

Agenda Item	10
Report No	RES/27/25

The Highland Council

Committee: Corporate Resources

Date: 28 August 2025

Report Title: Workplace Drug and Alcohol Support Policy and Guidance

Report By: Assistant Chief Executive – Corporate

1. Purpose/Executive Summary

- 1.1 The Highland Council is committed to fostering a safe, healthy and productive working environment. This policy outlines our proactive approach to managing risks associated with substance use, including illegal drugs, legal highs, the misuse of prescription or over-the-counter medications and alcohol.
- 1.2 This policy, together with its supporting guidance, establishes a clear and consistent framework for addressing drug and alcohol-related concerns in the workplace. It is designed to:
 - safeguard employee wellbeing and operational integrity;
 - promote early intervention and support;
 - encourage a culture of openness, dignity and respect; and
 - ensure fair and proportionate responses to substance-related issues.
- 1.3 The policy enables "**With Cause**" testing where there is reasonable suspicion of impairment. This process is governed by a clearly defined protocol that outlines:
 - the circumstances under which testing may be initiated;
 - the roles and responsibilities of managers; and
 - the steps to ensure fairness, transparency and consistency.
- 1.4 This structured approach supports managers to promote a culture of trust and accountability.
- 1.5 The Council prioritises the retention and rehabilitation of valued employees. Where possible and appropriate, reasonable adjustments and support mechanisms will be offered. The policy is aligned with related HR Policies, including Attendance Management and Disciplinary Policies, to ensure a supportive and proportionate response in favour of defaulting to disciplinary action.
- 1.6 This policy will supersede the existing **Substance Misuse Policy**.

2. Recommendations

2.1 Members are asked to:

- i. **Approve** the Workplace Drug and Alcohol Support Policy including the use of “**With Cause**” testing procedures.
- ii. **Approve** the Workplace Drug and Alcohol Support Guidance for Managers.

3. Implications

- 3.1 **Resource:** There are no immediate resource implications arising from this policy. Testing will be commissioned through the Occupational Health provider.
- 3.2 **Legal:** The policy supports the Council to meet legal obligations under the Health & Safety at Work Act 1974, Misuse of Drugs Act 1971 and other employment legislation.
- 3.3 **Risk:** Substance misuse presents risks to the Council in relation to employee safety, performance, wellbeing and the sustainability of the workforce. The Workplace Drug & Alcohol Support Policy helps to mitigate these risks with the introduction of a structured approach including early intervention, rehabilitation and “With Cause” testing where impairment is suspected.

Failure to act on known substance misuse concerns, or a perception of tolerance, could potentially lead to reputational damage, particularly in roles involving vulnerable groups, public safety, or frontline services. This risk is heightened by potential media scrutiny, complaints and regulatory consequences which may also have an impact on relationships with external partners.

There is a direct link between substance misuse and workforce sustainability, a risk already highlighted in the Corporate Risk Register. In the context of budget constraints and staffing pressures, unmanaged substance-related issues can lead to:

- increased absenteeism;
- reduced productivity;
- impaired performance;
- greater strain on limited staffing resources; and
- escalating service delivery costs.

Senior leaders may also be held accountable for failures in policy enforcement or oversight, particularly where risks to safety are involved.

The policy plays a significant role in safeguarding the Council’s operational integrity and reputation. By setting clear behavioural standards and explicitly prohibiting substance misuse at work, the policy ensures a consistent and zero-tolerance approach to unsafe conduct. Importantly, it integrates with other HR policies, such as Attendance Management and Disciplinary Procedures to ensure a cohesive and proportionate response, prioritising support over potential disciplinary action.

The policy fosters a culture of open communication, encouraging employees to raise concerns early, whether about themselves or others, without fear of stigma or unfair treatment. This proactive approach supports early resolution, reduces risk exposure and contributes to a more resilient and sustainable workforce.

- 3.4 **Health and Safety (risks arising from changes to plant, equipment, process, or people):** Employees under the influence may have reduced cognitive or physical ability, increasing the risk of accidents or harm to themselves and others.

Employees in roles involving children or vulnerable adults pose a safeguarding risk if impaired.

Substance misuse can lead to unacceptable behaviour, aggression or breaches of conduct, affecting team dynamics and safety.

Ongoing misuse can lead to long-term health issues, absenteeism and mental health deterioration which can have a negative impact on workforce resilience and team dynamics.

Staff wellbeing is a priority in the People Strategy, and this is reflected in this Policy.

- 3.5 **Gaelic:** No implications.

4. Impacts

- 4.1 In Highland, all policies, strategies or service changes are subject to an integrated screening for impact for Equalities, Poverty and Human Rights, Children's Rights and Wellbeing, Climate Change, Islands and Mainland Rural Communities, and Data Protection. Where identified as required, a full impact assessment will be undertaken.

- 4.2 Considering impacts is a core part of the decision-making process and needs to inform the decision-making process. When taking any decision, Members must give due regard to the findings of any assessment.

