

**HR Procedure**

**Alcohol and Substance Use**

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| Version Control | Changes Made | Author |
| Version 1 November 2002 |  |  |
| Version 2July 2017 | Amend title. Focus on expected standards and behaviours and support for employees. | R Young |
| Version 3July 2018 | Changing EWS to Occupational Health Service | K Yardley |

Introduction

Alcohol or substance use can adversely affect the health and quality of life of an individual both at work and outside of work. Use can impair an individual’s ability to carry out their duties efficiently, effectively and safely and may jeopardise the safety of other employees and members of the public and impair the authority’s ability to fulfil its commitments.

Scope

This procedure applies to all employees of the county council (excluding Cumbria Fire and Rescue Service) including school based employees in community and voluntary controlled schools where there is no specific procedure laid down in national or local conditions of service.

Foundation, voluntary aided schools and academies are encouraged to adopt this procedure.

**Principles**

* Promote an awareness of the symptoms/effects and potential risks/consequences associated with the use of alcohol or substances.
* Promote an environment which is, as far as is reasonably practicable, safe and without unnecessary risk to the health of employees, service users or members of the public.
* To encourage early recognition of issues and provide information on how to access support and advice for employees who have alcohol or substance use related problems.
* Promote an environment which encourages employees with use problems to seek help voluntarily and a commitment to those staff who cooperate with the support mechanisms in place.
* Ensure that where alcohol or substance use is identified and recognised as a possible health problem it is addressed in a positive and constructive manner where this is consistent with the Council’s legal responsibilities.
* The relevant discipline and/or capability procedure may be invoked for employees who are unfit for work due to the use of substances or alcohol and/or do not cooperate with any support mechanisms put in place to support them.

Should further clarification be required in relation to the consultation and / or implementation process please contact People Management/School HR provider/Diocesan Officer.

For Schools:

|  |  |
| --- | --- |
| Name of School: |  |
| Date by which School have adopted procedure: |  |
| Signature of Chair of Governors |  |

**Date**



**HR Guidance**

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# Appendix 1

# Responsibilities

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## Individual Responsibilities

All employees have a duty to ensure that:

* their performance is not impaired as a consequence of alcohol or substance use.
* they are aware of the detail and implications of this procedure
* they advise their line manager/Head Teacher/Occupational Health Service /other Occupational Health provider if they recognise they have an alcohol or substance use problem
* they advise their line manager/Head Teacher if they have been prescribed medication that may potentially affect their capacity to carry out their work safely and effectively.
* where they have reasonable cause to believe that the performance of another member of the workforce is impaired by reason of alcohol or drug consumption or dependency, such concerns are brought immediately to the attention of a line manager/Head Teacher, or outside the line management chain as appropriate.

## Management Responsibilities

Management will as far as is reasonably practicable ensure that:

* they promote and maintain high standards of health and safety for their team, service users and the public.
* they arrange and liaise with OHS / OHP to provide support where appropriate
* the procedure is administered fairly and consistently to all.
* they take appropriate action when assessing if an employee poses a potential risk at work.
* when an individual is dependent on alcohol or substances, any appropriate management action is taken to minimise risk.
* the procedure is communicated effectively and that employees are made aware of the policy and guidelines and adhere to relevant procedures.

## Occupational Health Service (OHS) / Occupational Health Provider (OHP) Responsibilities

OHS/OHP will as far as is reasonably practicable ensure that:

* they provide medical advice and guidance to line managers/Head Teacher’s and employees
* counselling is offered where appropriate
* signpost and liaise with other agencies (information available in appendix 2)

# Expected Standards of behaviour

* All employees must attend work with their mental and physical functions unimpaired by alcohol or drugs.
* Employees who are not at work and are socialising in licensed premises and consuming alcohol, should ensure that they are not visibly displaying any work uniform.
* Conduct outside of work may be considered where there is an impact on the employee’s suitability for the role or the conduct is prejudicial to the employer’s interests, reputation and/or integrity.
* Consumption of alcohol in the workplace is strictly prohibited. The exception is when a line manager has specifically agreed in advance that it is acceptable for a specific occasion, e.g. Christmas / retirement celebrations etc. However employees are responsible for ensuring that they remain fit for work where they are expected to continue and fit to return home afterwards.

Where employees fail to adhere to the expected behaviours then it may be necessary to proceed to formal disciplinary or capability procedures, when either the alcohol or substance use directly impacts upon the nature of the job, or the employee refuses to cooperate with any action taken as a result of the support offered.

