

# HR & OD POLICIES

human resources and organisational development



## ALCOHOL & DRUG MISUSE PROCEDURE

Local Government Employees

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## 1. INTRODUCTION

The Council's policy regarding substance misuse (alcohol, drugs and other substances) [Definitions Fact Sheet](#) is that, as far as possible, any employee identified as suffering from the effects of this will be given support and advice to help overcome the problem.

## 2. EMPLOYER RESPONSIBILITIES

The recognition and management of alcohol and/or substance misuse is an integral part of the Council's responsibility to its employees. The Council will encourage any employee who suspects or knows that they have a problem to seek help and treatment voluntarily.

## 3. MANAGERS RESPONSIBILITIES

Where, from management observation or information from other employee(s), a Service has cause for concern regarding an employee (ie: poor work performance and/or change in behaviour) and it is suspected that the employee may be suffering from the effects of substance misuse or dependency, the employee should be offered:

- counselling
- assistance

and/or

- referral to appropriate support agencies or medical adviser, with a view to treatment, recovery and resumption of full working within their normal employment.

In such instances, encouragement and reasonable paid time off work to attend and receive treatment will be given, provided there is full co-operation from the employee concerned in terms of responsiveness to and attendance for professional help and advice. If the employee is required to undertake full-time treatment they will be regarded as being on sick leave and subject to the normal conditions governing such leave.

Whilst undergoing treatment, the individual's employment rights will be safeguarded, including the right and taking into account there are no health & safety implications, of returning to the same job or to suitable alternative employment.

Disciplinary action may be suspended when an employee identifies they are suffering from the effects of substance misuse or dependency which impacts on their employment, provided the employee co-operates in seeking specialist help. If such an employee declines to accept referral for diagnosis and/or treatment, or discontinues a course of treatment before it's satisfactory completion, then the recognised disciplinary action that had previously been suspended will be restored.

The policy is not concerned with social drinking out with working hours where this has no effect on work performance. Where there is an effect, it is for management to decide whether it is appropriate for the case to be dealt with under the normal recognised disciplinary procedures or within the framework of this policy.

## 4. CONSUMPTION OF ALCOHOL DURING WORK RELATED SOCIAL EVENTS

The consumption of alcohol during work-related social events, within working time, e.g. retirement presentations, is permitted, on the following circumstances:-

- Hospitality by way of official courtesy or reception to distinguished visitors.
- Retirement receptions and the festive season subject to approval by the Head of Service.

The use of no alcohol or low alcohol drinks on these occasions is encouraged. Employees are reminded that they should not return to the workplace having consumed alcohol at such functions and are encouraged to arrange to use flexi/annual leave in advance to cover the remainder of their standard working day. Employees who are attending formal functions should be aware that they are representing the Council and must behave in a responsible manner.

## 5. CONFIDENTIALITY

All records and dealings with any individuals coming within the scope of this policy will be treated in strictest confidence.

## 6. WELL BEING

In addition to having a policy and procedural guidelines for dealing with individual employees suffering from alcohol, drug or other substance related problems, the Council will conduct periodic campaigns of publicity and education to raise awareness among staff of the effects and consequences of misuse of alcohol, drugs

and other substances, in an attempt to reduce the number of employees who may need to be referred under the policy.

## 7. FURTHER INFORMATION

[Drugs: Class, Effects and Risks](#)

Information Guide for Managers

**Information Guide for Employees**

## 8. PROCEDURAL GUIDELINES FOR MANAGERS

### Identification

Employees suffering from alcohol or drug misuse may be identified in two ways:

(a) the employee may seek help on a completely voluntary basis (seeking assistance)

(b) the employee's colleagues and/or supervisor may identify a pattern of change which they suspect to be as a result of alcohol or drug misuse. (Management referral)

Employees should not cover up for a colleague if they suspect there is a problem, and should raise their concerns with senior management.

