

ABERDEEN CITY COUNCIL

COMMITTEE:	Education Culture and Sport
DATE:	16 September 2010
DIRECTOR:	Annette Bruton
TITLE OF REPORT:	Managing substance misuse policy and procedure (updated)
REPORT NUMBER:	ECS/10/064

1. PURPOSE OF REPORT

This report proposes a revised policy/procedure on managing substance misuse, including alcohol, in the workplace.

2. RECOMMENDATION(S)

It is recommended that the Committee approves the revised policy/procedure (detailed at Appendix A).

3. FINANCIAL IMPLICATIONS

There are no direct financial implications arising from the revised policy.

4. SERVICE & COMMUNITY IMPACT

This policy will enable us to comply with our obligations under health and safety and employment legislation.

5. OTHER IMPLICATIONS

This policy will ensure that managers adopt a fair and consistent approach to the management of alcohol and substance misuse.

6. REPORT

This report updates the existing policy and procedure on managing alcohol and/or substance misuse to bring it in to line with best practice. The review has been conducted in accordance with the Healthy Working Lives criteria in support of the Council's aspiration to achieve the Healthy Working Lives Silver award. This award

recognises organisations that meet a prescribed standard of a healthy and safe workplace.

The main features of the revised policy and procedure are as follows:

- The policy provides a structure for a supportive and constructive approach to managing substance misuse in line with the Council's legal obligations under the Health & Safety at Work Act 1974 and Misuse of Drugs Act 1971.
- The policy states that employees must attend work free of the affects of alcohol and / or substances.
- The substances that are covered by the policy and procedure are defined, including alcohol.
- The policy states that employees should notify their manager if they are taking prescribed medication which may impair their ability to undertake their duties safely and effectively.
- The responsibilities of managers and employees in the management of alcohol or substance misuse are explained.
- The procedure identifies 3 possible referral routes and explains when it is appropriate to follow each depending upon how the substance misuse issue has come to light.
- The procedure details the supporting provisions that are available and when these should be put in place.
- Clarification is provided on how and when management of substance misuse may integrate with the implementation of the Managing Discipline, Managing and Supporting Work Performance or Managing Attendance Policies.
- The circumstances when testing for alcohol or substances may occur are explained.
- Information is provided on sources of support, sensible drinking limits and recognising alcohol and/or substance misuse.

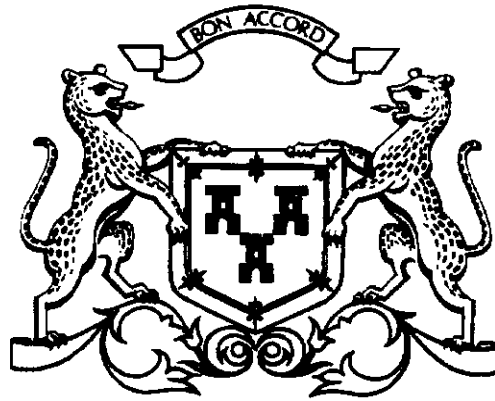
The policy and procedure will be supported by guidance notes for managers.

7. REPORT AUTHOR DETAILS

Carolyn Thomson
HR Adviser
cathomson@aberdeencity.gov.uk
523784

8. BACKGROUND PAPERS

None



ABERDEEN CITY COUNCIL

MANAGING SUBSTANCE MISUSE

POLICY AND PROCEDURE

CONTENTS

Section 1: Policy Statement

- Introduction
- Scope
- Core Principles
- Definition
- Prescribed Medication
- Organisational Responsibilities
 - Managers
 - Employees

Section 2: Managing Substance Misuse Procedure

Referral

Management Referral
Disciplinary Referral
Voluntary Referral

Supporting Provisions

Disciplinary Action

Action Other than Disciplinary

Capability

Testing

Section 3: Review of the Procedure

Appendices:

Appendix 1	Referral diagram
Appendix 2	Treatment/Support agreement
Appendix 3	Sources of information/support
Appendix 4	Information on sensible drinking
Appendix 5	Recognising alcohol and/or substance misuse

SECTION 1: POLICY STATEMENT

Introduction

The Council recognises the need to manage the effects of alcohol and substance misuse problems in the workplace and will make every effort to ensure that such problems do not adversely affect service delivery nor the health, safety and welfare of employees or the public. Employees must ensure that, whilst at work, they are free of the effects of alcohol and / or substances. It is recognised that alcohol and substance misuse problems may arise which have an effect on an employee's ability to perform their duties and/ or their behaviour. The Council will make every reasonable effort to help and support employees in such circumstances with encouragement given to seek appropriate treatment that will allow them to return to an acceptable standard of performance and/or behaviour. Likewise, the Council is committed to assisting managers to recognise and effectively deal with alcohol and substance misuse problems in the workplace. An employee who refuses advice or assistance or discontinues an identified recovery programme before its conclusion will normally be subject to the appropriate Council procedure for managing conduct, attendance or work performance where their conduct, attendance or work performance continues to be unacceptable.