4.3 Integrated Impact Assessment – Summary

- 4.3.1 An Integrated Impact Assessment screening was undertaken on 10 June 2025. The conclusions have been subject to the relevant Manager Review and Approval.
- 4.3.2 A full Data Protection Impact Assessment (DPIA) was required due to the risk associated with holding and sharing of personal data. The current Occupational Health provider, PAM, will manage the process for "With Cause" testing and for the collection and processing of data within their OHIO system. The data collected is considered special category (sensitive) personal data under UK GDPR.
- 4.3.3 The Screening process has concluded that there are positive and negative impacts in relation to protected characteristics. The Workplace Drug and Alcohol Support Policy supports all employees equally and adheres to EHRC principles, ensuring there is no discrimination based on protected characteristics.

Members are asked to consider the summary in **Appendix 1** and **Appendix 2** to support the decision-making process.

4.3.4

Impact Assessment Area	Conclusion of Screening/Full Assessment
Equality	Children and Young People - <i>No impact</i> Children affected by disability - <i>No impact</i> Older adults - <i>No impact</i>
Protected Characteristics	<i>Positive impact</i>
Socio-economic	<i>No impact</i>
Human Rights	<i>No impact - Promotes dignity, respect and access to support services such as the Employee Assistance Programme and Mental Health & Wellbeing Toolkit.</i>
Children's Rights and Well-being	<i>No impact</i>
Island and Mainland Rural	<i>No impact</i>
Climate Change	<i>No impact</i>
Data Rights	<i>Impacted - see Appendix 2</i>

5. Introduction

5.1 Historically, issues related to drug and alcohol use in the workplace were addressed through substance misuse guidance rather than a formal policy. While the guidance included support mechanisms, its compliance-focused language and structure limited opportunities for early intervention and proactive support.

5.2 The newly developed **Workplace Drug and Alcohol Support Policy** adopts a person-centred and empathetic approach. It provides clear, consistent procedures for supporting employees while promoting early intervention and reducing stigma. The policy ensures that individuals facing substance use challenges are met with understanding and structured assistance, rather than uncertainty or discrimination. This approach aligns with Highland Council's commitment to fostering a safe, healthy, and inclusive working environment for all employees.

5.3 **With Cause Testing** may be considered when one or more of the following indicators are present:

- Visible signs of impairment such as
 - slurred speech,
 - impaired movement,
 - erratic or unusual behaviour.
- Report or complaint from colleagues

5.4 **With Cause** testing will only be conducted where there is a specific and reasonable basis to suspect that an employee may be under the influence of drugs or alcohol and is triggered by observable evidence or credible reports which suggest impairment. **With Cause** testing differs from random testing which is where testing occurs unannounced or unscheduled and where employees are not given advance notice of when they will be tested. Random testing does not take place in The Highland Council.

6. Research

6.1 The policy has been shaped by extensive research and benchmarking, drawing on guidance from:

- Chartered Institute of Personnel and Development (CIPD)
- Employment Practices Code
- Trades Union Congress (TUC)
- Information Commissioner's Office (ICO)
- Advisory, Conciliation and Arbitration Service (ACAS)
- Health and Safety Executive (HSE)

6.2 Local Authority Benchmarking

A review of practices across fifteen local authorities revealed:

- **0** conduct random testing
- **7** implement testing with cause
- **8** do not currently undertake testing

6.3 Sector Comparisons

- **Armed Forces:** Random testing with immediate dismissal
- **Scottish Water:** Testing with cause only
- **NHS:** No testing conducted
- **Fire Service:** No response received

6.4 The policy was reviewed by Highland Council's legal team in June 2025. Minor adjustments were made, with no further recommendations.

6.5 These findings have informed a balanced and proportionate approach, ensuring alignment with sector norms and reinforcing the Council's commitment to fairness, safety and employee wellbeing.

7. Policy Changes

7.1 The Workplace Drug and Alcohol Support Policy, along with its associated guidance, replaces the previous Substance Misuse Guidance. This update reflects a progressive shift from punitive measures to a more supportive and preventative approach.

7.2 Key enhancements include:

- Expanded roles and responsibilities for both employees and managers, with clearer guidance on identifying and responding to substance misuse concerns.
- Strengthened health and safety provisions, including the introduction of reasonable adjustments to help employees maintain their roles safely. These measures aim to minimise reputational risks and prevent disruption to service delivery.
- Defined expectations for contractors and agency workers, ensuring inclusivity and clarity. However, it is important to note that "With Cause" testing applies only to Highland Council employees.
- Promotion of proactive support-seeking, encouraging individuals to engage with available resources early.
- Emphasis on consistent application, recognising that failure to apply the policy uniformly may expose the Council to legal risk—particularly in cases involving workplace accidents or incidents linked to substance misuse.

8. Trade Union Consultation

- 8.1 Extensive consultation was undertaken through a dedicated working group comprising both Service representatives and recognised Trade Unions. Three of the recognised unions—Unison, EIS, and GMB—expressed full support for the proposed policy, associated guidance, and the implementation of “**With Cause**” testing.
- 8.2 The working group remained engaged and collaborative throughout the process, ensuring transparency and inclusivity. Input was also sought from the Occupational Health, Safety and Wellbeing Manager.
- 8.3 The HR team actively listened to feedback, addressed concerns, and incorporated suggestions to strengthen the policy. The overarching emphasis was on developing a fair and consistent process, with a clear shift away from disciplinary procedures toward early intervention and supportive measures that promote employee wellbeing.
- 8.4 The group also considered the potential introduction of random drug and alcohol testing, particularly in relation to higher-risk roles (e.g. driving, operating machinery, or working with vulnerable adults or children). While these roles were acknowledged as carrying increased risk, the group did not reach consensus in favour of random testing. Trade Union representatives did not support its implementation. Following further discussion, the group collectively agreed that “**With Cause**” testing represents the most appropriate and proportionate approach. This enables action to be taken where there is reasonable concern, while upholding fairness, employee rights, and the Council’s commitment to a supportive and respectful working environment.