### Being under the influence of alcohol, drugs or other substances at work

When an employee is under the influence of alcohol, drugs or other substance at work and/or found to be covertly consuming alcohol or taking drugs or other substances during working hours, the manager concerned should ensure that arrangements are made to get the employee home safely and for them to be interviewed at the earliest opportunity following the incident. The matter should be reported to the Head of Service or other Senior Officer immediately who will take action as appropriate. Such behaviour will be viewed extremely seriously. Managers should also contact an HR advisor for advice if this situation arises

Unless at the subsequent interview the employee acknowledges the existence of a longer term alcohol or drug related problem requiring treatment under this policy, they will be dealt with under the terms of the recognised disciplinary procedure.

## 9. REFERRAL ROUTES

### Employee Seeking Assistance

If the employee seeks help on a completely voluntary basis arrangements should be made for him/her to be interviewed by a senior officer of the Service. If the employee is willing to accept treatment assistance should be offered by indicating the agencies available to help:

- [Employee Assistance Programme](#) (EAP) - Council's Confidential Counselling Service
- Occupational Health Service (OHS) - Council's Medical Adviser
- Specialist Agencies - Contact details found in the Resource Pack

The employee may also wish to go direct to their own GP for referral to a specialist agency.

The Council's Medical Advisor will be informed of the circumstances and will provide a liaison between the employee's Medical Practitioner and the Council, where treatment involves a referral to the medical profession. Arrangements should be made with the employee to allow the situation to be monitored. Alternatively, an employee may seek help independently from the Council's Confidential Counselling Service or Medical Adviser.

## 10. MANAGEMENT REFERRAL

If an employee is suspected of having an alcohol or drug related problem the matter should be referred to a Senior Officer of the Service and arrangements made to discuss the situation with the employee concerned.

It is important to note that providing support and taking disciplinary action are interconnected processes in relation to this Policy. While handling this type of situation it is often necessary to move between these two courses of action. It is good practice to approach the issue of alcohol & drugs misuse from a supportive standpoint-unless the facts allow for an obvious and immediate assessment of inappropriate behaviour for example:

- Drunkenness at work
- Employee taking, storing, manufacturing, offering to buy or dealing drugs on Council premises

This list is intended to be indicative, not exhaustive

Managers are encouraged to contact an HR advisor for advice and guidance prior to the discussion. Once a discussion time has been arranged and agreed the following issues should be raised and discussed:

- the circumstances observed
- the disciplinary consequences of the incident
- Council's Policy on health support if/when a problem is declared by the employee
- an offer of help if/when a problem with Alcohol and/or Drug misuse is declared by the employee
- assurance of confidentiality

NB: The discussion should be confined to aspects of observations of work performance and/or behaviour unless there is clear evidence of alcohol or drug misuse or unless the employee raises the matter themselves.

If the employee acknowledges that an alcohol or drug related problem does exist and indicates a willingness to undertake treatment, assistance as outlined above should be offered. The employee should be referred to the Council's Occupational Health Adviser to ascertain whether there is an underlying medical condition contributing to their behaviour.

Management's expectations of conduct and/or behaviour during the programme of recovery should be clearly conveyed to the employee. In such circumstances, the disciplinary procedure (if relevant) will normally be suspended subject to the employee seeking and showing a positive response to relevant treatment. However, where the employee has severely breached disciplinary rules, the Council will reserve the right to implement the disciplinary procedure, either distinct from or in tandem with this policy and procedure.

If the employee does not acknowledge the existence of a problem the matter will be referred to the Head of Service/or Nominated Representative who will make a full assessment of the action to be taken. The Head of Service/or Nominated Representative may decide to take action within the terms of the normal recognised disciplinary procedure in relation to the conduct and behaviour. Usually only the interviewing officer and the employee will be present at a counselling interview, the employee may be accompanied by a Trade Union representative or a work colleague if they so wish.

