

Substance Misuse Policy

Document Control

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Owning Service	Human Resources		

Approvals (if required)

Date Employment Committee gave authorisation for changes (where necessary)
Not applicable

Change History

Version	Date	Description	Changes made by
2.0	Dec 2022	New template 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)	Melissa Berry
1.1	March 2019	No significant changes	Melissa Berry

Contents

1	INTRODUCTION.....	1
2	EQUALITY	1
3	PURPOSE.....	1
4	PRINCIPLES.....	2
5	SCOPE.....	3
6	MANAGEMENT ADVICE AND GUIDANCE	3
6.1	Rules regarding Consuming Drugs and Alcohol and other Substance Misuse.....	3
6.2	Indications of Substance Misuse	4
6.3	Guidance for Managers on raising the issue of substance misuse.....	4
6.4	Employees Attending Work Under the Influence of Alcohol, Drugs or Other Substances	5
6.5	Employee Support Available.....	6
6.6	On-going Support/Treatment	6
6.8	Substance Misuse Outside Work/Socially	6
6.9	Team social events	7

BRACKNELL FOREST COUNCIL'S SUBSTANCE MISUSE POLICY

1 INTRODUCTION

The Council wishes to help employees to confront and tackle substance abuse issues where fear of reprisals may make an individual hesitate to come forward for help. It is therefore important that managers do not automatically resort to using the Disciplinary or Performance Improvement/Capability procedures where a dependency problem is involved, but will do so when; health and safety, service delivery or the image of the Council is seriously compromised. In all cases, the line manager should treat the person's dependency problem firmly but with sympathy and attempt, wherever possible, to get the individual to seek help.

2 EQUALITY

At Bracknell Forest Council we are committed to encouraging equality, diversity and inclusion among our workforce, and eliminating unlawful discrimination. We want everyone that works for us to feel that their individuality is respected, and their unique contributions are valued.

The aim is for our workforce to be truly representative of all sections of society and our customers, and for each employee to feel respected and able to give their best.

The organisation - in providing goods and/or services and/or facilities - is also committed against unlawful discrimination of customers or the public.

3 PURPOSE

Bracknell Forest Council has a duty as an employer to take reasonable care of employees and provide a safe and healthy working environment. The Council is committed to raising employees' awareness of the dangers of alcohol, drug and substance misuse, which often has a medical context. By making this policy widely available to all employees it will fully support and encourage employees who are affected by misuse to seek help.

Alcohol, drugs substance dependency can affect attendance, work ability, work performance and the safety of employees and others. Helping the employee is a high priority, but safety in the workplace and the maintenance of quality services are equally important. This policy sets out a framework for addressing these concerns. It also sets out the basic expectations of the Council in relation to; drugs, alcohol and substance misuse in the workplace. Given the agile working arrangements it should be recognised that the workplace will incorporate times where staff are working from home. Where reference is given to work time this will include those occasions where an employee is working from home.

Under what is known as the common law duty of care, all employers must take reasonable care of employees, or they may be able to bring a claim of negligence. If an employer allows an employee to continue to work when under the influence of drugs, alcohol or substances, there is, at the very least, a risk that the duty of care may be

breached. The employer may be vicariously liable for the negligence of the intoxicated employee.

Employees have an individual legal responsibility in relation to their colleagues and their own health and safety. They could be sued for negligence, along with the employer, if they fail to carry out their work with reasonable care due to being under the influence of alcohol, drugs or substances, and cause damage or injury as a result.

4 PRINCIPLES

Bracknell Forest Council recognises that alcohol, drug and substance misuse could be considered an illness and will be treated in the same way as other health matters. However, where alcohol, drug and substance misuse persist or employees do not take the agreed actions to address their substance misuse, performance and/or disciplinary issues may also need to be addressed.

Employees who have developed a dependency on alcohol, or other substances, and whose work is affected, are encouraged to make a disclosure to their line managers and to seek early help and counselling see section 6.5 below.

The Council has a duty to set standards of conduct for employees, and behaviour associated with alcohol and/or substance abuse may be regarded as misconduct and mean employees are liable to disciplinary action. This policy identifies the importance of addressing both health and conduct issues through the appropriate Council procedures.

At its most serious level, misuse of alcohol or other substances can seriously put at risk an individual's personal safety, that of other employees and any other person with whom they come into contact. Disregard for personal safety and that of others; disobedience associated with any safety instruction; and unacceptable behaviour in the workplace, are examples of matters of misconduct which will normally be addressed through the Council's disciplinary procedure. However, where this is due to alcohol, drugs or other substances, the Council may suspend disciplinary action on condition that the employee follows a suitable course of action.