Designation: Assistant Chief Executive – Corporate

Date: 21 July 2025

Author: Jane Henderson, HRBP - Policy and Data
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Appendices: Appendix 1 - Integrated Impact Assessment
Appendix 2 - Data Protection Impact Assessment
Appendix 3 - Substance Misuse Policy
Appendix 4 - Workplace Drug and Alcohol Support Policy
Appendix 5 - Workplace Drug and Alcohol Support Guidance

Integrated Impact Assessment Screening

About proposal

What does this proposal relate to? Policy

Proposal name: Workplace Drug & Alcohol Support Policy and With Cause Drug & Alcohol Testing

High level summary of the proposal: We are introducing a Workplace Drug & Alcohol Support Policy to replace and expand upon the existing Substance Misuse Guidance. This policy aims to create a more supportive working environment where concerns relating to drug and alcohol use are apparent, with a structured and compassionate approach.

Key elements of the policy include:

-A supportive framework with an emphasis on early intervention, support and treatment/counselling for employees who may be experiencing difficulties related to drug or alcohol use.

-Introduction of With Cause testing utilising a formal process which allows the Council to test employees where there is reasonable suspicion of impairment in the workplace.

-A clear outline of procedures and responsibilities with defined roles for managers, HR and occupational health in identifying concerns, initiating support and managing testing procedures.

-A focus on Health & Safety which reinforces the Council's commitment to maintaining a safe working environment for all employees and customers.

Who may be affected by the proposal? Employees and/or contractors

Start date of proposal: 01/05/2024

End date of proposal: 01/08/2025

Does this proposal result in a change or impact to one or more Council service? No

Does this relate to an existing proposal? No

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Sign off date: 2025-06-10

Equalities, poverty, and human rights

Protected characteristics

Select what impact the proposal will have on the following protected characteristics:

Sex: No impact

Age: No impact

Disability: Positive, Negative

Religion or belief: No impact

Race: No impact

Sexual orientation: No impact

Gender reassignment: No impact

Pregnancy and maternity: No impact

Marriage and civil partnership: No impact

Protected characteristics impact details: Individuals with substance addiction or dependency may be considered disabled under the Equality Act if the dependency arises from the use of prescribed medication, or results in a long-term mental or physical impairment. The policy's supportive approach can help ensure reasonable adjustments and access to occupational health support. The policy and guidance should be followed to avoid discrimination or disciplinary action without appropriate support and assessment.

Poverty and socio-economic

What impact is the proposal likely to have on the following?

Prospects and opportunities: Positive

Places: No impact

Financial: No impact

Poverty and socio-economic impact details: By focusing on early intervention and support

rather than immediate disciplinary action, the policy can help employees retain their jobs while addressing substance-related concerns. This is particularly important for individuals in lower-income brackets, where job loss can have severe financial consequences. A supportive, non-punitive approach can help reduce stigma around substance misuse, encouraging individuals from all socio-economic backgrounds to seek help without fear of judgement or job loss.

Human rights

Which of the below human rights will be affected by this proposal?Article 14: Protection from discrimination

What impact do you consider this proposal to have on the human rights of people?No impact

Human rights impact details: Article 8: While testing does involve personal data, the policy's emphasis on confidentiality, clear procedures and support helps ensure that any interference is lawful and proportionate.

Article 14: The policy promotes fairness by offering support to all employees and applying testing procedures consistently, helping to reduce stigma and discrimination.

The correct implementation of the policy and guidance ensures that any limitations on rights (e.g. privacy) are proportionate, necessary and justified in the context of workplace safety and wellbeing.

Equalities, poverty and human rights screening assessment

What impact do you think there will be to equalities, poverty and human rights?No impact

Is a Full Impact Assessment required?No

Children's rights and wellbeing

What likely impact will the proposal have on children and young people?None

Which of the below children's rights will be affected by the proposal?

Explain how the children's rights selected above will be affected:

Children's rights and wellbeing screening assessment

What impact do you think there will be to children's rights and wellbeing?No impact

Is a Full Impact Assessment required?No

Data protection

Will your proposal involve processing personal data?Yes

Is any of this data already processed by the Highland Council?Yes

What is the purpose of the personal data being processed? Highland Council uses health and wellbeing software to provide access to Occupational Health for employees. This system allows us to manage the process for "With Cause" testing and for the collection and processing of information relating to drug and alcohol testing requests and results, which are considered special category (sensitive) personal data under UK GDPR.

Is there an up-to-date privacy notice available on the Highland Council website? Yes

Data protection screening assessment

What change will there be to the way personal data is processed? Significant change to current processing

Is a Full Impact Assessment required? Yes

Island and mainland rural communities

Does your proposal impact island and mainland rural communities? No

Island and mainland rural communities screening assessment

What impact do you think there will be to island and mainland rural communities? No difference

Is a Full Impact Assessment required? No

Climate change

Does the proposal involve activities that could impact on greenhouse gas emissions (CO2e)? Yes

Does the proposal have the potential to affect the environment, wildlife or biodiversity? No

Does the proposal have the potential to influence resilience to extreme weather or changing climate? No

Provide information regarding your selection above: Travel of the Test Collector (PAM employee who administers the test) may contribute to increased emissions, depending on method of travel.

