disciplinary and/or capability procedures, where appropriate.
- Make referrals to other internal/external agencies, where appropriate.
- Seek advice from HR on the approach to be adopted if they are aware or suspect an employee is misusing substances.

## **Employees:**

- Are required to co-operate with the Council and Management to ensure the effective implementation of this policy.
- Are expected at all times to present a professional, courteous and efficient image to those with whom they come into contact. They therefore have a personal responsibility to adopt a responsible attitude towards drinking and taking prescribed and over the counter drugs.
- Are not permitted to possess, store, trade or sell controlled drugs on Council premises or bring the Council into disrepute by engaging in such activities outside of work. The only exception to possession or storing of controlled drugs would be where an employee has been prescribed a controlled drug.
- Should seek help if they have concerns about substance misuse. In the first instance, they should approach either their line manager or HR, so the Council can arrange appropriate support to help speedy rehabilitation – for

example referral to the occupational health service, medical professionals, professional drug/alcohol treatment agencies and/or the Drug and Alcohol Action Team, etc.

- Co-operate with any support and assistance provided by the Council to address substance misuse problems.
- Encourage colleagues they suspect have a substance misuse problem to seek help.
- Bring concerns about their colleagues to their manager's attention if they genuinely suspect an employee may be misusing substances to the detriment of their work or as a health and safety issue.

**Trade Unions should:**

- support this policy,
- encourage employees to seek help voluntarily if necessary,
- ensure their officials are trained to act as an employee's representative and to offer advice and support,
- advise their members of their rights and responsibilities in accordance with this policy.

Any disciplinary action being contemplated in respect of staff representatives of recognised trade unions should not be instigated without confirming that the Trade Union Representative requires the full-time official or nominee, of the appropriate Trade Union to be notified.

**Occupational Health:**

- Are able to, where appropriate, provide information, advice and/or signpost to relevant agencies.
- Will provide information and advice to management and employees, enabling appropriate decisions to be made regarding provision of support to the individual and for service delivery.

**Counselling Service:**

- Help and support individuals who have problems, which may have resulted in substance misuse.
- Signpost employees to specialist substance misuse counsellors.

**Drug and Alcohol Action Team (DAAT):**

- Co-ordinates an integrated system of substance misuse treatment services for drug users, their families and carers. The service can be contacted for free advice and support for employees, managers, trade unions etc by calling 01642 528474 or calling the 24/7 helpline 0800 0522050.

**Dignity at Work Advisors:** Within the scope of their role they are able to signpost employees to the relevant support agencies confidentially.

## **Confidentiality**

The Council's aim is to maintain confidentiality. However there may be circumstances where information needs to be disclosed to third parties for example health professionals, police, child protection etc.

Employee's consent will be sought wherever possible.

## **Policy Detail**

### **At work**

Employees must report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties and not be under the influence of any substances.

Employees must not take drugs (other than for medical reasons as described within this policy) or consume intoxicating substances at any time during the working day including lunchtimes or breaks. This includes breaks during the shift and/or spent away from work premises. The only exception is over the counter medicines or prescribed drugs used for their intended purpose.

If prescribed medication or over the counter medicines need to be taken, employees must notify their manager immediately if the medication may cause side effects and/or impair their ability to undertake their duties safely and effectively.

Employees are not under any obligation to disclose the actual medical condition being treated and the medication. However, the manager can only provide support based on the information given.

### **Outside work hours**

Employees must not take drugs (other than for medical reasons as described within this policy), or consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call.

As such substances can remain in the system for some time and even small amounts can impair performance and jeopardise safety, employees must allow sufficient time for substances to leave their system before reporting for work.

Employees need to be aware that actions outside of working hours, which bring or are likely to bring the Council into disrepute, may lead to disciplinary action and ultimately dismissal.

### **Work Related Activities**

When employees are involved in corporate hospitality e.g. entertainment of customers, suppliers or other visitors, at conferences, training events etc during normal working hours they are expected to comply with this policy. For those



events that fall outside of normal working hours employees are reminded to take a responsible attitude to the use of intoxicating substances.

Organisers of events should give clear guidelines to both attendees and employees on the application of this policy. Similarly if an external company provides the hospitality, employees in attendance must observe the terms of this policy.

In the event that an employee is attending a hospitality function or similar and has taken annual leave, this policy is not applicable but employees need to be mindful that they are representing the Council and therefore need to ensure that they conduct themselves in an appropriate manner.

