



West Lothian
Council

Policy on the Misuse of Alcohol and other Substances



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POLICY ON THE MISUSE OF ALCOHOL AND OTHER SUBSTANCES

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POLICY ON THE MISUSE OF ALCOHOL AND OTHER SUBSTANCES

This policy applies to all council employees and workers.

1. POLICY STATEMENT

- 1.1 Problems associated with substance misuse can affect not only an employee's ability to work effectively, efficiently and safely, but can also create difficulties and distress in domestic and social life. As an employer, the council is concerned with the health, safety and welfare of its employees and others who may be affected by the actions of employees in the course of employment.
- 1.2 The council is obliged to protect staff from the potential risks associated with alcohol and drugs under [the Health and Safety at Work Act 1974](#) and [the Misuse of Drugs Act \(1971\)](#). This policy has therefore been established to provide a positive framework for dealing with the adverse effects of substance misuse in the workplace.
- 1.3 It is the council's policy that substance misuse should be recognised as a health problem that requires professional help and treatment. The council is, therefore, committed to the principle that employees confirmed as suffering from substance misuse which impacts adversely on behaviour and/or performance at work should be offered appropriate help and treatment wherever practical.

2 DEFINITIONS

- 2.1 For the purposes of this policy, substance misuse is defined as the problematic use of alcohol, drugs (both prescribed, legal and illegal) or other substances, such as butane gas, glue, thinner or petrol. This encompasses use that may be inappropriate, habitual or excessive.
- 2.2 The issue becomes a matter of concern to the council when misuse demonstrably and materially interferes with an individual's work capability, conduct, health or attendance.
- 2.3 The possession, supply or production of illegal drugs is a criminal offence. Consequently, their use on council premises and any such drug-related activities on council premises will be treated as gross misconduct and may result in dismissal as outlined in the council's Disciplinary Code.
- 2.4 Off-duty incidents involving the possession, use or supply of drugs may be considered by the council as a disciplinary offence if the criminal element related to the incident is deemed to fundamentally affect the employee's suitability for the post they hold with the council.

3 POLICY AIMS

- 3.1 The main aims of the policy are to:
 - Promote the health and wellbeing of employees and to minimise problems at work arising from the effects of alcohol and/or drugs.
 - Promote early intervention and provide appropriate support and advice to employees who suffer from alcohol and/or drug related problems.

- Provide appropriate support and advice to managers on how best to deal with employees who may suffer from alcohol and/or drug related problems.
- Engender a climate that encourages openness and honesty (within the bounds of strict personal confidentiality and legal requirements) and that gives employees and management confidence to deal with substance misuse problems by following a clear procedure.
- Safeguard the interests of the council, other employees and other parties that employees who have an alcohol/drugs misuse problem may come into contact with during the course of employment. In particular, the council has a duty of care towards the children, protected adults and other vulnerable groups who are clients of the council.
- Establish clear rules on the use of alcohol and drugs in the workplace and the disciplinary sanctions that may be applied in given situations.

4 RESPONSIBILITIES

Employees

- 4.1 All employees are expected to ensure that their personal consumption of alcohol or use of prescribed or over the counter drugs does not interfere with their ability to perform their duties safely. Specific requirements or controls regarding alcohol or drugs use may be determined as a result of workplace risk assessments.
- 4.2 Where an employee has been prescribed medication, which may make them drowsy, impair their judgement, or otherwise affect their performance, they are required to advise their line manager.
- 4.3 Employees who may have a substance misuse problem are encouraged to voluntarily seek assistance. Support will be provided at the earliest opportunity to employees who acknowledge they have developed a substance misuse problem.

Line Managers

- 4.4 Managers are responsible for providing support and encouragement to employees where they are aware, or suspect that an employee has a substance misuse problem.
- 4.5 Managers should:
- Be aware of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employee
 - Ensure the health, safety and welfare of employees and others with whom they come into contact
 - Ensure that employees understand the policy and are aware of the consequences regarding the use of alcohol and other substances within the workplace
 - Ensure that employees are aware of the support that is available to them should they have a problem

- Monitor the performance, behaviour and attendance of employees as part of the normal supervisory relationship
- Intervene at an early stage where changes in performance, behaviour, sickness levels or attendance patterns are identified to establish whether alcohol and/or substance misuse is an underlying cause
- Strictly preserve an employee's right to confidentiality wherever possible

5 **MANAGING SUBSTANCE MISUSE**

5.1 Problems associated with substance misuse normally fall into one of the following categories:

- an excessive indulgence in the misuse of alcohol and/or drugs on occasion, but which is not related to a physical dependency; or,
- a confirmed habitual misuse of alcohol and/or drugs related to a physical dependency that continually or repeatedly interferes with the employee's work capability, health, conduct and/or attendance at work.

5.2 The former type of behaviour will normally be regarded as a conduct problem to be dealt with under the council's Disciplinary Procedure whereas the latter will normally be treated as a health/illness issue and treated as a capability issue. Where substance misuse affects an individual's attendance at work, the matter will normally be dealt with under the council's [Supporting Attendance at Work Policy and Procedure](#).