Climate change screening assessment

Have you identified potential impact for any of the areas above or marked any as not known? No

Is a Full Impact Assessment required? No

Integrated Impact Assessment

About proposal

What does this proposal relate to? Policy

Proposal name: Workplace Drug & Alcohol Support Policy and With Cause Drug & Alcohol Testing

High level summary of the proposal: We are introducing a Workplace Drug & Alcohol Support Policy to replace and expand upon the existing Substance Misuse Guidance. This policy aims to create a more supportive working environment with a structured and compassionate approach where concerns relating to drug and alcohol use are apparent.

Key elements of the policy include:

- A supportive framework with an emphasis on early intervention, support and treatment/counselling for employees who may be experiencing difficulties related to drug or alcohol use.
- Introduction of With Cause testing utilising a formal process which allows the Council to test employees where there is reasonable suspicion of impairment in the workplace.
- A clear outline of procedures and responsibilities with defined roles for managers, HR and occupational health in identifying concerns, initiating support and managing testing procedures.
- A focus on Health & Safety which reinforces the Council's commitment to maintaining a safe working environment for all employees and customers.

Who may be affected by the proposal? Employees, contractors and agency workers of The Highland Council

Start date of proposal: 01/05/2024

End date of proposal: 01/08/2025

Does this proposal result in a change or impact to one or more Council service? No

Does this relate to an existing proposal? No

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Sign off date: 2025-08-04

Evidence and consultation

What sources have you used to gather information relating to this proposal? Consultations, National or local data, National or local research, APSE recommendation within Audit

Are there any gaps or missing information in the available sources selected above? No

Have any stakeholders been involved in the development of the proposal? Yes

Which stakeholders have been involved and how you have engaged with them? Working group meetings including TUs and Service representatives (consultations), benchmarking with other LAs and private sector organisations.

In addition to involving stakeholders, have there been any other formal consultations? Yes

Provide details of the consultations: Trade Unions - no concerns were raised throughout the development of the Policy and process with regards to Data Protection.
HR Sub - no concerns raised regarding data protection as the system (OHIO) is already used for submitting and recording occupational health information and health surveillance for employees.
Legal team - no concerns raised regarding data protection.

Will there need to be any further formal consultation undertaken prior to proposal implementation? No

Equalities, poverty and human rights

Protected characteristics

Bearing in mind the articles of the Human Rights Act, select what impact the proposal will have on the following protected characteristics:

Sex:

Age:

Disability:

Religion or belief:

Race:

Sexual orientation:

Gender reassignment:

Pregnancy and maternity:

Marriage and civil partnership:

Protected characteristics impact details:

Vulnerable groups

Select what impact the proposal will have on the following vulnerable groups:

Unemployed:

Lone parent families:

Young children:

Older people:

Homeless:

Looked after children:

Low-income households (in-work poverty):

Vulnerable groups impact details:

Human rights

Select what impact the proposal will have on the below human rights:

Article 8: Respect for private and family life, home, and correspondence:

Article 9: Freedom of thought, belief and religion:

Article 10: Freedom of expression:

Article 11: Freedom of assembly and association:

Article 12: Right to marry and start a family:

Article 14: Protection from discrimination:

Article 1, Protocol 1: Right to peaceful enjoyment of property:

Article 2, Protocol 1: Right to education:

Article 3, Protocol 1: Right to participate in free elections:

Human rights impact details:

Children's rights and wellbeing

What likely impact will the proposal have on children and young people?

Impact

Select whether the proposal will have positive or negative impact on the following children's rights articles:

Article 3 - best interests of the child:

Article 12 - respect for the views of the child:

Article 23 - children with a disability:

Article 27 - adequate standard of living:

Article 28 - right to education:

Article 29 - goals of education:

Article 31 - leisure, play and culture:

Children's rights impact details:

Will the proposal impact any other UNCRC articles not listed above?

Data protection

Lawfulness, fairness, and transparency

Why will you need to process personal data as part of this proposal? The Highland Council is required to process employee personal information to enable us to undertake 'With Cause' testing in relation to health and safety in the workplace.

'With Cause' testing may also be requested by the employee as a supportive measure where Drug or Alcohol use is a concern.

The requirement for processing personal data is Article 6(1)(c) of UK GDPR - processing is necessary for compliance with a legal obligation to which the controller is subject. Health and Safety at Work, etc. Act 1974 and other subordinate legislation.

This legal obligation may require the Council to process special categories of personal data e.g., health information. The processing of this data is covered by the condition under Article 9(2)(b) of UKGDPR - processing is necessary for the purposes of carrying out the obligations of the

controller or of the data subject in the field of employment.

Will the data subjects be aware that we are using their data for this purpose? Yes

Purpose limitation

Will the data be used for purposes other than what is set out in the proposal? Yes

What other purposes will the data be used for? Data reporting but not identifying individuals.

