

Guidance for managers on the misuse of alcohol, drugs or other substances policy

What is this policy?

1. The council is legally and morally responsible for, and committed to, ensuring the health, safety and welfare of all employees as far as is reasonably practicable. This includes the misuse of alcohol, drugs or other substances.

Definition and nature of alcohol/substance misuse

2. 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.
3. This impact may be as a result of a single episode, or intermittent or regular occasions.

Why has this guidance been produced?

4. These guidance notes have been produced to assist managers to identify employees with a problem at an early stage and to provide appropriate guidance and support.
5. Individual line-managers have an important role in achieving the aims of this guidance as, whilst they are not expected to diagnose misuse, the monitoring of performance and behaviour can help identify problems at an early stage.
6. A failure to act, where alcohol or substance misuse is known of or suspected, may put at risk the welfare of employees, clients and others and may also make the council liable to prosecution.

Policy Statement

7. The council has a statutory duty under the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees.
There is also strong evidence that failure to tackle issues relating to alcohol and drug abuse is costly. Costs can be due to:
 - increased levels of absenteeism, lateness and sickness absence
 - lower productivity
 - accidents and mistakes
 - unacceptable conduct, which may threaten the Company's reputation
 - legal action.
8. Employees should also be aware of their individual responsibility for their own health and safety and for those who may be affected by their acts or omissions whilst at work.

9. The council recognises that an alcohol or substance misuse problem may be an illness which calls for advice and support and should be treated in a confidential and constructive manner, notwithstanding that it may be appropriate to apply disciplinary measures. Early identification and appropriate treatment are the most useful ways of dealing with such misuse. The policy aims to assist those affected to acknowledge the problem, and to encourage employees who recognise that they may have a problem to voluntarily seek advice and help.
10. The policy is designed to ensure that the council's interests and those of the public for an effective, efficient and safe service are maintained whilst employees are treated in an appropriate manner.
11. Consumption of alcohol or substance misuse at work, hospitality functions, during breaks or immediately prior to starting work is detrimental to job performance and incompatible with good practice in terms of health and safety. Employees must not attend for work whilst still under the effects of alcohol, drugs or other misused substances. This absence must be taken as annual leave or, where in operation, flexi-time.
12. Disciplinary action will be taken against employees who are convicted of an offence of driving under the influence of alcohol or drugs which is committed whilst on council business.
13. The council is under a duty to uphold the law where a drug is a controlled substance under legislation
14. The policy applies to all 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.

Line Manager's role and responsibilities

15. The line manager's role involves responsibility for effective performance and concern for employee safety and welfare through monitoring performance, behaviour and attendance. Where a problem arises it should be treated sensitively, bearing in mind the right to confidentiality as with other medical or personal issues.
16. Supervisors and managers are not expected to diagnose alcohol/substance misuse or to recommend treatment as only those medically qualified to do so should make an assessment.
17. Managers are advised to take initial advice from an HR case adviser and/or Occupational Health and/or Health and Safety advisors, where appropriate.
18. Managers should be aware that their personal conduct could have a significant impact on the readiness of all workers to adopt reasonable attitudes and behaviours in relation to alcohol / substance misuse. Prevention of such misuse should be seen as a workplace issue and each employee has a part to play.

Application of the policy

19. Employees who believe that they have an alcohol or substance related problem, are encouraged to seek help and treatment voluntarily either through the council's own Occupational Health or through their own GP or specialist agencies. Employees are also encouraged to approach their supervisor or line manager.
20. Where an incident occurs which appears to be due to negligent or deliberate misuse of alcohol or any other substance, the employee will be subject to the council's disciplinary procedures.
21. Employees who come to the notice of managers, through observations or by disciplinary proceedings, as possibly having an alcohol or substance related problem will be offered the opportunity of assessment and help by Occupational Health or referral to an outside agency. However, this does not prejudice the council's right also to pursue the matter through disciplinary procedures.
22. Any employee under the influence of alcohol or other substances at work will be suspended from work immediately and an investigation will be undertaken in accordance with the disciplinary policy.

