

# Managing Substance Misuse Policy

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## Document Control

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## 1 Why does the Council need this Policy?

- 1.1 The purpose of this policy is to provide a route to protect the health and safety of employees, service users and members of the public through supporting and managing employees who are experiencing issues with substance misuse, thus mitigating against the risks that may be associated with employees attending work under the influence of such substances.
- 1.2 The policy seeks to raise awareness of the risks associated with substance misuse and sets out the supports and sanctions that are available.
- 1.3 The Council is committed to meeting its legal obligations under the Health and Safety at Work etc. Act 1974 to ensure the health and safety of employees, service users and members of the public by providing a work environment in which the safety and optimum performance of employees is not adversely affected by the misuse of substances.
- 1.4 The policy provides support both to employees experiencing substance misuse issues and to managers, assisting them to recognise and effectively support and manage employees displaying symptoms of substance misuse.
- 1.5 The policy and accompanying procedure and guidance sets out the support available to employees and the escalation routes should these be required.

## 2 Application and Scope Statement

- 2.1 This policy and the guidance applies to all employees of Aberdeen City Council.
- 2.2 The policy guidelines also apply to any worker undertaking work for or on behalf of the Council but not employed by the Council e.g agency workers; relief workers and contractors, although the procedural details will not apply in these cases. In such cases responsibility for applying the policy guidelines will sit with the manager who has commissioned the services of the worker.
- 2.3 Where an employee in a customer facing role has concerns regarding a customer presenting under the influence of any type of substance, they should seek support from their line manager who will ensure that the appropriate agencies are contacted.
- 2.4 The policy is concerned with the effects of substance misuse in the workplace, and the impact of prescribed medication which may impair the fitness of the employee to carry out their role in a safe manner.
- 2.5 The policy aligns with the Council's Guiding Principle of Trust, which sets out the expectation

that all business is carried out in a culture of mutual trust and accountability.

2.6 The policy also aligns with both the corporate and individual responsibilities under the Health and Safety at Work etc. Act 1974, which requires the employer to provide a safe working environment and the employee to take responsibility for their own health and safety in the workplace.

### 3 Responsibilities

3.1 Chief Officers are responsible for the application of the policy and accompanying procedure within their service delivery remit, ensuring that a supportive culture exists in which employees can disclose substance misuse issues without fear of judgement.

3.2 The Chief Officer People and Organisational Development is responsible for ensuring that appropriate support is in place for both employees and managers.

3.3 Line Managers/supervisors are responsible, so far as is reasonably practicable, for ensuring the health, safety and welfare at work of all direct reports in their respective service. What might be reasonably practicable will vary according to the individual circumstances, and guidance is available from the Employee Relations and Wellbeing Team via AskHR

[AskHR@aberdeencity.gov.uk](mailto:AskHR@aberdeencity.gov.uk) In relation to substance misuse these responsibilities include:

- Actively seeking to maintain regular communication with all employees
- Taking an empathetic, supportive and non-judgmental approach to any employee who may be experiencing a substance misuse issue
- Maintaining strict confidentiality around all and any information relating to employee's substance misuse and the application of this policy and the accompanying procedure
- Encouraging employees to seek counselling/appropriate treatment and support, and supporting employees to attend such counselling/treatment by granting appropriate time off
- Being aware of the signs of substance misuse as set out in the accompanying guidance notes to this policy, addressing this with the employee and ensuring the support routes are available to employees
- Referring an employee for substance testing in situations where
  - 1) there is cause to believe the employee has presented at work under the influence of a substance  
AND
  - 2) where there is a potential risk to health and safety to themselves and others or there is a potential risk to service delivery.

3.4 Employees are responsible for:

- Not attending work whilst under the influence of drugs or alcohol that may impact

on their ability to perform their role and put the health and safety of themselves and others at risk. It is unacceptable for any employee to attend for work whilst unfit through substance misuse

- Cooperating with managers and other employees in dealing with substance misuse issues
- Declaring at an early stage any substance misuse problem and seeking support. It is important for all employees to recognise that such support is available at any time, not just to those who are being managed under a Council policy.
- Cooperating with any support and assistance provided by the organisation to address substance misuse
- Informing a manager/supervisor, as soon as possible, in confidence, if they have been prescribed medication or are taking “over the counter” medication which may impact on their ability to carry out their duties in a safe manner
- Being aware of the symptoms of substance misuse and raising any concerns that they may have in relation to colleagues with their line manager
- Attending the occupational health service for a “with cause” drugs test or to access support as required
- Not possessing, storing, buying or selling controlled substances in any Aberdeen City Council building or vehicle.
- Familiarising themselves with this policy through reading the policy and complying with its provisions

3.5 Failure to comply with this policy or to engage with support offered under the policy and procedure may result in the invoking of other corporate policies e.g. Managing Discipline or Managing Performance.

