



SUBSTANCE MISUSE & ALCOHOL POLICY

1. Purpose

This Policy covers all employees, consultants, volunteers, casual workers and agency workers (referred to as "Staff" throughout this document).

Peterborough City Council is committed to providing a safe, healthy and productive working environment. This includes ensuring that all "staff" are fit to carry out their jobs safely and effectively in an environment which is free from alcohol and drug misuse.

The purpose of this Policy is to increase awareness of the effects of alcohol and drug misuse and its likely symptoms and to ensure that:

- *All "staff" are aware of their responsibilities regarding alcohol and drug misuse and related problems.*
- *"Staff" who have an alcohol or drug-related problem are encouraged to seek help, in confidence, at an early stage.*
- *"Staff" who have an alcohol or drug-related problem affecting their work are dealt with sympathetically, fairly and consistently.*

In this Policy the term 'Substance Abuse' includes misuse of controlled and prescription drugs, and use of illegal and designer drugs and other substances such as solvents.

Drugs are defined as any substance that affects the way the body functions physically, emotionally or mentally.

'Misuse' is defined as any use that harms social or physical functioning.

2.0 Key Principles

Misuse of alcohol and drugs can lead to reduced levels of attendance, reduced efficiency and performance, impaired judgement and decision making and increased health and safety risks for "staff", service users, and members of the public. Irresponsible behaviour or the commission of offences resulting from the misuse of alcohol or drugs may damage the Council's reputation and as a result, public confidence in the services provided.

The Council will not accept "Staff" arriving at work under the influence of alcohol or drugs and/or whose ability is impaired in any way by reason of the consumption of alcohol or drugs or who consume alcohol or take drugs (other than prescription or over the counter medication, as directed) on our premises and grounds

"Staff" are expected to arrive at work fit to carry out their job and able to perform their duties safely without any limitations due to the use or after effects of alcohol or drugs (whether prescribed, over the counter or illegal).

The Council expects "Staff" to demonstrate responsible behaviour at work-related functions and work-related social events and to act in a way that will not have a detrimental effect on its reputation. Individuals who represent the Council at events where alcohol is served, they are considered to be "at work" regardless of whether they do so outside normal working hours or on Council premises. Consequently, The Council expects them to remain professional and fit for work at all times.

“Staff” must comply with drink-driving laws at all times. Conviction of a drink-driving offence may harm the Council’s reputation and, if their job requires them to drive, result in them being unable to continue in their role. Committing a drink-driving offence while carrying out duties on behalf of the Council or outside working hours may lead to action under the Disciplinary Policy and Procedure.

The Council expressly prohibits the use of any illegal drugs or any prescription drugs that have not been prescribed for the user. It is a criminal offence to be in possession of, use or distribute an illicit substance. If any such incidents take place on Council premises, in Council vehicles or at a Council function, they will be regarded as serious, will be investigated by the Council, and may lead to disciplinary action and possible reporting to the Police.

The Council will undertake and regularly review risk assessments to identify and assess the risks associated with alcohol and substance abuse. Managers will be encouraged to consider substance abuse as part of their risk assessments which will consider the scope of all work activities undertaken by the council (in particular any safety critical operations) to determine the appropriate policies and arrangements for managing the risks associated with alcohol and substance abuse by “staff” and, where relevant, customers and the public. As a policy of Peterborough City Council this will be incorporated in to the internal health and safety audit process.

The Council will take all reasonable steps to prevent “staff” from carrying out work-related activities if they are considered to be unfit/unsafe to undertake the work as a result of alcohol consumption or substance abuse.

3.0 Management of Suspected Substance Misuse

If a manager has reason to believe that an individual is suffering the effects of alcohol or drugs misuse, for example, due to a deterioration in their work or behaviour, they will be invited to an investigatory interview. The purpose of the interview is to:

- discuss the reason for the investigation and seek the individual’s views on, for example, the deterioration of their work performance and/or behaviour; and
- Where appropriate, offer to refer the individual to Occupational Health for medical and/or specialist advice.

If, as the result of the interview, the manager continues to believe that the individual is suffering the effects of alcohol or drugs misuse and they refuse an offer of referral to Occupational Health the matter may be dealt with under The Council’s Disciplinary Procedure.

If they agree to be referred to Occupational Health the manager will request an urgent appointment and prepare a letter of referral, a copy of which will be provided to the individual.

Occupational Health may ask for the individuals’ consent to approach their GP for advice. A report or information provided in compliance with this request will be shared with the individual’s manager who will then reassess the reasons for their investigatory meeting with them and decide on the way forward.

4.0 Providing support

Alcohol and drug-related problems may develop for a variety of reasons and over a considerable period of time. The Council is committed, in so far as possible, to treating these problems in a similar way to other health issues. Support will be provided where possible with a view to supporting a full recovery, allowing the person to return to work and to undertake the full range of their duties. This may include:

- referral through Occupational Health Department to appropriate treatment providers, where necessary in conjunction with the individual’s GP.
- time off work to attend treatment as recommended by Occupational Health, and recognition of any periods of absence for treatment as periods of sickness absence.

- Adjusting the individual's duties or other support as recommended by Occupational Health during treatment and for an agreed period thereafter, subject to operational requirements and feasibility.

If an individual does not finish a programme of treatment (either because the treatment provider ceases to support them or because they stop attending) or their recovery and return to work does not happen as anticipated at the outset of a course of treatment, their manager and a member of the Human Resources Department will meet with them to decide what further action should be taken.

5.0 Alcohol & Drug Testing

The Council reserves the right under this Policy to exercise alcohol and drug testing of its "staff" including its senior managers.

