

Prescription Drugs and Alcohol Policy and Procedure

- | | |
|--|---|
| ➤ Purpose | ➤ Use of Disciplinary Action |
| ➤ Scope | ➤ One off Occasions |
| ➤ Principles | ➤ Prescribed Medication |
| ➤ Roles and Responsibilities | ➤ Substance Misuse Outside of Working Hours |
| ➤ Definition of Substance Misuse | ➤ Monitoring |
| ➤ Management Expectation | ➤ Appendix A: Warning Signs of Substance Misuse |
| ➤ Employee Disclosure | ➤ Appendix B: Available Support |
| ➤ Addressing the Concerns | |
| ➤ Supporting the Employee | |
| ➤ Adjustments | |
| ➤ Sickness Absence | |

Purpose

[\(Back to top\)](#)

Leicestershire County Council is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees. The Council acknowledges that [substance misuse](#) causes enormous social and medical problems, which can lead to accidents at work, adverse affect on performance, increased levels of absence and poor decision making on some occasions. Furthermore effects of substance misuse can be detrimental to the high quality, effective services that the Council, delivers, particularly considering that the Council provides services to vulnerable adults and children.

The Prescription Drug and Alcohol Policy and Procedure is designed to provide a framework to enable instances of alcohol and prescription drugs misuse by employees to be recognised and handled in an appropriate, fair and consistent manner. In return the Council expects its employees to take responsibility to acknowledge and address substance misuse problems and agree to seek medical advice to overcome it.

The Council is committed to providing appropriate support to employees suffering from problems associated with legal forms of substance dependency and creating a climate that encourages employees to come forward and seek advice. Adopting a culture of trust will assist in the problem being identified and resolved which will be to the benefit of both the individual and the Council, as a whole.

The policy does not include the use of illegal drug misuse. Known instances of illegal drug misuse will be viewed as misconduct and dealt with accordingly.

Scope

[\(Back to top\)](#)

This procedure applies to all employees of Leicestershire County Council, including temporary/fixed term staff employed under the conditions of service of the National Joint Council for Local Government Service Employees and centrally employed Teachers.

Agency staff, contractors and others working on its behalf whether paid or unpaid (for example those on work experience, volunteers) are expected to adhere to those parts of the policy relating to bringing substances onto the premises, being under the influence and conduct towards employees and users of the service.

This policy is not applicable to employees based in Schools and Colleges with delegated budgets.

Principles

[\(Back to top\)](#)

- The Council's, commitment to equality of opportunity will be observed at all times during the operation of this procedure. This will ensure that employees are treated fairly and without discrimination on the grounds of race, nationality, ethnic or national origins, sex, marital status, disability, age, sexual orientation, trade union membership or activity, political or religious belief and unrelated criminal conviction.
- All employees have a responsibility to present themselves fit for work and be capable of carrying out their duties fully in a competent and safe manner.
- In line with the Road Traffic Act 1998, any person attempting to drive a motor vehicle whilst unfit to drive through the use of alcohol can be prosecuted. This includes driving as part of work duties.
- In line with the Management of Health and Safety at Work Regulations 1999 employees have a legal duty to inform their Line Manager of any situations that could be considered to constitute risk, and therefore must report any other employee who appears to be under the influence of drugs or alcohol.
- Employers have a duty of care under the Health and Safety at Work act 1974 to ensure the health, safety and welfare of their employees. The Council must therefore ensure that employees do not injure themselves or endanger the public or their colleagues. This has particular relevance to drugs and alcohol and the use of machinery or vehicles.
- The Council is committed to raising awareness of the associated risks of drug and alcohol misuse and to promoting healthy lifestyles.

- The Prescription Drug and Alcohol Policy and Procedure aims to increase awareness and knowledge of the effects of excessive alcohol and drugs and their associated risks.
- Advice and support will be offered to all employees experiencing difficulties relating to alcohol or drug addiction.
- Acts that constitute misconduct will be dealt with through the Disciplinary Policy and Procedure.
- The Council does not condone the use of illegal drugs. Known instances of illegal substance misuse will be addressed through formal procedures.

Roles and Responsibilities

[\(Back to top\)](#)

Line Managers	<p>Line Managers should deal constructively with substance dependency and promote a culture whereby employees feel comfortable to disclose if they are experiencing a problem or if they are concerned by a colleague's behaviour.</p> <p>Line Managers have a responsibility to invoke formal policies (e.g. disciplinary and capability policies and procedures) where there is a one-off occurrence of substance misuse or where the Drug and Alcohol Policy and Procedure has been breached.</p>
Employees	Employees should be able to undertake their roles and responsibilities fully and safely.
HR Services	HR Services will advise and support managers in the application of this policy and procedure.
Trade Union or other Representative	<p>All employees have the right to be accompanied and supported at meetings held under the Drug and Alcohol Policy and Procedure. The employee may be accompanied by:</p> <ul style="list-style-type: none"> • A work colleague • A Trade Union Representative.
Wellbeing Counselling Services	The Counselling Service is available to confidentially support, advise and counsel employees wishing to discuss issues / concerns surrounding substance use/misuse.

