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APPENDIX

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Substance Misuse Policy and Guidance

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Purpose

The purpose of the substance misuse policy and guidance is to raise awareness for employees and managers and to provide a framework to enable alcohol and drugs misuse by employees to be recognised by managers and handled in an appropriate, fair and consistent manner whilst taking in account individual circumstances.

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Scope

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

The principals of the policy also apply to agency employees, contractors and others working; whether paid or unpaid (for example those on work experience, volunteers etc).

This policy and guidance is not applicable to employees based in schools and colleges with delegated budgets.

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Principles

- The Council's commitment to equality of opportunity will be observed at all times during the operation of this policy and 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 or civil partnership, disability, age, sexual orientation, trade union membership or activity, political or religious belief, maternity or pregnancy, gender re-assignment 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 or drugs 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.
- Advice and support will be offered to all employees experiencing difficulties relating to alcohol or drug addiction. Situations will be judged on a case by case basis but clear acts that constitute misconduct will be dealt with through the Disciplinary Policy and Procedure in conjunction with advice from HR Services.

- Employees should be made aware of the existence of the substance misuse policy and understand the purpose of it. They should also be aware that further information is available on the Health and Wellbeing pages on CIS.

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Roles and Responsibilities

Line managers	<p>Managers are responsible for promoting a culture whereby employees feel comfortable to disclose information if they are experiencing a problem or if they are concerned by a colleague's behaviour due to substance misuse/dependency.</p> <p>Line managers have a responsibility to invoke formal policies (e.g. Disciplinary, Capability or Attendance Management policies and procedures) where appropriate.</p>
Employees	<p>Employees have a responsibility to ensure that they undertake their roles in a safe manner and make their managers aware if they are taking any prescribed medication that may have significant side effects.</p>
HR Services	<p>To advise and support managers in the application of the policy and guidance.</p>
Trade Union or other Representative	<p>All employees have the right to be accompanied and supported at <u>formal meetings</u> which may need to be held in relation to other formal policies. The employee may be accompanied either by a Trade Union Representative or a work colleague.</p>
Wellbeing Counselling Services	<p>The Council's Wellbeing Counselling Services can be accessed should employees wish to confidentially discuss issues/concerns surrounding substance use/misuse. The service can also advise on where to seek additional support and treatment from in line with individual's circumstances.</p>

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Definition of Substance Misuse

This term covers the use and misuse of substances which include alcohol, legal and illegal drugs, solvents, prescription and over-the-counter medication which could adversely affect work performance and/or health and safety. Overindulgence in and/or dependence of a drug related substance including alcohol can lead to effects that are detrimental to an individual's mental and/or physical health and potentially affecting the welfare of others.

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

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Confidentiality and Sharing Information

By maintaining confidentiality, the Council can help an individual experiencing substance misuse, make positive changes and increase their safety. However, confidentiality can only be maintained as far as it is reasonably practical within the duties as an employer. The Council can only involve other agencies or share information with the consent of the employee concerned, unless required to do so by law or the information is necessary for the protection of children or vulnerable adults.

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Employee Responsibilities

Prescribed Medication

It is an expectation for employees not to be in the workplace under the influence of any substance which may impair their judgement, functioning and the health and safety of themselves and/or of others. Therefore employees must notify their line manager immediately if they are taking prescribed or over the counter medication that may have significant side effects and could impair their ability to undertake their duties safely and effectively. If an employee is in any doubt as to whether they may be impaired then they should seek further advice from their GP or a medical professional.

Employees are not obliged to disclose the actual medical condition being treated or the medication to their line manager, simply the impact / side effects that the medication may have on them.

Possession of Substances

Substances such as alcohol may only be brought into work for consumption in exceptional circumstances such as for special occasions, with the approval of their line manager.

If it is discovered that substances are brought into work without a justified reason to do so then this may lead to appropriate formal action being taken.

Consumption of Substances

Employees should remember that it is their responsibility to ensure that they are fit to work at all times. They should therefore carefully consider whether to consume substances such as alcohol before coming to work, during the performance of their duties or when they may be required to attend work at short notice, such as 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. Employees should be mindful that substances such as alcohol remain in the system for some time after consumption and even small amounts can impair performance and jeopardise safety.

Seeking Help

Employees who think 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. Due to the possibility that the problem may affect attendance, performance or behaviour at work, the employee is also strongly recommended to disclose this information to their line manager, this will enable the problem to be addressed and appropriate support to be put in place if appropriate.