3.6 Non-compliance with the policy should be reported to the employee’s line manager or to the Employee Relations and Wellbeing Team.

3.7 Any feedback on the policy or suggestions for improvement can be communicated to the Chief Officer –People and Organisational Development or the Employee Relations and Wellbeing Manager and this will be taken into consideration as part of the regular review of this policy.

## 4 Supporting Procedures and Documentation

4.1 An accompanying Managing Substance Misuse Procedure and Guidance have been put in place to support the application of and adherence to this policy and these are available on People Anytime on the Council intranet.

4.2 This policy also links to:

- The Council’s Guiding Principles [Our Guiding Principles \(sharepoint.com\)](#)

- The Managing Discipline Policy [Microsoft Word - Final Version - ACC Policy - Managing Discipline 2021 \(sharepoint.com\)](#) and accompanying guidance [Guidance - Managing Discipline Guidance 2021.pdf](#)
- The Managing Performance Policy and Procedure [Managing Performance | Aberdeen City Council: People Anytime](#)
- The Health and Safety Policy [Health and Safety Policy \(sharepoint.com\)](#)
- Supporting Attendance Policy and Procedure [Supporting Attendance and Wellbeing – Policy | Aberdeen City Council: People Anytime](#)
- The Employee Code of Conduct [Code of conduct | Search Results | Aberdeen City Council: People Anytime](#)
- [The Whistleblowing Policy and Procedure](#)
- [Health and Wellbeing Support Mental Health and Wellbeing \(sharepoint.com\)](#)  
[accmybenefits: Welcome \(vivup.co.uk\)](#)

## 5 About this Policy

5.1 This policy is not creating any specific regulations or requirements other than what is stated under Core Principles below

### Policy Core Principles

- 5.2 Every reasonable effort will be made to minimise problems arising from the impact of substance misuse at work
- 5.3 It is unacceptable for any employee to attend work whilst unfit through substance misuse
- 5.4 A supportive and constructive approach to managing substance misuse issues will be adopted by the Council
- 5.5 All reasonable efforts will be made to support and assist an employee to overcome a substance misuse problem where the employee acknowledges the problem and commits to address it
- 5.6 Notwithstanding 5.4 and 5.5 above, there may be some circumstances in which it is appropriate to apply the provisions of the Managing Discipline Policy and procedure, and in some cases misuse of substances may constitute gross misconduct
- 5.7 The confidential nature of an employee's information related to a substance misuse issue will be maintained and will only be disclosed where there is a need to know for the purposes of providing support to the employee or in the context of any performance, disciplinary or attendance process which may be required
- 5.8 Throughout the application of this policy and accompanying procedure special allowance should be made for those employees who may require alternative access and communication support.

## 6 Risk

6.1 This policy will mitigate against the following identified risks:

- Compliance Risks – having a Managing Substance Misuse Policy/Procedure and Guidance in place will support the Council in meeting its legal responsibilities under the Health and Safety at Work etc. Act 1974
- Operational Risks – given the wide range of services delivered by the Council and the Council's responsibilities to the citizens and communities of Aberdeen, the application of this policy will mitigate against the risks of accidents or inappropriate incidents which may result from an employee attending work and performing their role whilst under the influence of substances
- Financial Risks – the application of this Policy/Procedure and Guidance will assist in preventing claims against the Council in relation to incidents arising from employees attending work and performing their role under the influence of substances
- Reputational Risks - the policy reduces reputational risk to ACC by demonstrating our commitment to addressing issues of substance misuse in the workplace and to supporting our employees who are experiencing substance misuse problems
- There have been no unintended effects or consequences identified from the update of this policy

6.2 The risks identified will be managed and mitigated through application of the policy across

the Council. This will be undertaken by ensuring the policy and accompanying procedure are readily available to all and that support is provided from People and Organisational Development and Governance in the interpretation of the policy, where required.