Scope

This policy is concerned with the effects of alcohol and substance misuse in the workplace and applies to all employees. Others undertaking work for or on behalf of the Council, but not employed by the Council, e.g. casuals/reliefs contractors and visitors are required to adhere to the policy guidelines even although not covered by procedural details.

Core Principles

- To meet the Council's legal obligations under the Health & Safety at Work Act 1974 to ensure the health and safety of its employees and others at work by providing a work environment in which the safety and optimum performance of employees is not adversely affected by the misuse of alcohol and/or substances.
- To minimise problems arising from the impact of alcohol and substance misuse on work.
- To ensure that all employees are clear that it is unacceptable to attend for work whilst unfit through alcohol and substance misuse, and that such behaviour will be addressed through the Managing Discipline procedure and will normally constitute gross misconduct
- To ensure a supportive and constructive approach to managing alcohol and substance misuse issues is adopted by the Council but at the same time recognising the need to maintain high service delivery standards. All reasonable efforts will be made to support and assist an employee to

overcome an alcohol or substance misuse problem, where the employee acknowledges the problem and demonstrates a willingness to address it.

- To ensure that every reasonable effort is made to address known alcohol or substance misuse issues promptly, consistently and effectively.
- To ensure that appropriate guidance is provided to managers on how to handle employee alcohol and substance misuse issues. The Council will also seek to educate and raise awareness of alcohol and substance misuse issues amongst employees.
- To ensure employees are aware of the consequences of possession of an illegal substance within the workplace. This will be subject to the 'Managing Discipline' procedure and may be reported to the Police. Any person suspected of trafficking illegal substances in the workplace will be reported to the Police and will be subject to the 'Managing Discipline' procedure, this normally being construed as gross misconduct.

The confidential nature of any records of employees who have an alcohol or substance misuse problem will be preserved.

Throughout the procedure, special allowance should be made for those employees whose first language is not English or who have difficulty expressing themselves

Definition

Alcohol and substance misuse is defined for the purposes of this Policy as the intermittent or continual use of alcohol or other substances which causes detriment to the employee's health, social functioning or work performance, and which affects efficiency, productivity, safety, attendance, timekeeping or conduct in the workplace.

For the purpose of this policy, the term 'substance' includes:

- Any illegal drugs (as defined in the Misuse of Drugs Act 1971);
- Alcohol;
- Prescribed drugs;
- Over the counter medication;
- Solvents, i.e. lighter gas refills, aerosols, glues, paint thinners, etc.

Prescribed Medication

Regardless of whether an employee has an alcohol or substance misuse problem where drugs are prescribed by a GP, employees should seek advice from the GP or pharmacist as to whether these drugs might affect their ability to fully undertake their work duties. If this is the case the employee must notify their manager immediately that the medicine might cause side effects and impair their ability to undertake their duties safely and effectively.

Organisational Responsibilities

The recognition and management of alcohol and/or substance misuse is an integral part of the Council's responsibility to its employees, and the role of Directors, Heads of Service, managers, supervisors and employees in addressing this issue is vital.

As a responsible employer, the Council is aware of its responsibility for the health, safety and welfare of its employees and recognises that their well being is important to performance. In view of this it is important that the responsibilities for the management of alcohol and/or substance misuse within the workplace are explicit and clearly defined.

Managers

Directors, Heads of Service, managers and supervisors are responsible, so far as is reasonably practicable, for ensuring the health, safety and welfare at work of all employees in their respective service. These responsibilities are detailed in the corporate health and safety policy. In relation to workplace alcohol and/or substance misuse these responsibilities also include:

- actively seeking to maintain a good level of communication with all employees;
- dealing with those who may have a problem with alcohol and/or substance misuse empathetically;
- encouraging employees to seek counselling and supporting employees in their attendance at counselling;
- being aware of the signs of alcohol and/or substance misuse (see appendix 5) and the facilities available for employees who may have a problem;
- taking an objective and non-judgmental approach when meeting with employees;
- bringing this policy and procedure to the attention of all employees within their service;
- Informing the appropriate authorities of illegal drug use or any activity or behaviour over which there are concerns as to its legality.

