

# Alcohol, Drug and Substance Use Policy

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# ALCOHOL, DRUG & SUBSTANCE USE POLICY

## 1. INTRODUCTION

The Council is committed to providing a safe and positive working environment and ensuring the health, safety and welfare of its people, customers and anyone else affected by its activities. Being under the influence of alcohol or drugs can seriously impair someone's judgement and reactions, leading to an increased risk of accidents and injuries occurring. Alcohol and substance dependency or use can also have a detrimental effect on work performance and behaviour. The Council will take all reasonable steps to ensure people are safe to undertake their roles and to prevent injuries or incidents occurring as a result of the effects of alcohol or substance use.

If you are facing challenges around alcohol, drug or other substance dependency, there are a wide range of services that can help. Talking to your GP can be a good place to start, or there are charities and private organisations which can help too, see those listed at the end of this policy. You should not feel alone in your struggles and there are people you can speak to in confidence as part of the Council's employee support service. The Council recognises that alcohol or drug dependency is a treatable condition and we encourage you to talk to your manager or your HR Adviser at the earliest point so we can put in place any support you need including with working productively and safely. All conversations will be dealt with sensitively and there is no embarrassment in seeking support, we are here to help you.

While addiction to alcohol or drugs will not amount to an impairment for the purposes of the Equality Act (2010), a physical or mental impairment which is linked to that addiction could be covered by the act, for example depression or a serious liver condition.

## 2. WHO DOES THIS POLICY APPLY TO?

Everyone has a responsibility to ensure their own safety and the safety of others they come into contact with while at work and therefore this policy applies to anyone undertaking Council work. This includes employees, contractors, agency staff, work experience or placement students, casuals and volunteers.

## 3. WHEN WILL THIS POLICY BE USED?

All roles need to be undertaken in a safe and productive way and not be adversely impacted by the use of alcohol, drugs or other substances. This policy covers all roles, not just safety critical roles, and includes when undertaking work in the workplace or at another location.

The Council wishes to provide a supportive approach where it is identified an individual's performance or ability to undertake their role is impacted by alcohol or substance use and the person recognises this and is taking steps to get treatment and remedy any performance concerns. Your line manager (with advice from Occupational

Health where appropriate) will discuss and agree with you a support plan to support improved performance, including agreed objectives, timescales and monitoring. The exception to this will be acts of potential gross misconduct, for example violent conduct or possession of illegal drugs, where disciplinary action may be necessary.

## 4. STANDARDS OF CONDUCT

### 4.1 EXPECTATIONS

You are responsible at all times to ensure you are able to carry out your role safely, productively and professionally, this includes where you are on a standby or on-call rota. You will not:

- Attend work under the influence of alcohol, drugs (including prescription medication) or Novel Psychoactive Substances (NPS) including those formally known as legal highs to the extent that your judgment, behaviour or ability to carry out your role is affected;
- Drive for work when you are over the drink drive limit or your ability to drive is impacted by drugs, other substances or over the counter medications;
- Bring or store illicit drugs at work, including in personal areas such as lockers and/or attempt to sell or give illegal drugs to anyone while at work, in a Council vehicle, on Council premises or at a work organised function;
- Consume alcohol or drugs (including NPS) while you are working, including where you are on a break during your working day and where you are working remotely or from home. The exceptions to this is the consuming of alcohol at work functions such as celebratory events, the Mayor's Christmas Drinks, Christmas lunches and other work organised events. This is on the clear understanding that any consumption will be moderate and will not impact your ability to carry out your role or affect the reputation of the Council, and that you are within the drink-driving regulations if you are driving home.

### 4.2 SAFE WORKING

The Council will take all reasonable steps to prevent anyone carrying out work activities if it is believed they are unfit to do so because of the impact of alcohol, drugs or another substance. Risk assessments are undertaken for safety critical roles and activities, including, but not exclusively, driving works vehicles and operating machinery, and any risks will be actively managed.

You have a responsibility to make your supervisor aware where you are taking any substance including "legal highs" or prescription drugs which may have an impact on your ability to undertake your role.

### 4.2 CONSUMPTION OF ALCOHOL

If you are in a 'safety-critical' role, for example operating machinery or driving a works vehicle while on Council business you must be legally fit to work/drive before coming on duty and must not consume alcohol during a break or whilst on duty. This includes where you work at heights or work in high risk areas, e.g. reversing assistants.

