

ABERDEEN CITY COUNCIL

COMMITTEE	Staff Governance Committee
DATE	13 November 2023
EXEMPT	No
CONFIDENTIAL	No
REPORT TITLE	Managing Substance Misuse Policy
REPORT NUMBER	CUS/23/349
DIRECTOR	Andy MacDonald
CHIEF OFFICER	Lindsay MacInnes
REPORT AUTHOR	Kirsten Foley
TERMS OF REFERENCE	2.5

1. PURPOSE OF REPORT

- 1.1 This report presents the revised Managing Substance Misuse Policy to the Committee for consideration and approval.

2. RECOMMENDATIONS

That the Committee:-

- 2.1 approves the revised Managing Substance Misuse Policy; and
- 2.2 instructs the Interim Chief Officer – People and Organisational Development to ensure that managers have access to the required guidance, training and support to allow them to support employees through the process with confidence.

3. CURRENT SITUATION

Background

- 3.1 The current Managing Substance Misuse Policy and Procedure was approved by Staff Governance Committee in June 2018. [Managing Substance Misuse Policy and Procedure SGC June 2018](#)
- 3.2 Throughout 2022 and into early 2023 a short life working group met to consider how substance misuse issues within the workplace could be better addressed, and the support that is offered to employees who are experiencing issues around substance misuse.
- 3.3 Benchmarking was undertaken with other Local Authorities and public and private sector employers.
- 3.4 A key issue which was explored at length by the working group was the issue of random testing. Whilst the potential deterrent impact was recognised, legal advice and advice taken from the Information Commissioners Office was clear

that random testing would not be appropriate in the Council setting. [What if we use medical examinations and drugs and alcohol testing? | ICO](#)

- 3.5 It was identified that, rather than introducing random testing, the more appropriate route would be to ensure that the current “with cause” testing is robustly applied and followed up. In order to support this, an online course on Alcohol and Drugs in the Workplace, which includes the signs that supervisors and managers should look out for, has been added to ACC Learn. [ADW \(aberdeencity.gov.uk\)](#)
- 3.6 The focus groups included representatives from services across the Council, People and Organisational Development Advisors, the Mental Health and Wellbeing Adviser and Trade Union colleagues and their feedback was used to inform the review of the Managing Substance Misuse Policy, as well as the associated guidance documents.
- 3.7 The policy has been revised into the new corporate policy format with the procedural elements having been removed and incorporated within the associated guidance document.
- 3.8 The policy has been to both the Policy Group and the Risk Board for discussion and approval.

Main Changes to the Policy

3.9 The key changes that have been made are set out in the table below:

Change Made	Benefit of change	Source	Link to ACC Strategy
Emphasis on awareness raising around the risks associated with substance misuse, both to the individual and the organisation.	Positive impact on organisational culture and health and wellbeing of individuals. Employees have the knowledge they need to empower them to make good decisions in relation to substance misuse, either their own or that of colleagues. Improved risk management across the Council.	Feedback from focus groups of both managers and trade unions.	Aligns with Right Support objective in Workforce Strategy Delivery Plan approved by Staff Governance Committee in January 2023 Workforce Delivery Plan SGC Jan 2023
Greater emphasis on support for supervisors and managers to	Managers and supervisors are confident to discuss issues relating to substance misuse	Feedback from managers and trade unions.	Aligns with Right Support objective in Workforce Strategy Delivery Plan approved