Likewise any celebration e.g. birthday, retirement etc that is held on business premises or during working hours must comply with this policy.

### **Formal Disciplinary/Capability Action**

The Council, as appropriate, will adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction.

Employees actively seeking and engaging in assistance or support for a substance misuse problem will not necessarily have their employment terminated simply because of their dependency/addiction. However, if performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable.

Notwithstanding the above, there will be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and will be subject to a management investigation. This may result in disciplinary action being taken which could lead to dismissal. Examples of issues that will normally be subject to disciplinary action, including the possibility of dismissal are:

- deliberate disregard for personal safety and that of others associated with the use of intoxicating substances;
- unacceptable behaviour in the workplace associated with the use of intoxicating substances;
- being found incapable of performing normal duties satisfactorily and safely as a result of substance misuse;
- consuming intoxicating substances during the working day including rest and lunch breaks or when rostered on call and liable to be called upon to work at short notice;
- possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on the Council premises or engaging in such activities at work;
- being disqualified from driving as a result of alcohol or drug related offences;
- making malicious allegations that a colleague is misusing intoxicating substances;
- conduct outside of work, which could bring the Council into disrepute.

This list should not be regarded as exhaustive. Disciplinary action will in all cases be proportionate to the circumstances of the breach of the policy or misconduct.

There may be circumstances where the Council are obliged to inform the police of illegal drug use or any activity or behaviour for which there are concerns as to its

legality. For example, it would be necessary to report criminal behaviour associated with alcohol abuse such as having a drink-driving accident in a work vehicle.

## **Substance Misuse Testing**

The Council are currently developing a separate protocol to undertake testing for substance misuse. This will be a risk assessed approach to test certain groups and individuals within the Council as required.

## **Procedure**

### **Employees seeking help and support**

The Council wishes to encourage employees to seek help voluntarily. It should be remembered, however, that the Council's duty of care extends to other people for example vulnerable clients, the public etc and in these circumstances the employee should notify their manager if they have a substance misuse problem which could impact on their work in any way.

Employees should speak to their manager who will discuss with them the potential support available within the Council such as the counselling service and possibly make a referral to Occupational Health. Alternatively, if employees do not wish to speak to their line manager or a more senior manager within their service area, they could speak to HR confidentially who are able to refer them to Occupational Health/counselling service, other external specialist services or internally to the Drug and Alcohol Action Team or the Dignity at Work Advisors.

The employee will also be encouraged to speak to their GP so that additional support can be made available to them if needed.

Where treatment is recommended, it may be appropriate for the employee to take a period of sickness absence, for which the usual procedure for sickness absence and sick pay apply. Sickness absence will be managed in line with the Attendance Management Policy ([hyperlink](#)).

**Please note** that where work performance and attendance are unaffected by the problem itself or by any treatment or rehabilitation programme, there is no requirement for employees to inform their manager of their circumstances.

Further advice is available from HR. Union representatives may also be able to supply useful information and advice.

### **Manager Intervention**

Various indicators may suggest to a manager that a member of staff may be affected by substance misuse, for example:

- unexplained deterioration in job performance;
- poor timekeeping and absenteeism;
- unreliability;
- poor relations with colleagues, clients etc;
- impaired concentration, memory and judgement;

- increased number of errors or accidents;
- irrational or unusual behaviour;
- concerns raised by a third party.

### **Informal Meeting**

At the earliest opportunity, the manager must meet with the employee to discuss their concerns, which could include work performance or attendance. This meeting should be conducted on an informal basis but if the employee wishes to be accompanied, this should not be denied. The meeting should take place

- in a location where confidentiality may be maintained;
- free from interruptions;
- with sufficient time to allow the issues to be fully discussed;
- in a sensitive and non-judgemental manner.

This is not a disciplinary or capability hearing. The purpose of the meeting is to identify the cause(s) of the concerns (which may or may not be a consequence of substance misuse) and to determine the appropriate way to address the issues. If the employee confirms that the cause is related to substance misuse then the manager should refer them to Occupational Health for professional advice. If substance misuse is denied by the employee, but still suspected by the manager then again, a referral to Occupational Health should still be considered which the employee is expected to attend.

