

## ABERDEEN CITY COUNCIL

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<b>COMMITTEE</b>	Staff Governance
<b>DATE</b>	4 May 2018
<b>REPORT TITLE</b>	Managing Substance Misuse policy
<b>REPORT NUMBER</b>	RES/18/012
<b>DIRECTOR</b>	Steve Whyte
<b>CHIEF OFFICER</b>	Morven Spalding
<b>REPORT AUTHOR</b>	David Forman and Keith Tennant
<b>TERMS OF REFERENCE</b>	Purpose of Committee 6 Remit of Committee 4 (4.1)

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### **1. PURPOSE OF REPORT**

- 1.1 The purpose of the report is to seek approval for a revised Managing Substance Misuse policy.

### **2. RECOMMENDATION**

- 2.1 That the Committee approves the attached revised Managing Substance Misuse policy.

### **3. BACKGROUND**

- 3.1 The Managing Substance Misuse Policy and Procedure was reviewed under the rolling programme of HR policy reviews in order to bring it up-to-date with best employment practice.
- 3.2 As part of the review, engagement was undertaken with various parties in the organisation, including the HR policy focus group, in order to elicit views on the operation of the current policy and on what changes might be required to it. A legislative review was also undertaken to identify any changes in law that might impact on the policy. In addition, benchmarking was carried out with other relevant organisations to identify any best practice in relation to the management of substance misuse issues.
- 3.3 The review also took account of the criteria under the 'Healthy Working Lives' accreditation in relation to what should be contained in a substance misuse employment policy, to help ensure maintenance of the Council's silver award.

- 3.4 It was identified from the review that a number of changes were required to the policy. The main changes to the policy document are shown under paragraphs 3.41 to 3.57 below.
- 3.41 Where there was mention in the policy of 'alcohol/substance abuse' this has been replaced with 'substance misuse', being an inclusive and up-to-date term.
- 3.42 A section on 'Other Considerations' has been added (on page 4) containing two bullet points that were previously under 'core principles', including what should occur where an employee is identified as being in possession of an illegal substance in the workplace, and stating that it is unacceptable for employees to consume alcohol or illegal substances during working time.
- 3.43 In the 'Definition' section (on pages 4-5) reference is now made to the Psychoactive Substances Act 2016 and there has been an extension of the list of substances covered by the policy to incorporate all intoxicants, legal or otherwise.
- 3.44 There has been an addition to the Prescribed Medication section (on page 5) stating that, where employees have declared the use of a medication that may affect their ability to work, management must ensure that measures are put in place to allow the employee to work safely. It also includes details of the potential consequence for an employee (where an incident occurs) of not informing their management of prescribed medication use that may affect their ability to carry out their day to day duties.
- 3.45 A section has been added under 'Supporting Provisions' (on pages 9-10) in relation to those employees who voluntarily identify themselves as possibly having a substance misuse problem. It indicates that these employees may not be subject to any Council procedure (discipline, attendance or performance) at the time but will receive similar support to those who are referred through the management or disciplinary routes. The details of supporting provisions are shown.
- 3.46 One of the supporting provisions under the management and disciplinary referral routes (on pages 8-9) has been amended, to make it clear that where an employee is unable to continue in their substantive post reasonable efforts will be made to identify an alternative post.
- 3.47 In the 'Managers' sub section in the 'Organisational Responsibilities' section (on page 6), the responsibility for managers to maintain employee confidentiality in relation to substance misuse is now explicit in the policy.
- 3.48 In the 'Employees' sub section in the 'Organisational Responsibilities' section (on pages 6-7), the responsibility for employees to be free of the detrimental effects of substances has been clarified and extended to both employee performance and behaviour.
- 3.49 Also in the 'Employees' sub section in the 'Organisational Responsibilities' section, the information relating to intoxicating substances and their capacity

to remain in the system has been removed, this detail not being required in the policy.