empower them to support employees	with employees and are aware of when it is appropriate for a with-cause test to be undertaken.		by Staff Governance Committee in January 2023 Workforce Delivery Plan SGC Jan 2023
Sets out escalation routes for employees who have concerns regarding customers or service users presenting under the influence of any type of substance.	Employees feel supported and are confident of the routes they can follow in potentially difficult or dangerous situations.	Feedback from focus groups.	Aligns with Right Support objective in Workforce Strategy Delivery Plan approved by Staff Governance Committee in January 2023 Workforce Delivery Plan SGC Jan 2023
Clarifies links to Guiding Principles	Underlines cultural expectations regarding the way in which all workers are valued and the commitment of the Council that everyone is valued and treated with dignity and respect.	Feedback from managers and trade unions.	Aligns with Right Support objective in Workforce Strategy Delivery Plan approved by Staff Governance Committee in January 2023 Workforce Delivery Plan SGC Jan 2023 Aberdeen City Council Guiding Principles. Our Guiding Principles (sharepoint.com)
Clarifies the dual nature of the responsibilities contained within the Health and Safety at Work etc Act 1974, with accountability applying to both the employer and the employee	Openness and transparency regarding the shared legal duties	Feedback from colleagues in Governance	Aberdeen City Council Scheme of Governance Committee Services - Scheme of Governance 2022 - Introduction.pdf - All Documents (sharepoint.com)
Sets out escalation routes for non-compliance with the policy by either an employee or a manager	Reflects the guiding Principles of the organisation and the commitment to support the wellbeing of staff.	Feedback from Trade Unions	Aligns with Right Support objective in Workforce Strategy Delivery Plan approved by Staff Governance

			<p>Committee in January 2023 Workforce Delivery Plan SGC Jan 2023</p> <p>Aberdeen City Council Guiding Principles. Our Guiding Principles (sharepoint.com)</p>
<p>Sets out the potential risks to the Council associated with substance misuse and how the policy assists in mitigating these.</p>	<p>Openness and transparency regarding risk management gives a greater level of confidence and security for the whole workforce, employees and managers alike.</p>	<p>Requirement from Risk Board relating to all policies</p>	<p>Risk Appetite Statement Risk Appetite Statement - 2022 update (sharepoint.com)</p>
<p>Sets out the ways in which the effectiveness of the policy will be measured</p>	<p>Allows a data informed approach to improvement</p>	<p>Standard requirement in policy template</p>	<p>Adoption and Change Management Pillar – Measurement Adoption and Change Management Plan (8 Pillars) (sharepoint.com)</p>
<p>Places a responsibility on People and Organisational Development to report data relating to the application and effectiveness of the Policy to Staff Governance Committee</p>	<p>Regular interrogation and analysis of the data allows for ongoing improvements to be made</p>	<p>Feedback from focus groups. Brings the policy inline with other performance policies in terms of openness and transparency of data.</p>	<p>Model for Improvement Improvement Resources - Community Planning Aberdeen</p>
<p>Update Guidance and training for managers around with cause testing</p>	<p>Empowers managers to make appropriate decisions re the application of with cause tests</p>	<p>Feedback from managers</p>	<p>Aligns with Right Support objective in Workforce Strategy Delivery Plan approved by Staff Governance Committee in January 2023</p>

			Workforce Delivery Plan SGC Jan 2023
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Aims of the Revised Policy

- 3.10 The key aim of the policy is to ensure that all Aberdeen City Council business is carried out in a safe manner, without anyone being put at risk as a result of an employee of the Council being impaired by any substance.
- 3.11 The ethos of the policy is supportive to both employees experiencing the effects of substance misuse in their lives and supervisors and managers who are responsible for the work of these employees.
- 3.12 Notwithstanding 3.10 above, the nature of the risk involved with substance misuse requires that in some cases sanctions may need to be applied. The policy sets out the action that may be appropriate in such cases.
- 3.13 The policy aims to influence a culture change, developing a culture in which employees feel confident that they will be supported and not judged should they disclose an issue relating to substance misuse.
- 3.14 By ensuring that the culture within the workplace is one of support, and that such issues can be discussed openly and honestly, employees will feel more empowered to raise any concerns they may have relating to colleagues.
- 3.15 Employees are also encouraged to make use of the Whistleblowing Policy to raise concerns in cases where the matter would fall within the remit of the Public Interest Disclosure Act 1998.

