

To: **EMLOYMENT COMMITTEE**  
**8 February 2023**

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**HR POLICY REVIEW – SUBSTANCE MISUSE POLICY**  
**Executive Director of Resources**

**1 Purpose of Report**

1.1 The Human Resources team are undertaking a review of the HR policies with a view to updating and, where applicable, rationalising the number required. A schedule has been established to undertake this work resulting in a revision to the Substance Misuse Policy.

**2 Recommendation(s)**

**2.1 That Employment Committee review and agree the revised policy for Substance Misuse.**

**3 Reasons for Recommendation(s)**

3.1 To enable revised policies to be provided to assist managers throughout the Council in effectively managing and, where necessary, support their workforce and to comply with legal requirements and best practice.

**4 Alternative Options Considered**

4.1 To retain the existing policies and ignoring the updates provided for this review.

**5 Supporting Information**

5.1 It is recognised that the HR policies require review to ensure they remain up to date, follow best practice, effectively support managers in dealing with often complex cases and cover the Council's legal duties. As a result, a schedule has been established to review the current HR policies some of which have not been reviewed for some time.

5.2 The revised schedule has been established to prioritise those policies where there have been challenges to implement or where there has been a clear business case to do so. Policies for Domestic Abuse and Violence and Abuse at Work have been those most recently been updated and implemented.

5.2 The process for reviewing the policies has included engagement with stakeholders across the Council and trade unions. The future development for this activity will include establishing a sub-group of the Workforce Board to facilitate engagement across the Council so the pressures and challenges of each subject area can be considered.

5.3 The following amendments have been made to the policy:

- Equality section amended
- Amendment to scope
- Addition of guidance for managers if an employee discloses a substance misuse problem (Section 6.3)
- Addition of a section on Support available for employees (Section 6.5)

- 5.5 It is recognised that the policy and procedure alone does not provide the confidence and competence to manage workforce situations. The HR/OD Team will be supporting the effective management of these procedures through a programme of development for managers.

## **6 Consultation and Other Considerations**

### Legal Advice

- 6.1 As a responsible employer it is incumbent upon the Council to ensure that it has in place policies and procedures which provide a framework for enabling it to discharge its legal responsibilities in the field of employment law. These responsibilities are framed around a need to ensure employees have access to fair and transparent processes HR processes. The updated policies provide a framework for decision making which (when followed) will mitigate the risk of successful legal challenges.

### Financial Advice

- 6.2 Not required for this paper

### Other Consultation Responses

- 6.3 The policies have been through a consultation exercise with trade unions. Any comments or suggestions received have either been incorporated into the policy or an explanation provided as to why it was felt inappropriate to do so.

Engagement with the unions around drinking at work led to the response that the rules around alcohol consumption could be open to interpretation. Their recommendation would be to have a zero-tolerance policy on alcohol consumption during work hours, with specific exemptions for entertaining from the director. The Head of the Drug and Alcohol Service believed there should be zero tolerance enforcement on work premises but attempting to enforce this for lunch breaks would lead to challenges of enforcement and implementation.

Groups across the Council have had the opportunity to consider and comment on the policies including the Equalities Group.

### Equalities Impact Assessment

- 6.4 The performance of these policies is monitored and included with the annual workforce monitoring report.

### Strategic Risk Management Issues

- 6.5 The policies being presented could have a significant impact on the Council where either poor people management or failure to follow due process could present legal challenges. This is aside the personal impact this can have on either individuals or wider teams where these important areas are not addressed well.

### Climate Change Implications

- 6.6 The recommendations in Section 2 above are expected to have no impact on emissions of CO<sub>2</sub>.

The reasons the Council believes that this will have no impact on emissions are the fact that these are employment procedures in place to support attendance and fair treatment for staff at work.

### Health & Wellbeing Considerations

- 6.7 It is recognised that implementation of these procedures can create significant challenges for all staff involved. It is essential that consideration for the health and wellbeing for staff is always considered and the appropriate support is provided including involvement with occupational health.

In the very few cases where staff have been challenged with alcohol or drug addiction, the approach of the council has been to provide support and guidance for the employee.

### Background Papers

Substance Misuse Policy

#### Contact for further information

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