If you are in non-safety critical roles, you should not normally consume alcohol during working hours, other than in the exceptional circumstances (outlined in section 4.1) or be impaired by alcohol to the extent that it will adversely affect your performance, clear thinking and actions.

You are responsible for considering if any alcohol may still be in your bloodstream and how this will impact on your ability to carry out your work safely and professionally.

#### 4.3 USE AND DISTRIBUTION OF DRUGS

It is a criminal offence to be in possession of, use or distribute an illicit substance and to produce, supply or possess such drugs with intent to supply. This includes psychoactive substances, glue and solvent abuse. Any such incidents suspected of taking place while at work or on Council premises, in Council vehicles or at a Council function, will be regarded as serious, investigated by the Council, and may lead to disciplinary action and possible reporting to the police.

#### 4.4 DRUGS PRESCRIBED ON MEDICAL GROUNDS

You are responsible for checking with your medical practitioner or pharmacist where you are taking prescribed or over the counter medication and to understand if it may have any impact on your ability to safely and effectively undertake your role, this includes causing drowsiness, impairing your reflexes, judgment or performance. You must inform your Line Manager regarding any prescribed medication if you think it will adversely affect your ability to carry out your role safely, including side effects, and must follow any instructions subsequently given. This includes driving roles as the DVLA has issued guidance regarding compulsory disclosure of prescribed medications. Disclosed information will be handled sensitively and confidentially and used to enable temporary or permanent reasonable adjustments to be considered where necessary. Drugs that cause drowsiness should not be used while at work, unless reasonable adjustments can be accommodated. Many drugs can make you drowsy including antihistamines, antidepressants, muscle relaxants, beta blockers, opioids, blood pressure medication and many more. If you are unsure please speak to HR and advice will be sought from Occupational Health.

### 5. TALKING IN CONFIDENCE

If you suspect or are aware you have an alcohol, drug or other substance dependency issue you have a responsibility to inform your line manager or HR so an assessment can be made on any impact this may have on your ability to undertake your role. This includes any issues relating to prescribed or over-the-counter medication. The conversation will remain confidential (and only shared with those who need to know, such as your line manager, HR and/or the Corporate Health and Safety Manager) and will enable temporary or permanent reasonable adjustments to be considered, where appropriate. A referral to Occupational Health may be made to support you and the Council with putting a support plan in place.

If it is observed or there is a concern you may be under the influence of alcohol, drugs or another substance to the extent that this is impacting on your ability to undertake your role or putting those you work alongside, or come into contact with, in danger a

Manager or member of the HR team will have a conversation with you. You may be asked to undertake alternative work or sent home from work. If you drove to work, the Council may require you to go home by taxi or other means at your expense.

Where you are unfit for work due to alcohol, drug or other substance use, dependency or misuse, this will be dealt with under the Council's Sickness Absence and Ill Health Policy or the Council's Disciplinary Policy depending on the circumstances.

## 6. TESTING FOR ALCOHOL AND SUBSTANCE MISUSE

### 6.1 TESTING WHERE THERE IS 'REASONABLE CAUSE'

The Council reserves the right to carry out 'with cause' alcohol and drugs testing where there is a reasonable belief or suspicion of alcohol or drugs having a detrimental impact on your work performance and/or wellbeing at work, or where there is the potential for this to adversely affect others around you, whether colleagues or members of the public. Sometimes testing is implemented as a supportive step to help you undertake your role safely and can help keep you at work and build confidence and trust in your ability to work safely. Testing involves undertaking a breathalyser test for alcohol or an oral fluid (mouth swab) test for drugs.

Testing may be discussed with you where there is a reasonable concern such as:

- an incident or near miss, for example a collision, resulting in or having the potential to result in serious damage and/or injury
- an event or incident invoking suspicion of the influence of alcohol or drugs;
- smell or physical evidence of drugs or alcohol;
- dysfunctional behaviour invoking suspicion of the influence of alcohol or drugs; or
- an admission by, or at the request of the individual

This list is not exhaustive. All criteria used for selection for testing will be justified, documented and fully communicated with you.

While these factors may be signs of alcohol and/or drug use, there could be other factors responsible for these behaviours. Therefore, any concerns will be treated sensitively, taking all reasonable steps to ascertain the reason for such behaviours or symptoms. This will include discussions with you and a referral to Occupational Health, if appropriate.

The Council does not support random testing. However, there may be rare occasion where, with reasonable cause, a number of people could be tested without notice. It is anticipated this will be very much the exception and will always be in appropriate circumstances such as where the Council has an indication of drug or alcohol abuse in the workplace which is impacting on the safety and well-being of people. Such testing will not take place without Head of Service or Senior Manager approval.