4. FINANCIAL IMPLICATIONS

- 4.1 There are no direct financial implications arising from the implementation of this policy.
- 4.2 Appropriate application of the policy could see a reduction in the number of absences and suspensions associated with substance misuse, thus reducing the financial impact of such absences on the Council.
- 4.3 Failure to appropriately respond to substance misuse issues in the workplace could give rise to claims against the Council arising from incidents taking place whilst an employee is under the influence of a substance. This policy will mitigate against these risks.

5. LEGAL IMPLICATIONS

- 5.1 This policy will support the Council in meeting its legal responsibilities under the Health and Safety at Work etc Act 1974.

6. ENVIRONMENTAL IMPLICATIONS

6.1 There are no environmental implications arising from the application of this policy.

7. RISK

Category	Risks	Primary Controls/Control Actions to achieve Target Risk Level	*Target Risk Level (L, M or H) *taking into account controls/control actions	*Does Target Risk Level Match Appetite Set?
Strategic Risk	The Council does not meet all of its obligations under the Health and Safety at Work etc Act 1974	The Managing Substance Misuse Policy sets out the ways in which the Council will mitigate against the risks of having employees working whilst under the influence of a substance, thus supporting the Council to meet its legal obligations.	L	Yes
Compliance	Accidents or inappropriate actions may result from an employee attending work whilst under the influence of substances.	The policy provides a route for employees to access support to address any substance misuse issues, and routes for supervisors and managers to follow should they suspect that an employee is under the influence of substances.	L	Yes
Operational	Costs of employees being absent from work due to the impact of substance misuse. Potential claims against the Council arising from employees	The Managing Substance Misuse Policy sets out the ways in which the Council will mitigate against the risks of having employees working whilst under the influence of a substance and provides a route for employees to access	L	Yes

	attending work whilst under the influence of substances.	support thus reducing time away from the workplace.		
Financial	Reputational damage may arise from employees acting inappropriately or dangerously due to being under the influence of substances.	The policy allows for concerns to be identified and addressed timeously thus reducing the risk of reputational damage to the Council. Additionally, taking a supportive approach to workers who are experiencing issues related to substance misuse should help to enhance the Council's reputation as a good employer.	L	Yes
Reputational	The Council does not meet all of its obligations under the Health and Safety at Work etc Act 1974	The Managing Substance Misuse Policy sets out the ways in which the Council will mitigate against the risks of having employees working whilst under the influence of a substance, thus supporting the Council to meet its legal obligations.	L	Yes
Environment / Climate	Accidents or inappropriate actions may result from an employee attending work whilst under the influence of substances.	The policy provides a route for employees to access support to address any substance misuse issues, and routes for supervisors and managers to follow should they suspect that an employee is under the influence of substances.	L	Yes

8. OUTCOMES

<u>COUNCIL DELIVERY PLAN 2023-2024</u>	
Impact of Report	
<u>Aberdeen City Local Outcome Improvement Plan 2016-26</u>	
Prosperous People Stretch Outcomes	The policy puts in place provisions for employees of Aberdeen City Council which will assist in the achievement of stretch outcome 11, increased health/life expectancy and stretch outcome 12, reduction of harmful levels of alcohol consumption and reduced drug related deaths.
Regional and City Strategies	
Target Operating Model	The policy links to the Workforce Design principle of the Target Operating Model by setting out routes by which the council will achieve high levels of integrity, openness and accountability. It further supports the Council in conducting its activities and functions in a responsible manner.
Guiding Principles	The Policy links to the Guiding Principles in relation to Trust and Value.

9. IMPACT ASSESSMENTS

Assessment	Outcome
Integrated Impact Assessment	Stage 1 Assessment has been completed.
Data Protection Impact Assessment	Not required. DPA checklist completed.

10. BACKGROUND PAPERS

None.

11. APPENDICES

11.1 Managing Substance Misuse Policy

12. REPORT AUTHOR CONTACT DETAILS

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