If an employee is offered help (e.g. counselling, treatment) and unreasonably refuses the help or the help is unsuccessful due to lack of engagement on the employee’s behalf, these issues should be considered under other relevant procedures e.g. disciplinary/capability. Advice should be sought from People Management / HR provider at this point.

Where other ongoing procedures are in train advice should be sought from People Management / HR provider to discuss the implications.

Employees will normally be subject to disciplinary procedures which may lead to dismissal, if they:

* Report or try to report for duty when unfit through alcohol and/or drugs.
* Consume alcohol while on duty.
* Consume, and/or, are found to be in possession of illegal drugs at work.
* Decline or discontinue an approved course of treatment for alcohol or drugs use, without good cause.
* Making malicious or vexatious allegations that a colleague is misusing intoxicating substances.

# Standards

Line Managers/Headteachers cannot limit employees’ personal choices as to how they spend their time away from work, but there is concern about the impact and influence that the use of alcohol and/or substances may have on their ability to attend work, perform their duties safely and to the required standard.

It is noted that the ability to test is not available as such managers are recommended to focus on visible behaviours and patterns of concern which give rise for action.

All employees should bear in mind that even small amounts of alcohol (and substances) may have a detrimental effect upon reflexes and responses, in particular, whilst operating specialist vehicle equipment, on or in close proximity to the highway or potentially hazardous tools and machinery.

## Alcohol

It would be expected that no employee should report for work with a blood alcohol concentration (BAC) which will impact on the employee’s ability to undertake their role safely and to the required standards. In England, the drink drive limit is 35 micrograms of alcohol in 100 millilitres of breath or equivalent 80 milligrams of alcohol in 100 millilitres of blood).

## Drugs

It is expected that no employee should report for work with any illicit or recreational\* drugs/substances in their body systems. The employer has a zero tolerance on drug/substance consumption and action will be taken where there is a genuine belief that there is impairment in relation to drugs/substances.

(\*for the purpose of this document a recreational drug is defined as an agent not prescribed by a registered medical practitioner and includes use of solvents, glues and synthetic drugs such as so called ‘legal highs’).

## Prescription & over the counter medication

Employees taking prescription medicines which **may** affect their performance at work must declare this to their line manager/Head Teacher at the point of commencing the medication. The line manager/Head Teacher will in turn seek support from OHS/OHP on the implications of the medication on the employee’s duties and conduct an appropriate risk assessment. The detail provided within this procedure and associated guidance also includes the use of prescription drugs and general retail medications.

# Raising Awareness

To supplement this procedure the employer will promote health initiatives in conjunction with OHS/OHP and Public Health. This will include raising employees’ awareness of the problems and risks associated with alcohol and substance use, the signs and symptoms of use, and how to seek confidential treatment, guidance and advice.

The employer will provide information on the sources of support available for those suffering from or wanting assistance relating to alcohol or substance use.

# What Should an Employee do who is using Substances or Alcohol?

Employees who recognise they have an alcohol or substance use problem should inform their line manager/Head Teacher that they have a use issue.

In these circumstances, the individual’s consent for disclosure may be sought at the outset, but if consent is not given, this information may be passed on without consent if the individual represents a risk to others at work or outside work.

Where possible details of specific problems should remain confidential and disclosure limited to a need to know basis, however the employer will not be able to keep confidentiality if there is a conflict with their duty of care.

If following medical advice, it is considered that an individual’s alcohol or substance use presents a risk to themselves or others management will take any appropriate action. Management will ensure that the individual is absent from work until it is safe to return or, redeployed to other safer duties. In high risk circumstances management may need to take appropriate action prior to medical action in order to minimise risk.

The employer will treat in strictest confidence all dealings with individuals coming within the scope of this procedure and any personal records associated with a case will only be seen on a need to know basis. Medical records will remain under standard confidentiality guidelines, unless the employee consents to their disclosure.

# Employee Support

The employer aims to provide support to those with use problems with a view to the individual achieving a full recovery, thereby allowing a return to work to undertake full duties as appropriate to the individual’s position within the organisation. Alcohol or substance use may develop for a variety of reasons and over a long period of time. It is further recognised that it will certainly impact on an employee’s life and ability to function and carry out work safely, effectively, and without risk to themselves or others and, as far as the problem is treatable it should be considered in a similar way to other health matters. Individuals suffering from such problems are encouraged to seek help and treatment. To this end, the employer will provide:

* The opportunity for referral through OHS/OHP to appropriate treatment agencies subject to consent and agreement.
* Appropriate time off work to attend such treatment as recommended.
* Appropriate modification of duties where business needs allow in line with advice received from medical practitioners during any period of treatment and for any agreed period thereafter.
* Provide information on support services available
* Any other support considered reasonable e.g. Trades Unions, GP

# What should you do if you suspect an employee has a use/dependency/etc. issue?

# Where an employee suspects another employee has a use or dependency issue this should be raised with their own line manager, who can then ensure the information is passed to the appropriate manager.