Definition of Substance Misuse

[\(Back to top\)](#)

The Prescription Drug and Alcohol Policy and Procedure covers the use and misuse of intoxicating substances which include alcohol, solvents, legal drugs, prescription and over-the-counter medication and other medicines and

substances that could adversely affect work performance and / or health and safety.

Throughout this policy the generic term substance misuse will be used to cover all of the above.

Management Expectation

[\(Back to top\)](#)

Employers are under a duty of care to ensure the health, safety and welfare of their employees and therefore known or suspected instances of substance misuse can not be ignored. Problems which are identified should be dealt with appropriately at the earliest stage possible.

Line managers whether advised by an employee that they have a problem of substance misuse or if they become aware of an issue through the course of their duty should aim to address the issue in a constructive manner. Line Managers may identify a problem exists as a result of behavioural change or as a result of investigations for example following an accident or near miss. Managers should be aware of the signs of alcohol and substance misuse and the effects on performance, attendance and health of employees. Appendix A identifies some of the common warning signs that may indicate substance misuse is taking place. It is worth noting however, that these signs may be symptomatic of other illnesses, so care must be taken when dealing with these issues.

Although substance misuse does not amount to a disability for the purposes of the Disability Discrimination Act (DDA), it is nevertheless a serious illness and as such should, for long term dependency, be addressed as a health concern. However, managers should be mindful that an employee may be protected under the DDA due to an accompanying illness resulting from drug or alcohol dependency, for example depression or liver disease.

Help and support will be given to all employees who disclose that they suffer from a substance misuse dependency and agree to seek medical help to overcome it.

Employee Disclosure

[\(Back to top\)](#)

Employees who know or suspect that they may have a substance misuse problem are encouraged to seek help voluntarily by contacting their own GP, the Council's Wellbeing Counselling Service and other support organisations. As the problem is likely to affect attendance, performance or behaviour at work, the employee is strongly recommended to disclose this information confidentially to their Line Manager, this will enable the problem to be addressed through the correct procedure and offer the Line Manager, an explanation for the change in performance or behaviour.

Addressing the Concerns

[\(Back to top\)](#)

Once it has been identified that an employee might have a substance misuse problem the Line Manager should meet with the employee to discuss their concern. The employee should be reassured that any information disclosed to the Line Manager will be dealt with in a confidential manner as far as is practicably possible. If it is considered a third party should be involved / made aware the employee should be advised prior to the Line Manager establishing contact.

The employee's acknowledgement that they have a substance misuse problem is essential if a programme of support and rehabilitation is to be successful. As a consequence of the meeting one of the following options should be applied:

- Refer the employee to Occupational Health if it is identified that the employee has a drug or alcohol dependency. It may be necessary for the employee to be removed from their operational duties pending / following an Occupational Health referral or for the employee to be temporarily suspended from the workplace on medical grounds e.g. in the case of a driver working with members of the public.
- Instigate [disciplinary proceedings](#) where;
 - the employee continuously does not accept that they have a substance misuse problem and will not accept a referral to Occupational Health
 - the Line Manager identifies there has been wilful misconduct, the circumstances of which are sufficiently serious to warrant formal action and if necessary suspend the employee pending an investigation (Link to [Disciplinary Policy and Procedure](#)).

Supporting the Employee

[\(Back to top\)](#)

Once Occupational Health has identified a substance misuse problem, providing the employee accepts the opportunity to receive immediate help, every effort will be made to enable the employee to undertake a recovery programme. The employee will be entitled to reasonable paid time away from the workplace to attend any medical appointments, counselling or support groups which will assist with their rehabilitation, providing the appointments could not be made outside of working hours. The assistance of the Council's Wellbeing Counselling Service should also be offered. Appendix B identifies support groups which Line Managers may wish to signpost employees to.

In conjunction with Occupational Health guidance, agreement should be reached on a target time period for improvement and recovery. This will need to be monitored and reviewed on a regular basis.

Adjustments

[\(Back to top\)](#)

Advice should be sought by the Line Manager from Occupational Health and the Health and Safety Advisor to ascertain the employee's suitability to continue working in their current role. Following advice and the completion of a risk assessment, adjustments may be required to support the employee on a temporary basis, examples include:

- Reduction in hours
- Modification of duties e.g. temporary removal from driving duties, time to go to medical appointments
- Transfer into another post / department

Sickness Absence

[\(Back to top\)](#)

Any absence from work as a result of ill health due to alcohol or drug dependency should be recorded as normal sickness absence, with the exception of suspension from work on medical grounds or pending disciplinary investigation.