6.3 Monitoring will be undertaken of any feedback from stakeholders or others in relation to the identified risks and appropriate action taken if any concerns arise.

6.4 The policy should support the organisation's 'PREVENT' obligations as part of the 'CONTEST' framework by helping to ensure that any issues arising from substance misuse are addressed as appropriate, with employees being provided with the appropriate support to overcome any issues they might be experiencing. This will help to maintain employees' and workers' health and wellbeing, reduce their vulnerability and in turn make them less susceptible to radicalization and being drawn into terrorist organisations. Further information on this subject is available on this link [Prevent Awareness \(sharepoint.com\)](#)

## 7 Environmental Implications

7.1 There are no environmental implications arising from this policy

## 8 Policy Performance

8.1 The main factors determining the effectiveness of the policy are the usage of the policy by employees and workers who disclose that they are experiencing substance misuse issues and seek support from the organization to overcome these, and the consistency in its application by managers. Whilst the majority of Council employees will not require to seek the support offered by the policy, it is important that the Council has in place a robust policy and accompanying procedure which is available for when the need arises.

8.2 The effectiveness of the policy will be measured through gathering data on the number of self referrals under the support provisions of the policy and accompanying procedure alongside the number of with cause test referrals being made to occupational health. In addition, sickness absence data and case work data will provide information regarding the effectiveness of the policy. Feedback will be collected from users of the policy (employees and managers) and accompanying procedure, including in relation to organisational culture around encouragement to raise concerns regarding substance misuse issues.

8.3 The Employee Relations and Wellbeing Manager will report to Staff Governance Committee data relating to the application and effectiveness of the policy as part of the regular reports on staff absence, health and wellbeing, occupational health and case work. In all such reports confidentiality will be strictly maintained.

## 9 Design and Delivery

9.1 The policy links to the 'Workforce Design' principle of the Target Operating Model (TOM) in that it is concerned with organisational culture. The Council aims to apply high standards of integrity, openness and accountability and seeks to conduct its activities and functions in a responsible manner.

Having a Managing Substance Misuse policy and accompanying procedure in place where employees and workers are encouraged to come forward and raise their concerns if they become aware of issues relating to the misuse of substances, and where those employees who are experiencing such issues themselves are supported and given access to services to aid their recovery, will contribute to a positive culture in the organisation.

This also accords with the Council's Guiding Principles, particularly in relation to the commitment to valuing and supporting staff.

9.2 The policy links to the Prosperous People (Adults) theme in the Local Outcome Improvement Plan by putting 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 in harmful levels of alcohol consumption and reduced drug related deaths.

## 10 Housekeeping and Maintenance

10.1 The Policy replaces the existing Managing Substance Misuse Policy and will be reviewed every 2 years with any necessary updates made to it and the accompanying procedural documentation.

## 11 Communication and Distribution

11.1 This policy and accompanying procedure will be shared directly with the Extended Corporate Management Team to enable their communication and distribution in accordance with responsibilities set out in section 3.

11.2 The policy and accompanying procedure will be available to view on the organisation's shared areas on the intranet.

## 12 Information Management

12.1 Information generated by the application of this policy and accompanying procedure will be managed in accordance with the Council's Corporate Information Policy and Supporting Procedures.

## 13 Definitions and Understanding this Policy

13.1 Substance Misuse is defined for the purposes of this policy as the intermittent or continual use of substances, legal or otherwise, which

impairs the employees health, cognitive abilities, social functioning or work performance and which affects efficiency, safety, attendance, timekeeping or conduct in the workplace.

### 13.2 The term substance includes

- Any illegal substances (as defined in the Misuse of Drugs Act 1971 or the Psychoactive Substances Act 2016)
- Alcohol
- Prescribed medication
- Over the counter medication
- Solvents ie lighter gas refills, glues, paint thinners etc
- Any plants, chemicals or substances that have not been defined as illegal and which are used for the purpose of seeking intoxication.

13.3 A with cause test is a test undertaken by occupational health to determine whether an employee is under the influence or impaired as the result of taking a substance in cases where a manager, supervisor or colleague has reason to believe from the way in which the employee presents that a substance has been taken.

It is important to recognise that no employee can be required to take such a test, however if they refuse when the employer has reasonable grounds for testing this may result in disciplinary action being taken.