- 3.50 In Section 2: Managing Substance Misuse procedure, the sections on Management and Disciplinary referral (on pages 7-8) have been expanded on, to detail the consequences of not accepting the support provided or where no underlying problem has been found.
- 3.51 Where an employee is considered under the policy through a disciplinary referral (on page 8), the process has been amended stating that disciplinary cases should be dealt with following receipt of the occupational health assessment report, where a substance misuse issue has been identified which has contributed to the conduct issue, rather than being adjourned until after the employee has undergone a treatment/support programme. The section on Disciplinary Action (on page 11) has also been updated to reflect this.
- 3.52 A section on Relapse and how it should be dealt with has been added (on pages 10-11). Employees should only be permitted one instance of relapse and if a further instance arises they will normally be managed under the appropriate Council policy/procedure.
- 3.53 Also under Relapse (on pages 10-11), a bullet point has been included covering cases where an employee has been relapse free for a period of 12 months or more from initial occupational health assessment, with the substance misuse problem being regarded as resolved after this time for the purposes of the policy.
- 3.54 In the Section on Capability (on page 12) details of the process for undertaking a capability hearing have been moved to the guidance notes.
- 3.55 The list of drugs tested for has been updated to reflect current practice (on page 12).
- 3.56 The appendices to the current policy, including the flow chart of the processes, the template support agreement and the general information on identifying alcohol and substance misuse etc., have been removed from the policy and will now only be part of the guidance accompanying the policy.
- 3.57 Where there was mention of a recovery programme, this has been amended to support programme.

#### **4. FINANCIAL IMPLICATIONS**

- 4.1 There are no direct financial implications arising from the recommendations of this report.

## 5. LEGAL IMPLICATIONS

- 5.1 There was one legislative change taken account of in the review of this policy, namely the introduction of the Psychoactive Substances Act 2016 which had the effect of making the production and supply of so called former 'legal highs' illegal. The list of substances covered by the policy was extended to incorporate all intoxicants, legal or otherwise.

## 6. MANAGEMENT OF RISK

	Risk	Low (L), Medium (M), High (H)	Mitigation
<b>Financial</b>	None	N/A	N/A
<b>Legal</b>	If the revised policy were not approved then account would not be taken of the legislative change relating to substances; namely the introduction of the Psychoactive Substances Act 2016 (with the list of substances covered by the policy extended to incorporate all intoxicants, legal or otherwise).	Low	The approval of the revised policy will mitigate this risk.
<b>Employee</b>	If the revised policy which reflects current best practice and is legislatively up-to-date were not approved, it may mean that the management of future employee substance misuse issues may be undertaken less effectively which could affect employee wellbeing and morale.	Low	The approval of the revised policy should help to mitigate this risk.
<b>Customer</b>	If the revised policy were not approved, this may mean that the	Low	The approval of the revised policy should help to mitigate

	management of future employee substance misuse issues may be undertaken less effectively and could affect employee wellbeing and morale. This could have a knock on effect in relation to the service some employees provide to customers of the Council.		this risk.
<b>Environment</b>	There is no identified environmental risk.	N/A	N/A
<b>Technology</b>	There is no identified technological risk.	N/A	N/A
<b>Reputational</b>	There is no identified reputational risk.	N/A	N/A

## 7. OUTCOMES

<b>Local Outcome Improvement Plan Themes</b>	
	<b>Impact of Report</b>
<b>Prosperous Economy</b>	Applying good employment practices are important in maintaining employee morale and engagement. With levels of employee engagement linked to productivity and resource efficiency, having an up-to-date Managing Substance Misuse policy should assist the Council in delivering services as cost effectively as it can. Given the role that the Council plays in fostering an environment where the local economy can thrive, having an engaged workforce delivering efficient cost effective services is a key element of achieving this.
<b>Prosperous People</b>	N/A
<b>Prosperous Place</b>	N/A
<b>Enabling Technology</b>	N/A

<b>Design Principles of Target Operating Model</b>	
	<b>Impact of Report</b>
<b>Customer Service Design</b>	N/A

<b>Organisational Design</b>	N/A
<b>Governance</b>	Links to the 'Governance' design principle in that the revised policy helps ensure the organisation is legislatively up-to-date.
<b>Workforce</b>	Links to the 'Workforce' design principle in that the policy, which incorporates up-to-date best practice in addressing substance misuse issues, contributes to the culture the Council is aiming to provide.
<b>Process Design</b>	N/A
<b>Technology</b>	N/A
<b>Partnerships and Alliances</b>	N/A

## 8. IMPACT ASSESSMENTS

<b>Assessment</b>	<b>Outcome</b>
<b>Equality &amp; Human Rights Impact Assessment</b>	Full EHRIA required
<b>Privacy Impact Assessment</b>	Not required
<b>Duty of Due Regard / Fairer Scotland Duty</b>	Not applicable

## 9. BACKGROUND PAPERS

CIPD Survey Report – Managing Drug and Alcohol Misuse at Work  
HSE Drug Misuse at Work - a guide for employers  
ACAS Health, Work and Wellbeing booklet  
Healthy Working Lives Alcohol & Drugs Policy Assessment Tool

## 10. APPENDICES

Appendix 1 – Draft Managing Substance Misuse Policy

## 11. REPORT AUTHOR CONTACT DETAILS

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