Suspected misuse

23. If you suspect alcohol or substance misuse, before discussing the problem with the employee you should gather facts about performance, attendance, interactions and factors relating to job performance.
24. You should keep an open mind as to causes for poor performance or behaviour as there may be other causes (e.g. stress, mental ill health, major life changes, certain physical illnesses).
25. Possible problems might be in behaviour or interaction with colleagues, sickness record, and incidents/accidents involving the employee or poor performance against targets.

Initial approach to the employee

26. It can be difficult for managers to decide what course of action to take at this stage and early discussions with an HR case adviser and/or Occupational Health and/or Health and Safety advisors will be helpful. Generally, 'one off' acts are usually treated as conduct issues whereas long term addiction is dealt with as a health issue, notwithstanding that it may be appropriate to apply disciplinary measures. Where a health issue is identified, the employee should be encouraged to seek assistance through the council's Occupational Health or through their own GP or specialist agencies.
27. Managers should start discussions with the observations and facts that they have gathered and give the employee the opportunity to provide an

explanation. Individuals with an alcohol or substance misuse problem may often try to conceal it or deny the problem even when it is obvious. However, it should be remembered that there can be many causes for poor performance or changed behaviour, e.g. stress, mental ill health, major life changes, or certain physical illnesses.

28. You should clearly state expected standards of work and behaviour, gain the employee's agreement to meet these and set a review date. You should be sensitive but direct, encouraging the employee to seek help. If he/she refuses to seek help you should discuss the potential consequences.
29. If you suspect a problem but performance is not obviously affected it may still be appropriate to discuss the situation informally with the employee because of health and safety responsibilities. This may act as a preventative measure. The situation must then be monitored as to any further action necessary.

Monitoring Review

30. No further action is needed if the employee has had no lapses and all evidence supports this. If at the monitoring review date the employee is still undergoing relevant support and / or treatment an extension of the monitoring period can be set.

Time off/leave to undergo treatment

31. There are a variety of treatments for long-term misuse (e.g. hospital admission, session clinics, counselling). The employee should be allowed to attend sessions during working time if they cannot be booked outside of working hours.
32. Leave to undergo treatment will be treated as sick leave within the terms of the appropriate sick pay scheme, with monitoring of progress by Occupational Health.
33. Upon successful completion of treatment the employee should, where possible, return to their usual job. It is recommended that initial regular supportive meetings are set up between the employee and their manager so that the return to work is monitored and any issues are discussed and managed at an early opportunity.
34. Following return to employment after or during treatment, should work performance again suffer as a result of an alcohol or drug related problem, a further opportunity for help and treatment may be offered if appropriate.
35. Where the employee is no longer capable of continuing their usual job it may be appropriate to seek alternative employment in line with the council's redeployment policy and in discussion with an HR case adviser and Occupational Health.

Refusal of assistance

36. Should an employee refuse or discontinue any programme of assistance, then any unacceptable behaviour or inadequate standard of work will be dealt with through the council's disciplinary, improving work performance or ill-health procedure as appropriate.
37. If an employee returns to work and lapses with further misuse of alcohol or drugs appropriate action will be taken in accordance with this policy.

Unlawful possession of drugs

38. If an employee is convicted/ cautioned for or suspected of unlawful possession of drugs you should instigate an immediate investigation, taking into account the following factors when considering whether disciplinary action is appropriate:
 - whether the offence took place on or off duty
 - whether a safety risk was involved
 - the ability of the employee to work effectively
 - the effect on the council's reputation
 - the illegality of the employee's actions
 - whether the employee has contact with children and/or other vulnerable people at work
 - whether the incident needs reporting to the Police.
39. An employee found to be involved in, or convicted, of the unlawful manufacture or supply of drugs may be liable to dismissal. You should contact an HR case adviser as soon as you suspect a problem.

What help is there available?

40. Any manager who wants more information or advice related to this guidance should contact the HR operations team in the first instance. Employees who feel they have a problem may wish to talk to their GP or other external agencies, details of these can be found on the [Alcohol and substance misuse pages](#) of the Workplace health and wellbeing guide on HR direct. They may also wish to contact their Trade Union.