Will data be shared with other services or organisations? Yes

Which services or organisations will the data be shared with? The Highland Council may share information with other organisations if required, for example:

Health and Safety Executive
Emergency services: police and ambulance
Council Insurance Team
Council's HR team
Employee's line manager
Occupational Health, Safety and Wellbeing team

How will this be monitored? Records will be held in a secure system, OHIO, which is managed by our Occupational Health Provider, PAM and all employee records are retained in accordance with agreed Corporate retention schedules.

Access and visibility to the employee record are restricted to the Referring Officer, HR, Health, Safety and Wellbeing team and the employee's line manager.

Data can only be extracted by the Occupational Health, Safety and Wellbeing team or HR Data Analysts.

Data minimisation

Will you process personal data as part of this proposal? Yes

Will you anonymise data where possible? Yes

Have you confirmed that you will only process the minimum data required to fulfil the purpose? Yes

Accuracy

How will you ensure data is kept up-to-date and accurate? The Referring Officer will input information having obtained consent from the employee. The software is maintained by the Occupational Health provider PAM who inputs the test results. The OHSW team have a Superuser whose role involves checking the accuracy of information.

How will you monitor the quality of the data? The data required is specific and factual, for example name, date of birth.

Storage limitation

How long will the personal data be kept for? Security and records management will be handled through the ICT and PAMs Ohio system, with all records stored securely and retained in accordance with corporate retention schedules

Is this included in the Council's retention schedule? Yes

How long will data shared with other parties be retained? PAM will hold the records for either the statutory retention period or, at the end or termination of a contract, data will be archived and then deleted once all interactions have been completed, which includes data transfer to another provider, where data transfer is applicable.

Does the IT system you use apply the retention appropriately? Yes

Integrity and confidentiality

Will you utilise the Council's existing systems to process data? Yes

List all systems that will be used to process data: OHIO

Will data be held in the service provider's cloud? Yes

Detail the provider's security arrangements: PAMs OHIO system holds personal data within the Cloud on AWS servers located with the UK. The OHIO environment is a 24/7/365 managed and monitored solution. This includes Threat Detection systems that monitor incoming traffic and actively block any potential threats, managed antivirus, OS updates and daily incremental and weekly full backup. All data is encrypted and protected on two fronts; the external web face and the internal layers of the OHIO environment. All traffic is subsequently filtered and provides network intrusion detection and vulnerability assessment solution which proactively responding to any detected threats.

Provide details of how you will control access to the data: To reduce the risk of Council staff accessing the system when they should not be able to, The Highland Council has implemented single sign-on (SSO) for access to OHIO. When staff leave the Highland Council, their SSO is disabled.

How will you ensure that staff are aware of their responsibilities? Specific guidance has been created for those responsible in the testing process.

Accountability

Is there an up to date privacy notice available on the Highland Council website? Yes

Do you have policies and procedures for staff to follow? Yes

What information will you provide to data subjects about how their data will be used? The Employee consent form includes a clear statement as to the purposes of collecting the data and how the data will be used. The employee is required to sign consent prior to the process being initiated.

Risks

Have any risks been identified in relation to personal data? No

Island and mainland rural communities

What are the impacts on island and mainland rural communities?

Will the delivery of the proposal vary between impacted communities?

Climate change

The climate change full impact assessment does not currently sit within our digital tool. The climate change content is accessible either as an appendix to this document, or can be found on the [Impact Assessment Register](#).

Guidance for Managers dealing with Substance Misuse

1. Introduction

6. Risk Implications

2. Statement on Substance Misuse

7. Treatment for Substance Misuse

3. Recognising Substance Misuse

8. Disciplinary and Performance Issues

4. Discussion with the Employee

9. Support Agencies

5. Referral to Occupational Health

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1. Introduction

- 1.1 The Highland Council is committed to providing a safe, healthy and productive working environment.
- 1.2 Alcohol and Drug misuse includes the use of illegal drugs, the misuse of prescribed drugs, non-prescribed preparations, 'legal highs' and the consumption of alcohol leading to impaired performance. The misuse of alcohol and drugs can lead to reduced efficiency, increased risk of accidents, increased absences, potential misconduct and criminality, and the loss of valuable employees.
- 1.3 As part of the Council's commitment to the health, safety and wellbeing of our staff, the purpose of this guidance is to create healthy workplaces free from the dangers of alcohol or drug misuse and also to ensure that staff affected by misuse are dealt with sympathetically, fairly and consistently.
- 1.4 The guidance applies to all employees of the Council, casual workers, agency workers and contractors working in premises owned or occupied by the Council.

2. Statement on Substance Misuse

- 2.1 Alcohol will not be consumed during working hours, including rest breaks and periods on standby, except with the prior authorisation of the Service Director. Service Directors may authorise the responsible consumption of alcohol at events to mark special occasions. On these occasions staff should not return to work after consuming alcohol and non-alcoholic drinks must be available.
- 2.2 Illegal, unprescribed drugs (other than those which may be bought over the counter) or 'legal highs' will not be consumed, possessed or supplied to others during working hours, including rest breaks and periods on standby.
- 2.3 Alcohol, illegal drugs, unprescribed drugs (except drugs which may be bought over the counter) or 'legal highs' will not be consumed at any time before reporting for work as their use may impair work performance on.
- 2.4 Staff must inform their manager of any prescribed drug that might impact on their ability to work safely so that an appropriate risk assessment can be carried out. Managers should seek guidance from the Occupational Health Service as necessary.
- 2.5 Allegations of substance misuse will be investigated under the Council's Disciplinary Policy. The possession and/or supply of illegal drugs will constitute gross misconduct and such acts will be referred to the police.