Many employees come into direct contact, either face to face or by telephone, with Council customers. Employees in contact with the public have a personal responsibility to maintain the Council's reputation, which must not be impaired by behaviour associated with alcohol, drugs or substance misuse. It is important to emphasise that even a relatively small amount of alcohol consumed by an employee may be apparent to the customer and may present a negative image of the Council. Also, it may lead to the impairment of working relationships. Likewise, employees who use recreational drugs 'socially' at weekends and such activity is posted on social media, discussed openly in a work setting may be subject to disciplinary action.

Any contact with the Staff Counselling Service/Employee Assistant Programme will remain confidential. Occupational Health will report back to management within the rules of medical confidentiality. Departmental managers will maintain confidentiality as far as is compatible with protecting health and safety and the delivery of services.

5 SCOPE

This procedure applies to all employees of Bracknell Forest Council, with the exception of:

- School based staff (see separate School policy)

6 MANAGEMENT ADVICE AND GUIDANCE

6.1 Rules regarding Consuming Drugs and Alcohol and other Substance Misuse

No consumption of alcohol/non-prescription drugs or other substances is allowed while an employee is at work or on work premises, other than alcohol which is permitted on occasions by agreement with the relevant Director. These will be restricted to social occasions and meetings involving external participants and will normally be outside working time.

Employees must report to work fit to perform their duties and in a condition which is acceptable to management, colleagues, and customers. Being under the influence of alcohol or drugs or other substances is not acceptable. Employees on medication prescribed by their doctor must notify their line manager and, through the manager, Occupational Health if necessary if there is a likelihood that the medication could affect job performance or safety of themselves or others. Appropriate measures can then be taken, and Occupational Health can advise on the likely effects of the medication.

Drugs, alcohol or substance dependency is not in itself misconduct. Employees will be supported to access the appropriate treatment and consideration given to reasonable adjustments and support to facilitate this treatment. However, if despite this treatment and support performance, attendance or behaviour continue to be unacceptable, the disciplinary or capability process will be followed which could ultimately lead to dismissal.

In situations where employees are found in possession, or under the influence of non prescription drugs on Council premises, the Council may inform the Police. In some circumstances, it may also be necessary to report criminal behaviour associated with alcohol abuse, e.g., drink driving.

6.2 Indications of Substance Misuse

Alcohol, drug or substance misuse may be suspected, if one of the following signs is observed. It should be noted that these signs are not exhaustive, nor on their own would they indicate alcohol or substance misuse as they may be caused by other conditions including stress or underlying medical conditions.

Absenteeism – unauthorised leave, patterns of absence (e.g., after weekends), recurring reasons for absence, lateness in the mornings or after lunch.

Appearance - Flushed face or 'bleary eyes', aroma of alcohol/non-prescription drugs, hand tremors, deterioration of personal appearance.

Work performance - tasks take longer to perform, missing deadlines, mistakes due to inattention or poor judgement, complaints from colleagues or members of the public, inability to remember instructions and reliability, confusion.

Conduct/behaviour – withdrawal, depression, anxiety, mood changes, uncharacteristic behaviour, accidents, alcohol on the breath, dishonesty, theft.

6.3 Guidance for Managers on raising the issue of substance misuse

Line managers who believe an employee is demonstrating signs which may be associated with the misuse of alcohol, drugs or other substances must raise the matter with the employee in private and offer guidance and support through the Council's Occupational Health Services (referral is only possible by the line manager and via HR). and/or the [Vivup Employee Assistance Programme](#). They should introduce the subject of deteriorating performance or behaviour without suggesting drugs, alcohol or substance misuse directly in the first instance, as a confrontational approach may be counterproductive.

When raising the issue, line managers should remember the following points:

- They are not expected to be alcohol, drug or substance specialists or counsellors. Their primary role is to address declining or unacceptable work performance or behaviour.
- Meetings should not be conducted in public, but in a private room out of earshot and somewhere interruptions won't take place. The employee should be encouraged to talk, and the use of emotive language should be avoided.
- Managers shouldn't jump to conclusions as the behaviour may not be due to alcohol, drugs, or substance use. Asking the individual about how they view their work situation can be effective and get to the root of the problem.
- Necessary paperwork with possible indications, including records of attendance, poor work performance and bad employee relationships should be on hand to show the employee that there is cause for concern.

If no reasonable explanations are offered for the behaviour, the manager may ask if drugs, alcohol or substances are a factor; but the employee may deny it. They will need to maintain a continuing dialogue on performance/behaviour issues and continue to offer relevant support. There is currently no procedure in place at Bracknell Forest Council for drug, alcohol or substance testing.

When an employee makes a disclosure:

- Thank them for their disclosure and assure them that the council will support them in getting help.
- Treat the matter in a non-judgemental and confidential way.
- Offer the support of an occupational health referral and refer to the employee assistance programme
- If the person has already contacted specialist agencies for support, identify how you can accommodate them (for example what time off might be needed).