# Management referral to OHS/OHP Department

Management should seek advice from People Management/ETC on the issue and appropriateness of a referral to OHS/OHP where they suspect alcohol or substance use.

Where employees have access to OHS, managers can find the referral guidance here: <http://www.intouch.ccc/hr/Attendanceandwellbeingochealth.asp>

If employees do not have access to OHS, managers will need to contact their OHP or HR provider

OHS/OHP will provide a report and may advise that no problem exists, in which case the line manager/Head Teacher will fully reassess the situation which led to the referral to determine appropriate management action.

Should OHS/OHP advise that alcohol or drug use does exist, in appropriate cases, they will take the necessary action to provide support to the individual themselves and may include a referral to the individuals General Practitioner or other support services. OHS/OHP may recommend restriction of duties or that the employee is unfit for work. In these circumstances, OHS/OHP may arrange subsequent follow-up checks.

If OHS/OHP is given the responsibility of monitoring an individual’s progress, a report will be provided to management by OHS/OHP on their progress. OHS/OHP may consider it appropriate to set up an agreement with the individual setting out the arrangements and obligations relating to the rehabilitation to be agreed between relevant parties.

# Treatment

When a programme of treatment necessitates time off work, the individual must first discuss this with their line manager/Head Teacher who will discuss how the time off from work should be accounted for, ensuring any time off is taken in accordance with the employer’s time of work guidance.

During the course of treatment OHS/OHP will liaise with the treatment provider and/or the General Practitioner in order to provide progress reports to management.

If management determines any drug usage continues, OHS/OHP will be advised so that continued informed monitoring of the individual can continue in appropriate cases. In some case and by agreement of all parties regular testing can be arranged to support and facilitate rehabilitation.

OHS/OHP will report to management if treatment has been successful, or if it has been discontinued, either by the treatment provider because of lack of progress, or by the individual discontinuing treatment themselves.

If following a period of treatment, or during treatment, the individual has a relapse, the case will be considered on its merits and, if considered appropriate, management action may be taken. It must be understood by all employees however the employer will reserve the right to apply its disciplinary/capability/attendance procedures at its discretion. The following are examples of circumstances which may lead to action under the relevant procedure:

* Poor/unsatisfactory performance or attendance.
* A relapse occurs, after encouragement and support to seek help.
* The employee, having been identified as possibly suffering from alcohol or drug use, declines to accept referral for diagnosis and/or specialist help.
* If treatment is discontinued before its satisfactory completion, but the employee continues to display an unsatisfactory level of work performance or attendance.
* Misconduct, whether or not related to alcohol/drugs.

NOTE: Alcohol and drug dependency are not considered to be disabilities under the Equality Act 2010.

Advice should be sought from People Management / HR provider before progressing to or implementing other relevant procedures.

# Appendix 2 - Useful Links and Support Services

**Cumbria Partnership - NHS**

<https://www.cumbriapartnership.nhs.uk/our-services/mental-health/help>

**Unity**

<https://www.gmmh.nhs.uk/unity>

**Cumbria Local Safeguarding Board**

<http://www.cumbrialscb.com/professionals/supportandservicesforfamilies/drugalcoholsubstancemisuse.asp>

**Talk to Frank**

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

**Drugs.ie**

<http://www.drugs.ie/>

**Patient Info**

<https://patient.info/health/recreational-drugs>

# Appendix 3 – Legal Information

* **The Misuse of Drugs Act 1971**

It is an offence to possess, supply, offer to supply or produce controlled drugs without authorisation. If the employer knowingly permits the production or supply of any controlled drugs or certain other activities to take place on the employers premises it could be committing an offence.

* **The Psychoactive Substances Act 2016** covers the production, supply or import (even for personal use, e.g. over the internet) for human consumption of psychoactive substances.
* **The Health and Safety at Work Act 1974**

The employer has a duty to ensure, as far as reasonably practicable, the health, safety and welfare at work of all employees.

If the employer knowingly allows an employee under the influence of alcohol or other substance to continue working, and therefore placing themselves and others at risk, the employer could be prosecuted.

* **The Management of Health and Safety at Work Regulations 1999**

The employer has a duty to assess the risks associated with the work and its possible effect on the employee.

* **The Road Traffic Act 1988**

A person who is unfit to drive through alcohol/drugs is guilty of an offence. The same applies to someone in charge of a vehicle who is unfit through alcohol/drugs.