### **Occupational Health Referral**

It is the manager's responsibility to arrange the referral letter to Occupational Health with advice from HR. It should detail how the issue came to management's attention, in what way it is affecting attendance or performance at work and any concerns regarding the safety of the employee or others whilst at work. A copy of the job description should also be attached wherever possible.

The manager should seek the medical opinion of Occupational Health on:

- whether the employee is fit to be at work;
- if so, in what capacity;
- If not, what is the likely timescale for a return to work;
- implications of treatment or rehabilitation programme on attendance at work, over what timescale and what support can be offered;
- any adjustments, which may need to be made in the workplace during the period of treatment and rehabilitation.

Occupational Health will contact the employee direct, in writing, with the appointment details.

### **Immediate Follow-up and On-going Support**

On receipt of the report from Occupational Health, the manager should again meet with the employee to discuss the content of the report and agree a way forward in implementing any recommendations which have an impact on the employees health, work performance and service delivery. A reasonable balance should be agreed to meet the needs of both the individual and the service.

- If Occupational Health consider the employee to be fit to attend work, the manager must ensure, as far as reasonably practical, that they accommodate any recommendations made to facilitate continued attendance at work.
- If the employee refuses help and support they should be informed that if the present performance/behaviour continues to be of concern it may be necessary to invoke the capability/disciplinary procedures. (hyperlink)
- If the employee is absent from work on sick leave (either short term or long term), the provisions of the Attendance Management Policy will apply. In making decisions under this policy, the manager must give the same careful consideration to individual circumstances in cases of substance misuse, as to any other employee on sick leave.
- Rehabilitation periods can be stressful for an employee and where possible, a manager should allow the employee to return to work under circumstances where they experience minimal stress. Depending on individual circumstances, this may be achieved, for example, by a short term reduction in hours or a temporary redeployment. If necessary, a phased return will usually be supported for up to four weeks. Please refer to the Attendance Management Policy for more detailed guidance. (hyperlink)
- An employee may require intermittent or regular leave during their period of rehabilitation and a reasonable amount of time off should be considered to allow for treatment. During the period of treatment or rehabilitation, the manager should meet with the employee regularly, to ensure that all agreed support mechanisms and work arrangements have been implemented and to review the on-going appropriateness and effectiveness from both the individual and service perspective. The frequency of such meetings should be determined by the circumstances of each case and may also be initiated by the individual as required. All meetings will need to be documented.
- It is not unusual for individuals to experience a relapse whilst still having treatment for substance misuse. The manager in these circumstances should consider providing support for a second period of treatment.
- Where treatment/rehabilitation is unsuccessful or successive relapses can no longer be accepted or when it becomes apparent that the employee will not be able to return to work in an acceptable timescale or is unable to perform their duties to the standard required consideration will need to be given to the continuing employment of the employee.
- The manager must review the situation on a regular basis and where appropriate will refer to the capability, attendance management and/or disciplinary policies. Advice can be obtained from Human Resources.

## **Disability Discrimination Act (DDA)**

Substance misuse dependency is not a disability under the terms of the DDA. However the Act does apply if the employee is suffering a medical condition caused by the dependency or another medical condition affecting their day to day life. The DDA requires employers to make reasonable adjustments in the workplace to accommodate the employee's disability in addition to other obligations including not to discriminate against the employee due to the disability.

In cases where the DDA may apply it is essential that consideration is given to the requirements of the Act throughout the procedure detailed above. Advice can be sought from HR on the application and requirements of the DDA to particular cases.

## **Monitoring of the policy**

This policy will be monitored on an ongoing basis by HR to ensure that it is being applied fairly and consistently throughout the Council. The policy will be reviewed in 12 months to reflect any changes in responsibilities and changes in legislation.

## **Related Policies**

Attendance Management Policy

Safety Policy

Domestic Abuse Policy (For Dignity at Work Advisors information)

Capability Policy

Disciplinary Policy

Grievance Policy

## **Legislation**

Legislation covering this policy includes:

- Health and Safety at Work Act 1974 – places a duty on employers to 'ensure so far is reasonably practical the health, safety and welfare of all employees'.
- Management of Health and Safety at Work Regulations 1998
- Human Rights Act 1998
- Misuse of Drugs Act 1971
- Drugs Act 2005
- Road Traffic Act 1988
- Data Protection Act 1998

**Appendices:** Appendix 1 Definitions  
Appendix 2 Occupational Health Referral Letter  
Appendix 3 Counselling Form

## **Further information**

There is a 24/7 Helpline funded by Stockton Drug Action Team to offer help and support.