[Appendix 3](#) details some specialist organisations who can be contacted.

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Information for Managers/Manager Responsibilities

Substance misuse is a sensitive issue, and people experiencing it are often reluctant to discuss it with their manager or work colleagues. However, employers are under a duty of care to ensure the health, safety and welfare of their employees. Therefore, known or suspected instances of substance misuse can not be ignored and should be dealt with appropriately at the earliest stage possible.

The Importance of Creating a Supportive Environment

It is vital that managers create an environment whereby employees feel safe to talk to them about what they are experiencing. Identifying that an employee is experiencing difficulties at an early stage can lead to appropriate help being offered taking into account individual circumstances. This in turn could mean that the employee is able to deal with their situation far more effectively themselves and may avoid the matter escalating.

Line managers whether advised by an employee that they have a problems relating to substance misuse or if they become aware of such an issue through the course of their duty should aim to address the matter in a fair, constructive and consistent manner.

There may be circumstances when it will be appropriate for a manger to encourage an employee to disclose what is happening to them so that appropriate help and support can be provided and to prevent the need of formal action being taken due to poor performance, timekeeping or absenteeism. Any such encouragement should be dealt with sensitively according to the circumstances.

Recognising the Potential Signs of Substance Misuse

It is important for managers to be able to recognise the potential signs of substance misuse which can be varied, but may include adverse effects on performance, timekeeping, absence issues, changes in mood or behaviour. It may also be identified if a problem exists as a result of an investigation where it is established that substance abuse is apart of the underlying cause.

It is worth noting however, that these signs may be symptomatic of other illnesses and potential side effects of some prescribed medication, so care must be taken when dealing with these issues.

A more detailed summary of the ways in which substance misuse can exhibit itself at work is contained in [Appendix 1](#).

Managers should also be aware that substance misuse could be linked to mental health issues which may lead to such dependencies; therefore it is important to encourage employees to seek appropriate help which may best be obtained through a referral from their GP.

Supporting the Employee

With the above points in mind, if it has been identified that an employee might have a substance misuse problem, either through signs identified at work or as a result of the employee disclosing this themselves. It is strongly advisable that the line manager meets with the employee so that the issues can be further explored. This may involve consideration as to whether additional support may be required for the employee.

The general purpose of the meeting is to:

- Reassure the employee of the genuine concern for his/her health and wellbeing
- Seek to establish whether there are any underlying causes for the issues
- Explore what support or assistance can be provided (if appropriate)
- Consider whether a risk assessment needs to be carried out
- Set some targets with the employee (if appropriate to do so)

- Set an agreed date for a review meeting

It may be established through discussion, that the underlining cause of the substance misuse/dependency may be related to work or personal issues outside of work. Either way, it is important that managers are sensitive and non-judgemental to the issue being presented and that they provide reassurance to the employee that there is help and support available, both through the organisation and links with specialist agencies.

Situations should however be dealt with on an individual basis and managers should be mindful that some employees may not be as open to disclose/admit they are suffering from substance dependency. In these circumstances, managers should respect this but may need to monitor the situation to ensure that work performance or attendance is not being affected.

Managers may wish to seek advice from HR Services in undertaking these meetings.

Intervention from Trained Professionals

It should be recognised that employees experiencing substance misuse may benefit most from the intervention of trained professionals. Part of the line manager's role will be to assist employees to access local substance misuse programmes, specialist confidential counselling services, which could be found through the following sources;

- Referral to Occupational Health
- Provide contact details for the Council's Wellbeing Counselling Service
- Provide contact details for others agencies for help and/or encourage employees to consult their GP's who may also be able to refer them for specialist treatment

[Appendix 3](#) also identifies further support groups which line managers may wish to signpost employees to.

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 may be entitled to reasonable paid time away from the workplace to attend any specialist medical appointments, counselling or support groups which will assist with their rehabilitation, providing the appointments could not be made outside of working hours. For further guidance on the [Flexible Working Policy click on this link](#).

It may however be necessary to establish a period of recovery through a course of help and treatment, especially if the issues have a direct impact upon the employee's work. This will need to be monitored and reviewed on a regular basis by the line manager and so a further meeting may then need to be arranged with the employee to review the previous agreed targets and support put into place.

Details of possible workplace adjustments to help support the employee are outlined in [Appendix 2](#).