Employees

All employees have a duty to:

- Co-operate with managers and other employees in dealing with alcohol and/or substance misuse issues;
- declare any alcohol or substance misuse problem at an early stage when being managed under any of the Council's procedures for managing work performance, conduct or attendance;
- co-operate with any support and assistance provided by the organisation to address alcohol or substance misuse;
- be responsible for their own behaviour and ensure that, whilst at work, they are free of the effects of alcohol and/or substances. This includes corporate or celebratory events during working hours. Intoxicating substances may remain in the system for some time and even small amounts can impair performance and jeopardise safety;

- inform a manager/supervisor, in confidence, if they have been prescribed medication or are taking over the counter drugs which may affect their ability to carry out their work;
- be aware of the symptoms of alcohol and/or substance misuse and raise any concerns for any individual with their line manager;
- make use, where offered, of the occupational health service and counselling service provided by the Council;
- familiarise themselves with this policy and comply with its provisions; and not possess, store, trade or sell controlled drugs on the premises or bring the organisation into disrepute by engaging in such activities outside work.

SECTION 2: MANAGING SUBSTANCE MISUSE PROCEDURE

An alcohol or substance misuse problem can come to light in various ways, either by line manager identification or as a result of a formal disciplinary, capability or attendance process, or through the employee raising the matter themselves. An alcohol or substance misuse problem will be addressed as either a 'management referral', a 'disciplinary referral' or as a 'voluntary referral', depending on how the matter is identified. A flowchart showing the process routes is detailed at Appendix 1.

1. Management Referral

Where an employee's work performance, attendance or behaviour is regarded as unsatisfactory by their manager and the manager's belief is that alcohol or substance misuse may be the cause or a contributing factor, the manager will raise their concerns with the individual and, if deemed appropriate, refer the employee to the occupational health service for assessment.

2. Disciplinary Referral

If during the course of a discipline case the employee indicates that the underlying cause of their conduct/ behaviour is related to alcohol or substance misuse, the manager undertaking the discipline case will normally adjourn the disciplinary proceedings (except in the case of apparent gross misconduct or where it is not reasonable to accept that the employee's unacceptable conduct was directly caused by their alcohol or substance misuse) to allow for referral of the employee to the occupational health service for assessment.

3. Voluntary Referral

An employee with an alcohol or substance misuse problem which has not been identified by their manager and which has not yet had an adverse effect on their work performance or behaviour at work, is encouraged to voluntarily seek help and assistance in overcoming their problem. The employee can either contact the Council's confidential employee counselling service or can approach their manager, a more senior manager or their trade union representative, who will be able to offer assistance and guidance with regard to their problem.

If no underlying problem is identified through a management or disciplinary referral, or if a problem is identified but the employee does not comply with or accept support, the appropriate procedure will be instigated.

Supporting Provisions

If a problem is identified through the management or disciplinary route the employee will be offered the following support and will be required to sign an agreement outlining the commitment expected of them and the consequences of failing to adhere to the support programme (see appendix 2).

- Where treatment involves a full-time absence from work, the employee will be regarded as being on sick leave and will be subject to the normal conditions governing such leave.
- Where the employee requires time off to attend a treatment/support programme during working hours, reasonable paid time off will be granted provided there is full co-operation from the employee in respect of attendance and responsiveness to the programme.
- The employee will, where possible, remain in their post during their period of recovery/rehabilitation, unless they are unfit to fulfil their duties, there is an issue relating to health and safety or if their duties conflict with the long term resolution of their alcohol or substance misuse problem, in which case efforts will be made to identify a suitable alternative role in the interim.
- Following treatment, reasonable efforts will be made, where possible, to ensure that the employee is able to continue in their substantive post.
- Where the employee is unable to continue in their substantive post, reasonable efforts will normally be made to re-deploy the employee to work of a more suitable nature, in consultation with the employee and their trade union representative. The manager will allow a fixed period of time for a redeployment search to be undertaken. However, where the search was unsuccessful, the matter will be deemed to be one of lack of capability, with the process detailed below followed by the Council.
- Sources of information for support and help outwith the workplace are contained within Appendix 3.