Use of Disciplinary, Attendance or Capability Policy and Procedure

[\(Back to top\)](#)

Although the Council advocates a supportive approach towards dealing with substance dependency there may be occasions where it will be necessary to instigate either the disciplinary, attendance or capability policy and procedure. This may occur in the following circumstances:

- If help is repeatedly refused or the individual repeatedly fails to co-operate with the treatment programme and their performance / conduct does not improve (this could be a result of the employee failing to recognise that they have a problem)
- In the case of behaviour regarded as gross misconduct. Examples of which include:
 - Deliberate disregard of personal safety, and that of others, associated with the use of intoxicating substances
 - Possession, consumption, dealing, trafficking, selling, storage of alcohol or drugs on work premises
 - Damage to, or misappropriation of Council property or vehicles whilst under the influence of such substances
 - Driving whilst under the influence
 - Bringing the Council into disrepute
- If the employee discontinues a course of treatment and reverts to previous unsatisfactory standards of conduct.

- If the employee discontinues a course of treatment and reverts to previous unsatisfactory standards of attendance.
- If the employee discontinues a course of treatment and reverts to previous unsatisfactory standards of performance.

The advice of HR Services should also be sought if the Line Manager is unsure if action under another policy should be considered.

Where evidence warrants, the Council will inform the police of illegal drug use / possession or any activity or behaviour over which there are concerns as to its legality, this includes reporting employees who intend to drive whilst under the influence of alcohol. The advice of HR Services should be sought to determine whether or not the matter should be referred to the police.

One off Occasions

[\(Back to top\)](#)

Many employees do not have alcohol or drug dependencies, but simply commit one off acts of drink or drug misconduct such as coming back from lunch inebriated. In the absence of long term problems or medical issues, these should be treated as straightforward misconduct cases and will be dealt with in accordance with the Disciplinary Policy and Procedure. Health and safety considerations are paramount and the employee should be suspended on full pay and temporarily relieved from their duties pending investigation with immediate effect. Interviews with employees should not be conducted while they are still under the influence of drugs or alcohol.

Prescribed Medication

[\(Back to top\)](#)

Employees must notify their Line Manager immediately, if through taking prescribed or over the counter medication they experience side effects which impair their ability to undertake their duties safely and effectively. This is particularly important if they occupy a post where it is not only their own personal safety but those of others that could be placed at risk.

Employees are not obliged to disclose the actual medical condition being treated nor the medication – simply the impact / side effects.

Substance Misuse Outside of Working Hours

[\(Back to top\)](#)

Employees must not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call. Named key holders whose purpose is to respond to emergency situations are required to make a judgement whether they are fit to respond to the call. The Disciplinary Policy and Procedure will be invoked where employees are under the influence on Council premises.

Employees should be mindful that intoxicating substances such as alcohol remain in the system for some time after consumption and even small amounts can impair performance and jeopardise safety.

Where an employee's behaviour has been brought into question due to the use of drink or drugs (both legal and illegal) away from the workplace, the employee should be aware that disciplinary action could be considered if it is felt the behaviour has brought the Council into disrepute and resulted in the loss of trust and confidence in the employee.

Monitoring

[\(Back to top\)](#)

HR Services will be responsible for monitoring the effectiveness of this procedure in terms of the number of Occupational Health referrals, retirements due to ill health, use of disciplinary measures, accidents and sickness absence.

Warning Signs of Workplace Substance Abuse

[\(Back to top\)](#)

Substance abuse impairs judgement, concentration and co-ordination amongst other problems. The following may indicate signs of possible substance misuse. It is important to note that these can also be caused by other factors, such as stress or physical and mental illness. Each case should be considered on its own merit and it should not automatically be assumed that substance misuse is the cause.

Signs of substance misuse in the workplace might be found in employees:

Work Performance

- Missed appointments or deadlines
- Increased error rate
- Poor concentration
- Unreliability
- Inability to remember instructions

Attendance

- Lateness in mornings or after lunch
- Unauthorised leave
- Patterns of absence e.g. after weekend
- Recurring causes of absence

Conduct

- Withdrawal
- Depression
- Anxiety
- Poor co-operation
- Mood changes
- Uncharacteristic behaviour
- Accidents
- Alcohol on breath
- Customer complaints

Available Support

[\(Back to top\)](#)

- Employee's own GP
- Wellbeing Counselling Service: Simon Bamkin (0116) 3057504
Alison Earl (0116) 3056178
- [CIS Drink Right Pages](#)

Drug and Alcohol Contacts	
Leicestershire Community Projects Trust Drug and alcohol advice centre	96 New Walk Leicester LE1 7EA (0116) 222 9522 www.lcp-trust.org.uk
Turning Point Drug and Alcohol Service	22-24 Frederick Street Loughborough Leicestershire LE11 3BJ (01509) 6111111 42 High Street Coalville Leicestershire LE67 3EE (01530) 830865 www.turning-point.co.uk
NHS Community Alcohol Team	Drury House 50 Leicester Road Narborough Leicestershire LE12 2DF (0116) 2256350
Talk to Frank	www.talktofrank.com
Alcoholics Anonymous	(0115) 9417100
Drinkline	(0800) 917 8282
Alcohol Concern	www.alcoholconcern.org.uk
Re-solv (dedicated to solvent abuse)	www.re-solv.org/