Stockton Drug and Alcohol Action Team email address –  
drugactionteam@stockton.gov.uk

[www.alcoholics-anonymous.org.uk](http://www.alcoholics-anonymous.org.uk) or telephone 08457 697555

[www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk) or telephone 0207 2640 510

[www.talktofrank.com](http://www.talktofrank.com) or telephone 0800 776600 (A drugs helpline which is free from a landline and therefore won't show up on bills. You can talk to Frank in over 120 languages – just call the same number and a translator will be there if necessary).

[www.drugs.homeoffice.gov.uk](http://www.drugs.homeoffice.gov.uk)

[www.drinkanddrugs.net](http://www.drinkanddrugs.net)

[www.drugscope.org.uk](http://www.drugscope.org.uk)

## **Appendix 1**

### **Definitions**

**Alcohol Misuse** – drinking alcohol is a positive part of life for many people and most of the time presents no problems. However drinking too much or at the wrong time can be harmful to health and detrimental to work performance. As well as the physical effects on individuals such as high blood pressure, coronary heart disease, some kinds of stroke, liver damage and cancers of the mouth and throat, people who drink very heavily may develop psychological and emotional problems, including depression.

**Drug Misuse** – is the use of illegal drugs, such as heroin, cocaine and cannabis, or the inappropriate use, whether deliberate or unintentional, of prescription drugs and substances such as solvents. Drug misuse can have a significant impact on the user's physical or mental health. They may also become involved in crime to support their need.

**Controlled Drugs** – these are drugs covered by the Misuse of Drugs Act 1972. They include both drugs with no current medical uses, as well as medicinal drugs that are prone to misuse. All are considered likely to result in substantial harm to individuals and society.

**Dependency** – a compulsion to keep taking an intoxicating substance either to avoid effects of withdrawal (physical dependence) or to meet a need for stimulation or tranquillising effects or pleasure (psychological dependence).

**Addiction** – a state periodic or chronic intoxication produced by the repeated intake of an intoxicating substance. This means that a dependency has developed to such an extent that it has serious detrimental effects on the user and often their family as well, and the individual has great difficulty discontinuing their use. The substance has taken over their life.

## Appendix 2

Date

### **PRIVATE AND CONFIDENTIAL**

Name

Teesside Centre for Occupational Medicine  
Woodlands  
106 Yarm Lane  
Stockton on Tees  
TS18 1YE

Dear Name

### **Occupational Health Referral**

**Re: Name**

**D.O.B.:**

**Job Title:**

**Hours of work:**

**Service Grouping for Charging Purposes: Report Recipient:**

### **Background Information**

### **Diagnosis of Illness**

### **Symptoms**

### **Current Treatment & Support**

### **Purpose of the Referral to Occupational Health**

It would be useful if you could provide your medical opinion on the following questions.

1. Are you able to provide some clarity on **Name's** medical condition in terms of diagnosis and its effects?
2. What, if any, further treatment has been suggested?
3. Are you able to predict timescales at this point in time to determine when **Name** may be able to return to work?
4. Are there any support interventions for consideration to assist **Name** to return to work?

Should you require any further information please do not hesitate to contact me.

Yours sincerely

Name

Manager / HR Business Partner





**CONFIDENTIAL**

**Referral to Counselling Service**

Employee Name:	Service Group:
	Section:
Payroll Prefix:	Budget Allocation Code:

**Employee Contact Details**

<b>Address:</b>		
<b>Postcode:</b>		
Home telephone:	Mobile No:	Works No:
Please contact by: <b>*Telephone / Letter</b> <i>* delete as appropriate</i>		
Can a message be left on the clients voicemail at *work / home / mobile phone		<b>YES / NO</b>
Can a message be left with the clients *husband / wife / partner at home?		<b>YES / NO</b>
If contact is unsuccessful, can a letter be sent to the client's home?		<b>YES / NO</b>

**Access**

Wheelchair	<b>YES / NO</b>	(please delete as appropriate, if required)
Ground Floor Room	<b>YES / NO</b>	

**Reason for Referral**

Is the person on sick leave? <b>YES / NO</b>	
Is there a likelihood that a resolution of the problem will require joint working? <b>YES / NO</b>	
Referred by:	Contact Number:
	Date: