

Wiltshire Council Human Resources

Misuse of alcohol, drugs or other substance policy

This policy can be made available in other languages and formats such as large print and audio on [request](#).

What is it?

This policy sets out how the council will deal with issues of alcohol, drug or substance misuse.

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Who does it apply to?

This policy applies to all Wiltshire Council employees, unless a separate contractual policy applies to a transferred employee to whom separate TUPE terms and conditions of employment apply. This policy does not apply to teaching and non-teaching staff employed in maintained schools or academies.

When does it apply?

This policy will apply in all circumstances of alcohol or drug misuse at work, but may also apply when an employee's misuse of alcohol or drugs outside of work brings the reputation of the Council into disrepute.

When does it not apply?

Effects of a course of prescribed drugs taken in line with specified dosages will not be considered as misuse

Definition of alcohol/substance misuse

1. The council defines alcohol, drug or substance misuse as the adverse impact upon an employee's work capability or conduct through the consumption of alcohol or the use of illegal or prescribed drugs (including over the counter medicines), and solvents.
2. This impact may be as a result of a single episode, or intermittent or regular occasions.

Aims of the policy

3. To increase awareness of the effects of alcohol and drug misuse, to highlight possible signs and symptoms of misuse.
4. To encourage employees who have an alcohol or drug related problem to disclose this, in confidence, to their manager with assurances that it will be dealt with supportively, fairly and consistently.
5. Ensure employees are aware of their responsibilities regarding alcohol, drug and substance misuse and the consequences thereof.

What are the main points?

6. This policy promotes a culture which understands and supports those experiencing problems associated with alcohol and drug misuse. Staff with long-term or chronic problems are encouraged to disclose their dependency in order that suitable support can be provided.
7. The council has, though, a responsibility to fulfil its duty of care responsibilities under Health and Safety legislation and must provide a safe, healthy and productive working environment for employees. Employees must not, therefore, attend for work or commence work duties under the influence of alcohol or drugs, even if they feel that their performance is unaffected.
8. It is sufficient for a manager to have a *reasonable suspicion* that an employee is under the influence of alcohol or drugs in order to take appropriate action which will include consideration of the need to suspend them from duty and consider the disciplinary investigation procedure.

Application of the policy

9. Alcohol and drug-related problems may develop for a variety of reasons and over a considerable period of time. We are committed, in so far as possible, to treating these problems in a similar way to other health issues.
10. If you believe that you either have or are developing an alcohol or drug-related problem you are encouraged to seek confidential advice and support from your manager with onward referral to Occupational Health and / or specialist advice as soon as possible

11. The council will positively support time off to receive rehabilitation treatment subject to operational demands and will be supportive towards you if seek help with addiction problems. Your manager will, with your agreement and in consultation with the Occupational Health Service, seek to put a supportive plan in place to help you.
Such a plan may include:
 - referral to appropriate treatment providers, where necessary, in conjunction with your GP.
 - time off work to attend treatment and to record absence for such treatment as periods of sickness absence.
 - adjusting your duties or other support as recommended by the Occupational Health Service, or your GP or specialist during treatment and for an agreed period thereafter, subject to operational requirements and feasibility.
12. Additional guidance is available to support managers. Refer to guidance for managers – [Misuse of drugs, alcohol or other substances](#)
13. Additional information for employees can be found in the Workplace Health and Wellbeing charter pages – [alcohol and substance misuse](#)

Confidentiality

14. We aim to ensure that the confidentiality of any member of staff experiencing alcohol or drug-related problems is maintained appropriately. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary.
15. If you seek help with an alcohol or drug-related problem directly from Human Resources [or Occupational Health] and you wish to keep matters confidential from your manager and colleagues, this will be respected unless there is reason to believe that this could put you, your colleagues or anyone else at risk, or carries some other material risk for the business. In those circumstances HR will encourage you to inform your manager and will give you sufficient time to do so before HR discuss the matter with them.

Performance and disciplinary issues

16. If you agree to undertake appropriate treatment and/or rehabilitation for an acknowledged alcohol or drug-related problem, we may decide to suspend any ongoing disciplinary action against you for related misconduct or poor performance, pending the outcome of the treatment.
17. If you do not finish a programme of treatment, or your recovery and return to work does not go as planned, your manager OR a Human Resources Adviser will meet with you to decide what further action, if any, should be taken.
18. Where help is offered but refused, the council may have no option but to follow the disciplinary procedure which could lead to dismissal.

Use of prescription medications

19. Employees have a duty to inform managers of any medicines they are taking which have side effects that may impair their ability to do their job in any way. This may include prescribed or over the counter medicines and includes affecting their ability to drive if that is part of the role.
20. Managers can obtain additional information about particular medications from the Occupational Health Service by calling 01225 713185 or emailing occhealth@wiltshire.gov.uk

Roles and responsibilities

Employee responsibilities

21. To complete the online awareness training relating to alcohol misuse.
22. To not attend for work or commence work duties under the influence of alcohol or drugs. This requires employees to take account of the effect of alcohol consumed or substances used in non-work periods leading up to work periods.
23. To not consume alcohol or take drugs (other than prescription or over the counter medication as directed) whilst on Council premises, in council vehicles or undertaking work duties. Exceptions may be allowed for consumption of alcohol at Council sponsored hospitality functions, however employees should be aware that they still have a duty to behave appropriately and not bring the Council into disrepute
24. To disclose any use of prescribed or over the counter medicines that may impair performance or introduce a safety risk.
25. To seek help and support if they are aware of a current or foreseeable alcohol, drug or substance dependency.

Line manager responsibilities

26. To monitor employee behaviour for any sign or symptom of alcohol, drug or substance misuse and any other contravention of this policy.
27. To respond immediately where personal safety is at risk.
28. To proactively raise any concerns with an employee and encourage the employee to disclose relevant information regarding any use or dependency.
29. To maintain confidentiality of any personal information and to seek further advice in a timely manner from HR and/or Occupational Health.

Equal Opportunities

This policy has been Equality Impact Assessed ([link to EIA for policy](#)) to identify opportunities to promote equality and mitigate any negative or adverse impacts on particular groups.

If appropriate:

Managers will make any necessary adjustments to ensure that all employees are treated fairly. For further information see the guidance on equal opportunities in ([link to equal opps guidance](#))

Legislation

Health and Safety at Work Act 1974
Management of Health and Safety Regulations 1999

This policy has been reviewed by an external legal organisation to ensure compliance with (the above legislation and) our statutory duties.

Advice and guidance

If you require help in accessing or understanding this policy [\[or completing any of the associated forms\]](#) you should contact your line manager or trade union representative if you are a member.

If, due to the nature of your query, it is not appropriate to contact your line manager you should contact your head of service who will nominate an appropriate manager or colleague to help you.

See [guidance for managers – giving advice on policies](#).

Further information

There are a number of related policies and procedures that you should be aware of including:

There is also a [toolkit](#) including manager guidance and supporting documents to use when following this policy and procedure.

For further information please speak to your manager, associate director or contact Occupational Health by emailing occhealth@wiltshire.gov.uk or by calling 01225 713185 or a HR case adviser.

Policy author	HR Policy and Reward Team – (Initials)
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