Transition to Formal Policies

The Council advocates a supportive approach towards dealing with substance misuse/dependency related issues, however there may be occasions where it will be necessary for the line manager to instigate formal procedures such as Disciplinary, Capability or Attendance Management where it is considered that the employee has received reasonable support and treatment but are continuing to fail to improve, despite an agreed length of treatment, especially if the dependency continues to affect performance/attendance.

Some examples of situations where the following policies and procedures may need to be used are included below, however advice should be sought from HR services if the line manager is unsure whether formal action may be required and/ or which policy may need to be evoked.

Disciplinary ([Link to Disciplinary Policy on CIS](#))

If the employee displays behaviour as a result of substance misuse which is regarded as gross misconduct, the disciplinary policy will be used. Examples may include: deliberate disregard of personal safety, and that of other employees, damage to the Council's property or vehicles, driving or operating machinery whilst under the influence of alcohol or drugs, or where the employee will not accept further support mechanisms and the issue is having an adverse affect on their behaviour.

Suspension

Health and safety considerations are paramount, and it may be necessary for an employee to be removed from their duties in situations such as where there has been wilful misconduct or gross misconduct, e.g. a driver coming to work under the influence of any type of substances which could put their lives and/or others at risk. Cases should however be dealt with on a case by case basis and the manager should consult with HR Services if they are considering suspending an employee from the workplace due to substance misuse.

If the manager decides that removing the employee from the workplace is the appropriate action to take then they must advise the employee the grounds for the suspension, pending further investigation and/or a referral to Occupational Health in accordance with the Suspension Guidance within the Disciplinary policy. ([For further information on Suspension click on this link](#)).

Capability ([Link to Capability Policy on CIS](#))

Should the employee continue to fail to improve their performance or to meet targets set despite receiving reasonable support and treatment, the capability policy may be used as appropriate.

Attendance Management ([Link to Attendance Management Policy on CIS](#))

If reasonable support has been provided but the employee's attendance has still not improved then formal procedures may be followed in accordance with the attendance management policy.

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Appendix 1 - Identifying potential signs of Substance Misuse

Substance misuse can impair judgement, concentration and co-ordination amongst other problems. The following factors 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 displayed in the workplace to suggest that an individual is experiencing substance misuse can include the following:

Work Performance

- Missed appointments or deadlines
- Increased error rate
- Poor concentration
- Unreliability
- Inability to remember instructions
- Uncharacteristic deterioration in the overall quality of work
- Reduced productivity

Attendance

- Poor timekeeping such as lateness in mornings or after lunch
- Unauthorised leave/ needing regular time off for appointments
- Patterns of absence e.g. after weekend
- Recurring causes of absence
- High absenteeism rate without explanation

Conduct

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

Please note that this is not a checklist, as some employees may display no significant signs substance misuse.

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Appendix 2 - Possible Workplace Adjustments

Employees experiencing substance misuse are vulnerable as the affects of such an issue can give rise to health and safety issues in the workplace.

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 (which will involve a decrease in pay)
- Modification of duties e.g. temporary removal from driving duties, (in the interest of health and safety)
- Temporary redeployment to another post within the same service department
- Providing a flexible approach to facilitate access to external agencies and to time off to attend any external appointments and meetings. For example, to attend counselling sessions, specialist support agencies.

Managers should give consideration for reasonable adjustments that have been identified however implementation of some adjustments may be dependent upon the limitations and needs of the service.

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Appendix 3 - Available Support for Employees

- Employee's own GP
- Occupational Health
- Wellbeing Counselling Service: Simon Bamkin (0116) 3057504
Alison Earl (0116) 3056178
- Health and Wellbeing information pages on CIS

Drug and Alcohol Contacts	
Alcoholics Anonymous	0845 769 7555 www.alcoholics-anonymous.org.uk
Narcotics Anonymous	0300 999 1212 www.ukna.org
Leicester City Residents - Adults	Alcohol Advice Centre 96 New Walk Leicester (0116) 2229545
Leicester City Council - Children and Young People	New Directions 29 New Walk Leicester (0116) 2047274
Leicestershire County and Rutland Residents (Adults and Young People)	Swanswell Trust 0300 303 5000 http://www.swanswell.org/alcohol/index.asp or through the County website; http://www.drugs.org.uk
NHS Community Alcohol Team	Drury House 50 Leicester Road Narborough Leicestershire LE12 2DF (0116) 2256350
Talk to Frank	0800 77 66 00 www.talktofrank.com
Alcohol Concern	www.alcoholconcern.org.uk
Drinkline	(0800) 917 8282
Re-solv (dedicated to solvent abuse)	01785 810 762 www.re-solv.org/

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