- Consider any health and safety implications – are there any aspects of their role that may put them or others at risk? Are there any adjustments that need to be made to their role?
- Refer the employee to the Substance Misuse policy and remind them that if they attend work under the influence of drugs or alcohol, this could become a disciplinary matter.

6.4 Employees Attending Work Under the Influence of Alcohol, Drugs or Other Substances

Where an employee arrives for work and appears to be incapable of carrying out their duties due to the influence of drugs, alcohol or other substances, they should be counselled by their line manager and informed of the possibility of disciplinary proceedings. The manager should consult a First Aider to ensure there are no medical concerns, following which the employee should then be sent home until the next day/shift, as safety or service delivery are likely to be seriously compromised by their apparent condition. If the manager observes that, in their opinion, the employee is not fit to drive, then they must arrange an alternative method for the employee to get home safely.

On the employee's return to work, the line manager must speak to them regarding the incident which occurred when they were last at work. If the employee states that they believe they have a substance dependency, they should be referred to the Occupational Health Service. Where an unsatisfactory explanation is received, the employee should be informed of the expectations of the employer (see paragraph 6.1) and the consequences of further occurrences. In some cases, immediate measures may need to be taken – suspension may be considered during an investigation, however, may not be necessary. For example, where an employee operates machinery or uses their car for business use, it is important that both activities are suspended until the employee is fit for work. Such misconduct is not necessarily evidence of a dependency problem.

If an employee becomes concerned about a fellow employee's behaviour and observes possible signs of alcohol or other substance misuse, the concerns can be raised in confidence with the relevant line manager.

If an employee thinks that they have a problem, they can seek advice from their line manager or Employee Assistance Programme where confidentiality will be maintained

6.5 Employee Support Available

Support is available for employees through self-referral to the [Staff Counselling Service](#) employee assistance or management referral to the Council Occupational Health Service.

Any contact with the Staff Counselling Service will remain confidential. Occupational Health will report back to management within the rules of medical confidentiality. Departmental managers will maintain confidentiality as far as is compatible with protecting health and safety and the delivery of services.

6.6 On-going Support/Treatment

It is important that the line manager does not treat a referral to Occupational Health or an offer of counselling support as the end of the process. Line managers should

continue to monitor the situation and offer appropriate help and support to the employee on an on-going basis.

The individual may need time off for treatment. Should treatment be required, time for appointments would be taken with the same limitations as time off for [hospital/doctors appointments](#). Those on the flexitime scheme will make appointments in their own time, those not on flexitime who cannot arrange appointments outside working time will be allowed the time off without reduction in pay.

6.7 Managing Absence/Capability Issues

If sickness absence has become a problem, the Council's Managing Attendance Policy provides line managers with a framework for addressing issues of this nature. The procedure emphasises the need to balance concern for the wellbeing of the individual employee, against the impact of the employee's absence/performance on the delivery of Council services.

If employee performance has declined to such an extent that the line manager wants to take further action, then the Council's Performance Improvement and Capability Procedure can be used. HR advice may be sought before starting this process.

If appropriate, line managers should consider the use of the Council's Disciplinary procedure. Misconduct may include work performance being severely affected by the after-effects of alcohol consumption or having illegal drugs on their person at the workplace. Managers may refer to HR for guidance and use the Disciplinary Procedure as appropriate. If there are reports of misbehaviour, or even convictions outside work, related to drugs and alcohol and the line manager feels that they have an impact on the workplace, they should contact HR for advice on possible action.

It may be, however, that action under the various Council procedures described in the preceding paragraphs above is not appropriate in a particular case, and continuing help and support is considered sufficient. The substance dependency should be considered as a factor when determining what action needs to be taken.

6.8 Substance Misuse Outside Work/Socially

Where there is any substance use in an out of hours or social setting, for example at the weekend, employees are reminded that they must be fit to attend work when they are next due in work. . Employees are reminded that they need to consider the impact of such use on the council as their employer, and that they should not bring the Council reputation into disrepute by, for example, posting on social media posts or discussing substance misuse whilst at work. Should the council become aware of such behaviour, this may be subject to disciplinary action

6.9 Team social events

It may be appropriate for a manager to consider the potential impact on staff known to have drug, alcohol or substance dependencies (or recovering from), and discuss with them their preferences before arranging team social events. It may be necessary to hold any team social events in a venue that supports staff who may be working to reduce alcohol intake and does not encourage events such as Christmas outings or staff leaving events.

Where drinks are arranged between colleagues as part of their employment (such as team drinks) employers will continue to be vicariously liable for employees' behaviour at those drink events as it is likely to be seen "in the course of their employment".

Therefore, the Council expects staff to maintain acceptable standards of behaviour and language during this time. Should there be a report of unacceptable behaviour or language, employees may be subject to disciplinary action despite the event being outside working hours.