The council retains the right to undertake testing for alcohol and drugs in all cases where:-

- Employees are involved in an accident at work
- Employees are involved in any incident that has caused or could have caused a danger to health or safety.
- A member of the management team has grounds to believe or suspect that an individual is or may be under the influence of alcohol or drugs.

This will only be under extenuating circumstances where the manager is of the opinion that the employee, their colleagues, or those in their care are or could be at risk. The manager will only take any action following a risk assessment and approval from a Director and/or the Head of HR before commencing any process for a random test to be carried out.

The Council retains the right to undertake testing for alcohol and drugs where they have 'good cause' to do so and usually in the following circumstances:-

- For those who work in safety-critical jobs, including those working with or around machinery.
- Where the duties of the job involve driving.
- Where the person is involved in or has responsibility for the care of others.

This will only be under extenuating circumstances where the manager is of the opinion that the employee, their colleagues, or those in their care are or could be at risk. The manager will only take any action following a risk assessment and approval from a Director and/or the Head of HR before commencing any process for a random test to be carried out.

Alcohol and drug testing will only be carried out by qualified and competent personnel from an external alcohol and drug testing company who will use accepted and reliable methods and ensure that tests are carried out with the least possible intrusion into the individual's privacy. All possible measures will be put in place to ensure confidentiality and accuracy of test results through the processes undertaken by the external provider.

Employees who are tested have the right to be informed of their test result before the result is passed to Occupational Health.

Employees who unreasonably refuse to submit to an alcohol and drug test in accordance with this Policy will be subject to action under the Council's Disciplinary Policy and Procedure.

Action after a Positive Test

If a test proves positive, the individual will be invited to attend an interview with a senior manager. They will have the right to be accompanied by a colleague or trade union official at this interview.

The outcome of the interview will depend on the circumstances but could include:

- provision of support under paragraph 4.0; and/or

- The instigation of disciplinary action under the Council's Disciplinary Policy and Procedure.

Monitoring

The testing of staff will be monitored on an annual basis by members of the Joint Consultative Forum.

6.0 Responsibility of "Staff"

"Staff" must inform their line manager (in accordance with the Self Disclosure Policy) regarding any prescribed medication that may have an effect on their ability to carry out their work safely, and must follow any instructions subsequently given. Drugs that cause drowsiness that cause the employee to be unfit or unsafe to perform their work duties must not be used whilst at work.

The Council encourages any individual who suspects they have an alcohol and/or substance misuse problem to seek assistance voluntarily. The Council will subsequently provide reasonable assistance, dealing with absences for treatment and/or rehabilitation as any other sickness absence. In the event of an individual not seeking voluntary assistance, an alcohol or substance misuse problem might be identified by either:

- A manager, including concerns being raised by another person.
- Occupational Health.

Medical advice and monitoring will be offered by Occupational Health in the strictest confidence and with the informed consent of the employee. Testing may be carried out in accordance with this Policy.

If any individual notices a change in a colleague's pattern of behaviour they should encourage them to seek assistance through their manager or the Human Resources Department. If they will not seek help themselves the colleague should draw the matter to the attention of their manager. Employees must not attempt to cover up for a colleague whose work or behaviour is suffering as a result of an alcohol or drug-related problem.

7.0 Examples of behaviour which could lead to disciplinary action

The following are **examples** of behaviour which would ordinarily be considered to be gross misconduct or misconduct. This list is neither prescriptive nor exhaustive and other types of behaviour which are of a comparable nature may also amount to misconduct or gross misconduct:

- reporting, or endeavouring to report for duty having consumed drugs or alcohol rendering them unfit and/or unsafe for work;
- unreasonable refusal to undertake a drugs or alcohol test;
- consuming or being under the influence of drugs or alcohol whilst on duty;
- storing drugs or alcohol in personal areas such as lockers and desk drawers;
- Attempting to sell or give drugs or alcohol to any other individual or other person on the council premises.

8.0 Document Retention

Managers should forward copies of all paperwork relating to the investigation and meetings to discuss issues arising under this Policy to HR Support, Manor Drive. Any such correspondence should be marked as 'Strictly Private and Confidential'

Any paperwork provided will be stored and/or destroyed in accordance with the Council's records retention and management policies.

9.0 Further Information

For further advice, manager and employee guidance documents are available. For template letters please discuss with an HR Business Partner for the relevant service area.

10.0 Relevant legislation

Leading statutory authority

Health and Safety at Work etc. Act 1974

Management of Health and Safety at Work Regulations 1999 SI 1999/3242

Access to medical records Act 1988

Equality Act 2010

Data Protection Act 1998

Human Rights Act 1998

Employment practices data protection code (on the Information Commissioner's website)

Health and Safety Executive Guidelines

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

The Management of Health and Safety at Work Regulations 1999 require a suitable and sufficient assessment of risks arising from workplace activities to be undertaken, and this includes risks arising from potential drug and alcohol use. The Regulations also place a duty on employers to undertake specific risk assessments for vulnerable persons.

Under the Management of Health and Safety at Work Regulations 1999 employees have a legal duty to inform their employer of any situation that could be considered to constitute risk, and therefore must report any other employee who appears to be under the influence of drugs or alcohol.

11.0 Relevant policies

Other relevant policies include:-

Driving at Work Policy

Attendance Policy

Disciplinary Policy

Self Disclosure Policy

Health and Safety Policy

Special Leave Policy

12.0 Guidance documents

Manager guidance: Alcohol & Substance Misuse

Manager guidance: Identifying substance misuse

Manager guidance: Process to follow

Manager guidance: Referral to Occupational Health

Occupational Health referral form

Managers guidance: Substance misuse treatment

Employee guidance: Responsibilities of staff

Employee guidance: Process to follow.