### 6.2 CARRYING OUT TESTING

Testing will only be undertaken following consultation with HR, with senior management approval and once all steps have been taken to justify the need for

testing in accordance with this policy. You will be provided with a copy of the process to be followed and all testing will be carried out in a confidential and sensitive manner in a private workspace. The testing itself and the processing of results, as sensitive personal data, will be in accordance with GDPR guidance and the Data Protection Impact Assessment (DPIA) which is available on request. Where possible, testing will follow a period of support offered to you, though this may not always be possible depending on the circumstances.

Testing procedures for alcohol will be carried out in-house. The Council will ensure that trained officers carry out alcohol breathalyser testing accurately in a safe, confidential workspace. This will usually be in the presence of a manager and a HR Adviser to ensure fairness. Where this is not possible, then a second manager or the Corporate Health and Safety Manager will be present. You may be accompanied by a trade union representative or work colleague, if you choose and they are available. Testing will not be delayed or rearranged due to the unavailability of the representative or colleague. The equipment used will be maintained, with periodic calibration to ensure compliance with regulatory guidelines. Positive results will be recorded, signed and witnessed in the presence of the manager undertaking the test and HR or a second manager. You will also have the opportunity to sign the record to indicate your agreement. We will agree with you in advance if negative results will be recorded.

Drug testing will be carried out in-house by using a Drug Wipe Dual system, which is a 5 minute saliva and skin drug screener swab, with the sample then sent to an accredited third party analytical laboratory for analysis. Again, this will be in the presence of an HR Adviser or with a second manager in attendance. Appropriate training will be provided for the test to be carried out by the Corporate Health and Safety Manager or another fully trained manager. The testing procedure will be explained to you and you will be asked to sign a consent form regarding the test. You will be asked to provide a sample using the procedures for sample collection provided by the manufacturer. The collection, record keeping and labelling of the sample will be done in your presence, to ensure transparency and integrity in the process from collection to laboratory review. If a drugs sample is found to be positive, then it will be sent to the laboratory to a) ensure that the sample has not been tampered with and b) analysed and stored securely for reference purposes. A positive drugs screener test will then require a urine sample to be taken discreetly and privately, under controlled conditions, which would also be sent away for testing.

Should it be necessary to undertake alcohol or drug testing this will be fully explained to you. The Corporate Health and Safety Manager will be informed confidentially of all test results and will be responsible for overseeing any risk assessment necessary as a result of a positive drug and alcohol test result. Once the testing process is completed and reported, you may request a copy of your results.

### 6.3 REFUSAL OF TESTING

Testing for alcohol can be carried out without your prior consent providing that the guidelines in this policy have been followed. The Council will however, always look to obtain your consent ahead of any test. If you refuse to engage with testing, and a reasonable request has been made in accordance with the criteria in this policy, this may be regarded as wilfully refusing to comply with a reasonable management instruction and dealt with through the Council's Disciplinary Policy.

For drug testing, it is a legal requirement your consent is gained prior to testing. If, however, you refuse to provide a sample when requested, this could constitute wilful refusal to comply with this policy and could therefore result in formal disciplinary action.

#### 6.4 POSITIVE TEST RESULTS

A positive test for the purposes of alcohol testing is defined as a test exceeding the UK driving limit of 35 micrograms per 100 millilitres of breath. A positive drug test is where the result indicates that the drug/s for which a specimen was being tested is present.

If a test gives a positive result, an initial meeting will normally be held to understand the circumstances which have led to this result. From this, and with advice from HR, a decision will be made on the most appropriate course of action. This may include investigating the matter under the Council's sickness absence and ill health policy or under the Council's Disciplinary Policy. Where appropriate you will be signposted to obtain support for alcohol or drug dependency and a support plan put in place. Marginal or lower results may still necessitate a risk assessment to determine whether any action is needed to ensure yours and others safety in the workplace. Positive results data will be retained confidentially in accordance with the Council's retention policy and will not be used in the future unless needed for formal disciplinary and capability investigation and hearing purposes.

#### 6.5 REHABILITATION

Absence for treatment for drug or alcohol addiction which has been agreed by either a GP or Occupational Health will be treated as sickness absence in accordance with the Council's Sickness and Ill Health Capability policy. However, if an employee has successfully completed a course of treatment and later relapses, the line manager will consider whether it is appropriate to agree to further paid sickness absence for a further course of treatment.