5.3 However, there may be circumstances in the latter situation where the application of the council's disciplinary procedure is appropriate in the circumstances despite the confirmation of a physical dependency.

5.4 Where this is the case, the outcome of the council's disciplinary process may be deferred pending a referral to the council's medical adviser or an agreed external agency. If a dependency problem is confirmed, the disciplinary process may be suspended on condition that the employee successfully completes any prescribed course of treatment and that a significant improvement in the offending behaviour can be identified within a defined period.

5.5 If a dependency problem is not confirmed, or if an employee does not complete a prescribed course of treatment/counselling, the disciplinary process will be resumed in accordance with normal practice in cases of alleged misconduct.

5.6 Appropriate time off with pay will be granted to employees to attend counselling sessions at an agreed external agency. Arrangements will be made to enable appropriate self-referral in accordance with an agreed procedure and guidelines.

5.7 There may be a requirement, for a short-term period, because of the specific nature of the employee's job, to temporarily redeploy the employee to other duties, or to a different location in order to protect the employee, other employees and/or members of the public. This decision should be based on the manager's assessment of the risk involved in consultation with the council's Health and Safety Unit. During this period, the employee will receive their normal pay subject to full and continuing co-operation with any agreed

treatment/counselling programme.

5.8 An employee will have the right to return to the same duties with the same terms and conditions as before, unless, following an assessment by the council's medical adviser, it is decided that:

- there is a risk to the employee's continued health;
- there is a risk to the welfare and safety of other employees; or
- the employee is not yet ready to satisfactorily recommence the full range of duties and responsibilities of the job.

Where, following advice from the council's medical adviser, a permanent redeployment is considered necessary on health grounds, the employee will receive the normal pay and conditions associated with the post to which they are redeployed.

6 **CONFIDENTIALITY**

In all situations where an employee has a potential or confirmed substance misuse problem, confidentiality will be strictly preserved and only necessary information shared with those managing the situation. However, the council is obliged under the Misuse of Drugs Act (1971) to inform the police where illegal drugs are found on council premises.

7 **CONSUMPTION AND EFFECTS OF ALCOHOL AND OTHER SUBSTANCES DURING WORKING HOURS**

7.1 The consumption of alcohol or other substances as defined in this policy is prohibited on council premises during working hours. This excludes prescribed and/or legal drugs taken for a genuine medical reason and in accordance with directions for use subject to the need to observe health and safety rules.

7.2 In terms of the consumption of alcohol on council premises during working hours, an exception may be made where specific events are formally approved by the council, Chief Executive, Depute Chief Executive, or Head of Service at which the consumption of alcohol is expressly permitted in the particular circumstances. In these circumstances, employees are required to adhere to the standards of behaviour as set out in this policy, in the council's Health and Safety Policy and as contained in any other relevant workplace rules.

7.3 Employees have a responsibility to ensure that any consumption of alcohol before starting work or during lunch-breaks does not impair their ability to work safely and effectively or to deal with customers or clients to the required standards.

7.4 The council reserves the right to impose a ban on the consumption of alcohol during the working day for certain categories of employee on safety, legal and/or operational grounds.

7.5 Any employee who reports for work and who, in the opinion of the employee's manager, is not capable of working safely or to required standards of conduct and performance due to being under the influence of alcohol and/or other substances will be sent home and suspended on full pay. If appropriate, the employee should be taken home. The matter will subsequently be investigated initially by reference to paragraph 5.3 above.

Ultimately, however, the council reserves the right to implement the appropriate disciplinary procedures.

8 POLICY IMPLEMENTATION

8.1 The council will:

- provide managers and other employees with training to equip them with the necessary knowledge and understanding to deal with problems of substance misuse;
- work to increase understanding and raise awareness among employees about substance misuse and promote the concept of safe and sensible drinking for those who choose to drink;
- provide access to confidential counselling for employees who may have a misuse problem;
- monitor the effectiveness of referrals and counselling;
- work together with appropriate external agencies to develop progressive approaches to deal with the problems of alcohol and substance abuse;
- ensure the effective application of the policy through clear procedures and rules.

9. SUPPORT FOR EMPLOYEES

9.1 Employees can self-refer for confidential counselling by completing a Counselling Referral Form which can be found [here](#).

9.2 Information on Addiction Services available in West Lothian can be found at: <http://www.nhslothian.scot.nhs.uk/HealthInformation/RecoveryInLothian/Documents/WL-ServicesDirectory.pdf>

10 LINKS TO OTHER POLICIES

10.1 This policy should be read in conjunction with the council's [Disciplinary Procedure](#), [Corporate Health & Safety Policy](#), [Supporting Attendance at Work - Policy & Procedure](#) and [Code of Conduct - School Events and Professional Conduct](#).

11 POLICY REVIEW

11.1 The council, in consultation with the recognised trade unions, will review this policy every 5 years or earlier as necessary.