- 2.6 Where it is identified that a member of staff has a substance dependency the Council will offer support through the Occupational Health service and other specialist service providers. If treatment is required reasonable time off will be granted for this during which time the member of staff will receive benefits associated with sickness absence.
- 2.7 The Council will provide training and support to line managers in managing substance misuse issues.

3. Recognising Substance Misuse

- 3.1 The following characteristics, especially in combinations, may indicate the presence of an alcohol, drugs or substance related problem. It should be noted that these characteristics could also be caused by other factors:

Absenteeism: Instances of unauthorised leave, frequent Friday and/or Monday absences, leaving work early, lateness (especially returning from lunch), excessive sickness absence, unusually high level of short term and intermittent absences with, or without, explanation

High accident level: at work, elsewhere, driving or at home

Work performance: difficulty in concentration, work requires increased effort, individual tasks take more time, problems with remembering instructions or own mistakes

Mood Swings: irritability, depression, and general confusion
Appearance: deterioration in physical appearance and or wellbeing; Unusual or uninhibited behaviour including violence

Appearance: deterioration in physical appearance and/or wellbeing

Unusual or uninhibited behaviour including violence

4. Discussion with the Employee

- 4.1 Managing a situation in which an employee is believed to have an alcohol, drug or substance related problem requires a great deal of tact, understanding and patience on the part of the manager. In so doing, the objective is the rehabilitation of the employee and a return to satisfactory conduct and performance.
- 4.2 Employees are strongly encouraged to seek help if they have concerns regarding their alcohol or drug consumption. It is recommended that they

approach either their line manager or HR in the first instance so that the organisation can arrange for the provision of appropriate support to help speedy rehabilitation, for example referral to the occupational health service and professional drug/alcohol treatment agencies.

4.3 In order to help the discussion the following guidelines may be useful:

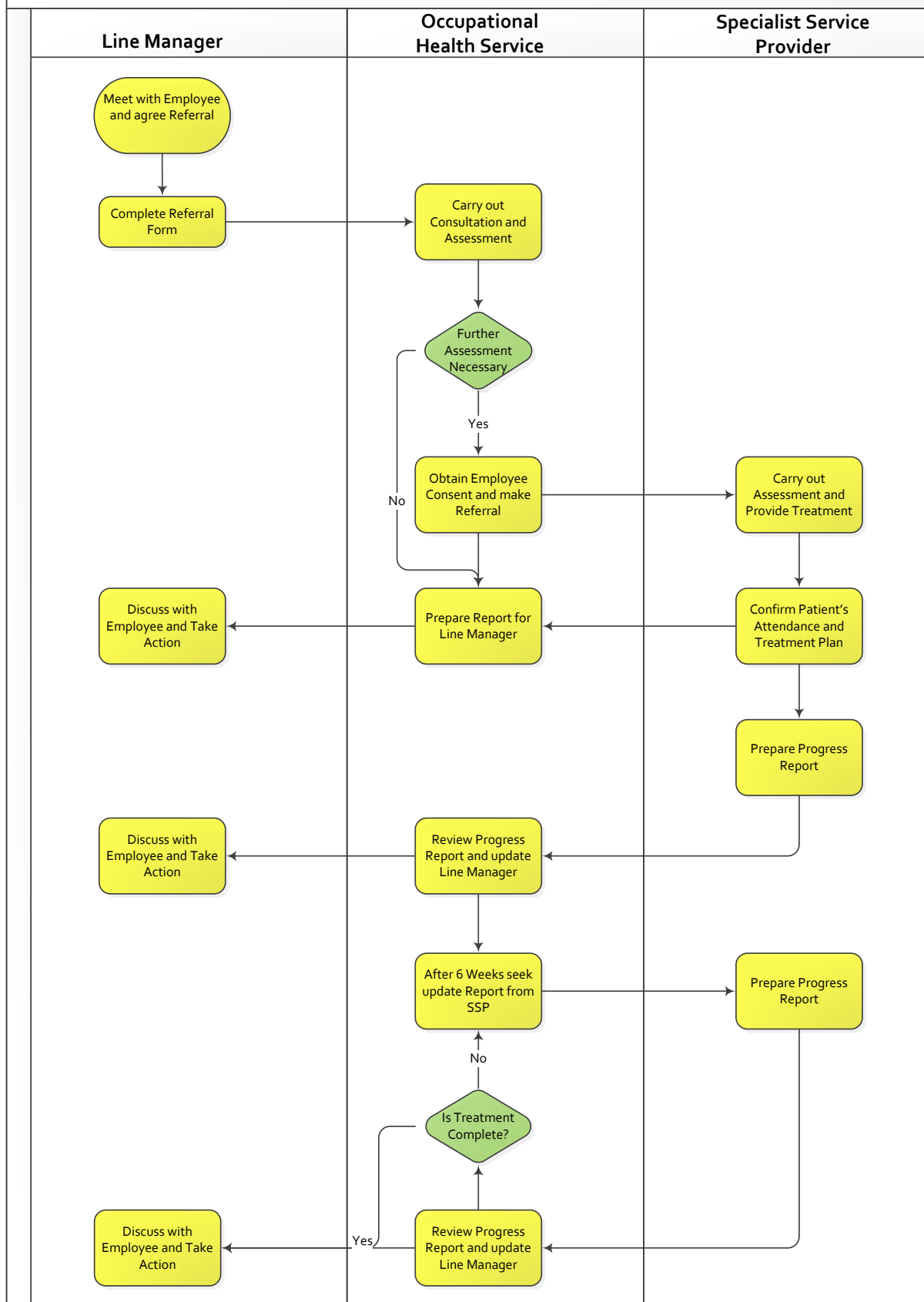
- As appropriate, wait until the effects of perceived substance misuse have disappeared.
- Keep the focus of the discussion on work related issues including any concerns over performance and/or conduct.
- Seek an explanation from the employee without leading or making suggestions of problem drinking or substance misuse. (Remember there may be other causes such as domestic difficulties or the side effects of prescribed medication.)
- Listen carefully to the explanation and probe gently if necessary.
- Do not jump to conclusions or moralise.
- Ensure that the employee is made aware of the Highland Council's guidance relating to substance misuse.
- Provide information on support agencies.
- Do not take it personally if the employee refuses all offers of help and / or remains in denial and / or relapses.