#### 6.6 DISCIPLINARY AND CAPABILITY ACTION

The Council will always seek to support employees who voluntarily disclose a problem with alcohol or drug dependency and who seek help, or where it becomes apparent that addiction or misuse has impacted on performance in the workplace. However, the Council will consider action under the Disciplinary policy for any employee suspected of taking illegal drugs or drinking alcohol or being under the influence of alcohol or drugs during working hours outside the narrow exceptions in section 4.1 where this has impacted on their role and represents a potential conduct or safety concern. Examples of incidents leading to disciplinary action could include inappropriate behaviour and work-based accidents where it is believed that alcohol excess or drug use has been a factor in impacting on your ability to undertake your role safely and properly. It could also include consuming, selling or possession of illegal drugs, or refusal to undertake testing. This list is not exhaustive.

If, despite careful protocols for testing, it is ascertained that adulteration (tampering, substitution) of test results has occurred, either by an employee or a tester, this will constitute an invalid sample and formal action under the Council's Disciplinary policy will be considered.



If you are experiencing issues with drug or alcohol dependency you are encouraged to obtain support and confidentially disclose this with either your manager or HR so risk assessments and support can be put in place. If you do not accept help or you discontinue treatment then investigations and processes under the Council's disciplinary or capability policies may be considered, as appropriate.

## 7. ASSISTANCE FOR EMPLOYEES

You are encouraged to seek assistance for any alcohol, drug or substance dependency before reaching a point where your judgment, performance, conduct and/or attendance is affected, or where you place the health and safety of yourself and/or others at risk. Your manager and / or HR are there to listen and support you in a sensitive and confidential way. They are able to organise a referral to Occupational Health to provide further guidance and support.

### 7.1 SUPPORT

Support available could include, but is not limited to:

- Signposting to organisations and services which can offer support with alcohol and drug dependency, see list below;
- Support to attend counselling and rehabilitation treatment
- Consideration of temporary or permanent redeployment to an alternative role where, following occupational health advice and discussions with the employee, it is no longer possible for the employee to remain in their current role.

All employees have access to the Council's **Employee Support Service**.

HR can provide advice and support, including signposting to appropriate support services and providing details of counsellors available or these can be found on the Employee Services pages of the intranet (Trout Face).

### 7.2 SOURCES OF EXTERNAL SUPPORT

#### **Alcohol Dependence**

##### **Drinkline**

Helpline: 0800 917 8282

Drinkline runs a free, confidential helpline for people who are concerned about their own drinking, or someone else's.

##### **NHS Choices Website**

<http://www.nhs.uk/conditions/Alcohol-misuse/Pages/Introduction.aspx>

National Health Service advice page.

##### **Drinkaware**

<https://www.drinkaware.co.uk/>

Drinkaware works to reduce alcohol misuse and harm in the UK.

**With you**

[Help and advice on drugs and alcohol - With You \(wearewithyou.org.uk\)](http://wearewithyou.org.uk)

With you is a charity providing free confidential support to people experiencing issues with drugs, alcohol or mental health. They have 80 local services in England and Scotland.

**Al-Anon**

<http://www.al-anonuk.org.uk>

Provide support to anyone whose life is, or has been, affected by someone else's drinking, regardless of whether that person is still drinking or not.

**Alcoholics Anonymous Great Britain**

<http://www.alcoholics-anonymous.org.uk>

AA is an organisation of men and women who share their experience with each other hoping to solve their problems and help others to recover from alcoholism.

**Drug Dependence****NHS Choices Website**

<http://www.nhs.uk/Livewell/drugs/Pages/Drugtreatment.aspx>

National Health Service advice page.

**With you**

[Help and advice on drugs and alcohol - With You \(wearewithyou.org.uk\)](http://wearewithyou.org.uk)

With you is a charity providing free confidential support to people experiencing issues with drugs, alcohol or mental health. They have 80 local services in England and Scotland.

**Talk to Frank**

<http://www.talktofrank.com/>

National drugs awareness site for young people and parents/carers.

**Narcotics Anonymous**

<http://ukna.org/>

Helpline for the UK: 0300 999 1212

N.A. is a non-profit fellowship of recovering addicts who meet regularly to help each other stay clean. Membership is open to anyone with a drug problem seeking help, regardless of what drug or combination of drugs have been used, and irrespective of age, sex, religion, race, or background. The only requirement for membership is a desire to stop using drugs.

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