Disciplinary Action

- In cases of one off incidents where there is no evidence of underlying alcohol or substance misuse problems the normal disciplinary process will be followed.
- If an alcohol or substance misuse problem has been identified following a disciplinary referral but the employee does not comply with or accept support the disciplinary procedure will be continued and the employee's alcohol or substance misuse problem will not be regarded as a mitigating factor in terms of deciding the level of disciplinary penalty.

- Following a support programme where the employee has committed to supporting provisions and has responded well, the disciplinary procedure should be continued and the employee's alcohol or substance misuse problem may be regarded as a mitigating factor and as such may be taken into account when deciding the level of disciplinary penalty.

In cases of apparent gross misconduct, the disciplinary process will continue regardless of whether the employee's apparent actions may be attributed to alcohol or substance misuse. Also, there is no need to defer disciplinary proceedings if it is not reasonable to accept that the employee's conduct was directly caused by their alcohol or substance misuse. In each of these situations the employee's misuse problem needs to be dealt with as a separate matter and the offer of assistance and support should still be made.

Action Other than Disciplinary

If the employee's performance continues to cause concern or if the employee fails to achieve acceptable levels of attendance following the conclusion of a support programme the Managing and Supporting Work Performance or Managing Attendance procedure will be instigated.

Capability

Where the employee is deemed unfit to return to their substantive post and reasonable efforts to re-deploy the employee have been unsuccessful, a Capability Hearing will be arranged, which will be chaired by a senior manager. An up-to-date occupational health report will be available at the hearing.

The employee will be provided with appropriate written notification of the hearing, which will detail the grounds for calling them to the hearing and that a possible outcome may be dismissal on grounds of capability. The employee will have the right to be accompanied at the hearing by a trade union representative or work colleague of their choice. Management guidance notes detail the process that should be followed at the hearing.

The employee has the right of appeal against dismissal within 10 days of receipt of written notification. They can choose for the appeal to be heard by either a senior manager of the Council, who has had no prior involvement in the case, or by the 'Appeals by Employees Committee' (or equivalent in the case of teachers and chief officials). After the appeal hearing, the employee will be informed in writing of the decision. Appeal hearings will be convened at the earliest opportunity.

Testing

The Council may test an employee for substance misuse in the following circumstances:-

- 'With cause', where there is a reasonable suspicion by a manager concerning an employee's possible inappropriate use of substances which is having an adverse effect on their work or has the potential to put themselves, work colleagues, service users or others at risk in terms of health and safety.
- 'Post incident', if it is suspected that substance misuse was a contributory factor to an accident or an incident.
- As part of a recovery programme. After the initial test the employee will have two further random tests within a twelve month period. If these tests show no evidence of use/misuse then the employee will continue to be managed as appropriate. If there is evidence of continued use/misuse, then the employee will be managed under the appropriate Council procedure.

Drugs tested are as follows;

- * Amphetamines
- * Barbiturates
- * Benzodiazepines
- * Cannabinoids
- * Cocaine
- * Opiates
- * Methadone

The sample is also checked for creatinine levels which indicates if a sample is too dilute to give an accurate result.