5. Referral to Occupational Health Service

5.1 Following discussion with the employee where the employee has agreed, or the manager suspects, that there is evidence of substance misuse the manager should refer the employee to the Occupational Health Service for review, support and clarification on the impact the misuse has at work.

5.2 The referral process is as follows:

Substance Misuse Flowchart



6. Risk Implications

- 6.1 Employees of the Highland Council are expected to present a professional, courteous and efficient image to those with whom they come into contact at all times. They therefore have a personal responsibility to adopt a responsible attitude towards drinking and taking prescribed and over-the-counter drugs.
- 6.2 Employees in particular roles may be required to be redeployed on a temporary basis if in a high risk role. For example employees who are responsible for vulnerable groups or responsible for driving and operating machinery.

7. Treatment for Substance Misuse

- 7.1 Where an employee has been diagnosed as having a drug or alcohol problem, reasonable time off with pay will be allowed for medical appointments and counselling.
- 7.2 If the employee is absent from work due to alcohol or drug misuse, the absence should be recorded and paid in line with Attendance Management Policy and Guidelines.
- 7.3 During the period of treatment, the occupational health service will keep the manager up to date regarding the employee's progress, the likely return-to-work day and whether alternative employment needs to be considered.
- 7.4 Occupational Health Service should review the employee before they return to work and provide guidance on any workplace adjustments.
- 7.5 If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment may be considered.
- 7.6 After the return, the occupational health service and the manager will jointly review the employee's progress.
- 7.7 If an employee has successfully completed a course of counselling or other treatment and later relapses, the organisation will consider whether to permit another period of treatment with guidance from Occupational Health Service or invoke the capability procedure as outlined in the Attendance Management Policy (Section 9).

8. Disciplinary and Performance Issues

- 8.1 The Service will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction.

- 8.2 Where disciplinary action is appropriate but the employee concerned has a drug or alcohol problem, this may be taken into account as a mitigating factor.
- 8.3 Where employees refuse to accept that they have a problem with drugs or alcohol, or refuse treatment, disciplinary action will be taken, which could lead to dismissal.
- 8.4 If performance, attendance or behaviour is unacceptable, despite any support and assistance that can be offered, ultimately dismissal may be unavoidable following the relevant Attendance or Disciplinary procedure.
- 8.5 There will be circumstances where behaviour, whether dependency-related or not, will be treated as a disciplinary matter and may result in the dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal, are:
- deliberate disregard for personal safety and that of others associated with the use of intoxicating substances
 - unacceptable behaviour in the workplace associated with the use of intoxicating substances
 - being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs
 - possession, consumption, dealing/trafficking, selling, storage of controlled drugs either on work premises or engaging in such activities outside of Work

9. Support Agencies

Drinkline – a government-funded free service. Can provide advice to the alcohol drinker or anybody concerned about the drinker. Has a database of local support and treatment services that can help the drinker.

Helpline: 0800 917 8282 Website: www.drinkaware.co.uk

Talk to FRANK – a government-funded free service, previously named the National Drugs Helpline. Can provide advice to the drug user or anybody concerned about the drug user. Has a database of local support and treatment services that can help the drug user. The focus of the helpline is for young people and concerned parents, but will also assist adult drug users.

Helpline: 0800 77 66 00 Website: www.talktofrank.com

The website provides detailed information on drugs that the non-specialist can understand.

Alcoholics Anonymous – the largest self-help group for people who acknowledge they cannot handle alcohol, and want a new way of life without it. Services are free.

Helpline: 0845 769 7555 Website: www.alcoholics-anonymous.org.uk

The comprehensive website explains the philosophy of AA, what to expect, and local groups.

Alcohol Focus Scotland - is Scotland's national charity working to reduce the harm caused by alcohol

Website- www.alcohol-focus-scotland.org.uk

Scottish Drug Forum (SDF) - The SDF can provide advice on drug agencies and local drug services in Scotland and details of your nearest drug team.

Helpline: 0141 221 1175 Website: www.sdf.org.uk

Human Resources
Goireasan Daonna

Workplace Drug & Alcohol Support Policy

Poileasaidh Dhrogaichean & Deoch Làidir san Àite- obrach



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Document Control

A: Version History

Version	Date	Author	Change
1.2			
1.1			
1.0	03/05/25	Jane Henderson / Amanda MacLaren	Policy developed to incorporate With Cause Drug & Alcohol testing and review/include current Substance Misuse guidance. Legal check undertaken.