## 11. ACCEPTANCE OF TREATMENT

Where an employee is willing to accept treatment the [Treatment Support Agreement](#) should be agreed completed and signed by the employee and the Line Manager. Arrangements to review and monitor progress should be made with the employee, and the arrangements and timescales agreed during the interview and detailed within

the Treatment/Support Agreement should be confirmed in writing to the employee using the appropriate letter

[Acceptance of Treatment Letter 1](#) (no time off required)

[Acceptance of Treatment Letter 2](#) (time off required)

[Acceptance of Treatment Letter 3](#) (full time absence)

The senior officer concerned will liaise either directly (or through the Occupational Health Adviser) with the agency providing the treatment to ensure that the employee is accepting and responding to the recovery programme. This liaison will include establishing whether the recovery programme can be undertaken with the employee remaining at work or whether they require to be absent for all or part of the programme. If the employee is able to continue at work during the programme the senior officer concerned, in consultation with the Head of Service, will consider whether the employee can remain in their normal job, subject to health & safety considerations or whether alternative employment should be considered.

The senior officer concerned will liaise either directly or through the Occupational Health Adviser as appropriate with the agency providing the treatment to ensure that the employee is accepting and responding to the recovery programme. This liaison will include establishing whether the recovery programme can be undertaken with the employee remaining at work or whether they require to be absent for all or part of the programme. If the employee is able to continue at work during the programme the senior officer concerned, in consultation with the Head of Service, will consider whether the employee can remain in their normal job, subject to health & safety considerations or whether alternative employment should be considered.

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Where treatment involves a full-time absence from work the employee will be regarded as on sick leave and subject to the normal conditions governing such leave. (ie the normal procedure for receipt of sick pay will apply).

Where the employee requires time off to undergo treatment with a recognised agency within the normal working hours, they will be granted leave of absence with pay to the



extent agreed between the Council, the employee, HR and the agency concerned to enable the recovery programme to be undertaken.

The Service and HR will ascertain, on a regular confidential basis, the progress being made by the employee under the recovery programme. Where the employee is at work, but in a job other than their normal one, or is absent for the duration of the recovery programme the Occupational Health Adviser and/or GP will be asked to advise on the employee's fitness to return to their normal post.

Upon a return to full normal working at the end of a recovery programme, the employee will meet with their Manager to discuss and agree the standards expected. This will be confirmed in writing to the employee with the [End of Recovery Programme Letter 4](#).

The Council's Occupational Health Adviser will be available to provide guidance to officers upon request on specific cases and to undertake specific functions required by other provisions of this procedure.

## 12. NON ACCEPTANCE OF TREATMENT

### Non-Acceptance of Treatment

If the employee is not willing to accept treatment the matter will be referred to the Head of Service or other appropriate officer who will make a full assessment of the action to be taken. It is important to note that as a result of non-acceptance of treatment the normal disciplinary procedures may be progressed.

If the employee ceases to continue with treatment they had agreed to undertake then any Disciplinary action that had previously been suspended will be restored.

## 13. EXCEPTIONAL CIRCUMSTANCES – RECURRENCE OF PROBLEMS

If an employee who has responded satisfactorily to a recovery programme has a recurrence of alcohol, drugs or other substance related problems which affect their work performance the case will be considered and, if appropriate, the Head of Service or other Nominated Officer will be responsible for deciding if it is appropriate to agree to a second and final opportunity of a recovery programme. Otherwise, the employee will be dealt with in accordance with the Council's disciplinary procedures.

For further advice and guidance on any of the above please contact [askHR](#).

# Alcohol and Drug Misuse

## Index of Documents

### Procedure

<b>Revision Date</b>	<b>Previous Revision Date</b>	<b>Summary of Changes</b>
31-01-2001	-	Creation of all Documents
18-04-2013	31-01-2001	Revised Policy & Procedure
12-06-2014	18-04-2013	Format update
01-09-2022	12-06-2014	Updated EAP link. Updated terms - HROD