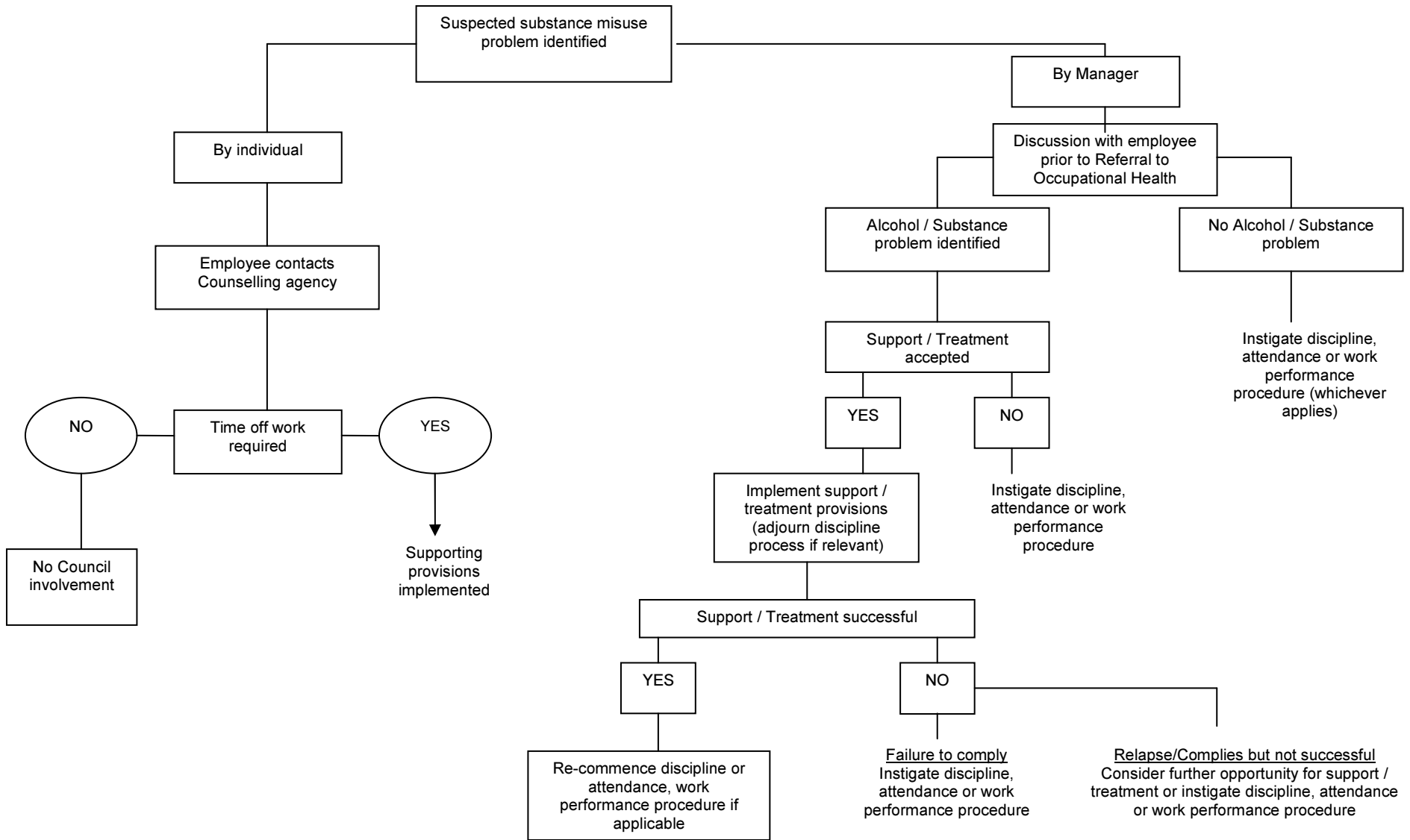
Testing will be carried out only by the Council's occupational health provider. Employees are required to co-operate if they are requested to undergo a test.

SECTION 3: REVIEW OF THE PROCEDURE

Human Resources will review this procedure every 3 years. It will, nevertheless, be subject to continual review and amendment in light of experience of its operation, employment best practice and statutory requirements. Changes will only be made following normal consultation arrangements.

Appendices:

- | | |
|------------|---|
| Appendix 1 | Referral diagram |
| Appendix 2 | Treatment/Support agreement |
| Appendix 3 | Sources of information/support |
| Appendix 4 | Information on sensible drinking |
| Appendix 5 | Recognising alcohol and/or substance misuse |



Treatment/Support Agreement

Employee Name: _____

Service: _____

I agree that I will commit to the following treatment programme/support provisions that have been put in place in respect of my alcohol or substance misuse problems.

Treatment/Support Programme

[enter full details of the agreed treatment programme and support provisions that have been agreed.]

Required Improvement

[enter details of required improvement in conduct, performance or attendance.]

Review

[enter the review periods that have been set to monitor progress].

I am aware that if I fail to adhere to this agreement or to achieve the required improvement in my performance/conduct/attendance (delete as appropriate) I will be managed under the appropriate procedure and understand that this may have consequences for my employment, including possible dismissal.

Employee Signature: _____

Date: _____

Name: _____

Manager Signature: _____

Date: _____

Name: _____

Sources of further advice and information

There are a number of support services available to which employees may be referred. Among them are:

Occupational Health Service

Serco Occupational Health
200 Ashgrove Road West
ABERDEEN
AB16 5NY

Tel: 01224 305550

Email: oh.aberdeen@serco.com

Employee Counselling Service

Employee Advisory Resource
Free phone 0800 243458 (24 hours a day; 365 days a year)
www.ear.co.uk

Further information

Advice and information can also be obtained from the following sources:

- Alcohol Concern - www.alcoholconcern.org.uk
- NHS Scotland - www.hebs.scot.nhs.uk
- Drugscope - www.drugscope.org.uk
- The Scottish Drugs Forum – www.sdf.org.uk

Guidance on Sensible Drinking

Drinking too much can damage your physical and mental health in the short and long term. As well as affecting your weight, looks and sleep, heavy drinking can lead to a wide range of medical conditions including high blood pressure, liver disease, strokes, cancers and brain damage.

Alcohol and units

Units of alcohol are a way of measuring how much alcohol someone is drinking. A unit is 8 grams of pure alcohol – but the amount of alcohol in any given type of drink will depend on how big the glass, can or bottle is and how strong the drink is.

Generally speaking, a half pint of ordinary strength beer/cider/lager is 1 unit. A single (25ml) measure of spirits is also 1 unit, a small glass of wine (125ml) is 1.5 units, or a Smirnoff ice/Bacardi Breezer is 1.4 units. However, home measures of spirits or wine are often 2-3 times bigger than you would get in a bar or restaurant.

Recommended safe limits are:

Women: 2-3 units per day, up to 14 per week

Men: 3-4 units per day, up to 21 per week

We all need at least 2 days a week without alcohol.

How to recognise alcohol and/or substance misuse

Behaviour and work performance should be the concern of managers and supervisors. Expert knowledge about the misuse of alcohol and/or substances is not necessary, but managers and supervisors should remain alert to changes from the normal work pattern and/or behaviour of employees.

Listed below are various warning signs that may indicate some consequences of alcohol or substance misuse. It is impossible to list all relevant behavioural and work pattern signs. They can appear singularly or in combination. They may also signify problems other than alcohol or substance misuse. For example: diabetes, high blood pressure, thyroid disease, psychiatric disorders, emotional problems and certain heart conditions all share some of the same signs. Therefore, it is important to remember that unusual or odd behaviour may not be connected in any way with alcohol and/or substance misuse. The role of managers and supervisors is to recognise and document changes in accordance with the policy, without making any moral judgment or taking the position of counsellor or doctor.

Professional resources within the occupational health service should be used to help evaluate the manager's observations.

General signs

- misses deadlines
- misses appointments
- makes mistakes due to inattention or poor judgement
- wastes more material than usual, has to re-do work
- makes bad decisions - errors in judgement, does not accept assigned responsibilities
- gets complaints from customers and work colleagues
- improbable excuses for poor job performance
- attributes poor performance to poor health
- fails to follow instructions
- does not respond to training
- mood fluctuations
- loss of personal esteem

Absenteeism

Monitoring the frequency and reasons given for absence can be an indicator of alcohol or substance misuse problems:

- a pattern of absence following weekends, holidays, etc.
- late for work or appointments
- illness with no medical certificate

On the-job absenteeism

- frequent trips to toilets
- poor time keeping

Prone to incidents

- repeated incidents on the job
- frequent trips to first aid
- incidents off the job

- repeated violation of safe working practices

Confusion and poor concentration

- difficulty in understanding and recalling instructions, details, etc.
- cannot carry out sequential assignments

Erratic work patterns

- fluctuating periods of very high and very low productivity and quality of work
- work is not planned properly; shifts from one thing to another without reasons

Unwillingness to change

- Changing jobs or duties may present a threat that would uncover an alcohol or substance misuse problem that has been carefully hidden.

Coming or returning to work in an obviously abnormal condition

Problems with other employees

Friction in relationships, including supervisor/employee relationships, usually results in decreased performance and efficiency:

- over-reacts to real or imagined criticism
- borrows money from colleagues
- colleagues complain about behaviour
- express unreasonable resentment and rebellion against authority
- avoids associates/colleagues
- talks louder than usual, or talks when should be listening
- lies chronically
- disruptive behaviour, causing unrest among other employees
- gets others to take over own work responsibilities for no good reason; does not accept work assigned

Personal appearance and demeanour

- grooming deteriorates, weight loss or gain
- dress becomes sloppy or inappropriate
- appears withdrawn or preoccupied
- smells of alcohol/breath sweeteners/mints/strong perfume or aftershave
- inability to follow or participate in conversation
- reports of marital/family problems
- increasing financial problems
- co-ordination problems such as unsteady walk, eyes uncoordinated
- memory gaps
- tremors
- eyes red or bleary; pupils dilated or constricted; wears sunglasses
- extreme sensitivity to mentioning a possible alcohol or substance misuse problem
- excessive denial of a problem