B: Document Approval

Name	Title	Role
Elaine Barrie	Head of HR	Final Approval
Louise McGunnigle	HR Manager	Final Reviewer
HR Sub Group	TU Representative	Reviewer
Jane Henderson Amanda McLaren	HR Business Partner HR Officer OD	Author (s)



Introduction

The Highland Council has a duty under the Health & Safety at Work Act 1974 to ensure, as far as is reasonably practicable, the health, safety and wellbeing of all its employees. This policy is an important part of the organisation's approach to wellbeing by supporting employees to minimise the risk to themselves and colleagues.

The Council recognises that the use of illegal drugs, prescribed and over the counter medications and alcohol can have an impact on an employee's wellbeing and lead to a variety of challenges in the workplace, including impaired performance, reduced efficiency, difficulties with workplace relationships and an increase in the risk of accidents and absences.

Employees who are affected by the use of illegal drugs, prescribed medications and alcohol require the same support and understanding from their employer as anyone experiencing any other health condition.

Policy Purpose

The purpose of this policy is to support the creation of workplaces which are free from the dangers associated with drug or alcohol use and to ensure that affected employees are treated sympathetically, fairly and consistently as part of the Council's commitment to the health, safety and wellbeing of its workforce.

The aim of this policy is to keep the working environment safe for all employees.

The application of the policy will safeguard all employees, minimise the risk of injury or accident and allow us to provide supportive intervention when required to retain valuable employees. The associated guidance will enable managers to provide appropriate support and signpost to helpful resources.

By raising awareness of drug and alcohol use in the workplace this policy will support individuals to feel confident about raising and discussing concerns with their manager.

Who is this policy for?

This policy applies to all employees of the Highland Council, casual workers, agency workers and contractors working within premises owned or occupied by the Council.

Please see [NHS Policies](#) for staff under Agenda for Change (NHS) Terms and Conditions

Testing

The Highland Council does not implement random drug and alcohol testing, however The Highland Council may require employees to undergo drug and alcohol testing where relevant cause has been identified. The benefit of testing is that it provides an objective way of measuring whether an employee has used alcohol or drugs rather than relying on the judgement or opinion of others.

Policy in Practice

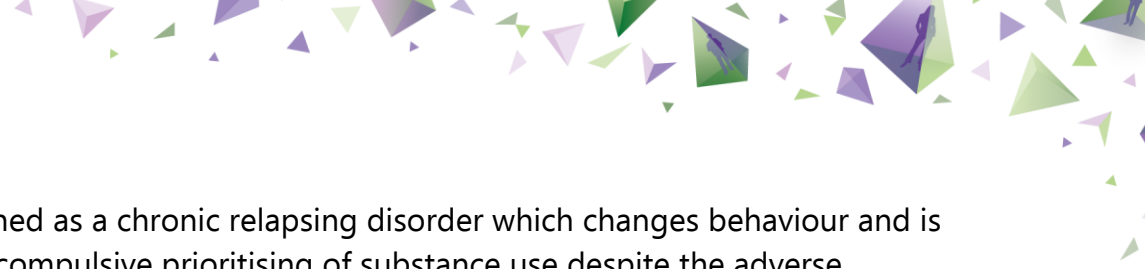
Definitions

Drugs and Alcohol (substances) - the definition of drugs and alcohol within this policy includes the use of illegal drugs, 'legal highs', the misuse of prescribed and over the counter medications and the consumption of alcohol.

Legal highs - substances which although mimic the effects of drugs such as cocaine and ecstasy, they are chemically and structurally different enough to avoid being officially classed as illegal substances and are not controlled under the Misuse of Drugs Act.

Under the influence of drugs or alcohol - under the influence of drugs or alcohol relates to a person's mental and physical impairment (to any degree) to safely undertake a work activity or task. This may present as reduced co-ordination or impaired cognition.

Dependency - when an individual's body becomes physically reliant on a substance they can become dependent on that substance.



Addiction - defined as a chronic relapsing disorder which changes behaviour and is characterised by a compulsive prioritising of substance use despite the adverse consequences.

Substance misuse - the use of a substance (alcohol, illegal drugs or prescription or over the counter medication) for a purpose that is not consistent with legal or medical guidelines, or where substances are used in a way that is harmful, or in excess for purposes other than those for which they were intended.

With Cause Drug & Alcohol Testing - With Cause drug & alcohol testing is the screening of breath or urine analysis that is undertaken when it is believed an employee may be under the influence of drugs or alcohol.

With Cause - 'With Cause' refers to the presence of evidence or a reasonable suspicion that an employee's conduct or performance is impaired by drugs or alcohol at work.

At work - when an employee is undertaking work duties regardless of location, for example where an employee is working from home or remotely or on periods of standby.

Roles & Responsibilities


All employees have a duty to take reasonable care of their own health and safety and that of their colleagues or any other person that they come into contact with during the course of their work.

Employee responsibilities

Being under the influence of illegal drugs or alcohol whilst at work is forbidden.

An employee must:

- be aware of and comply with the Workplace Drug & Alcohol Support policy and follow the associated guidance
- not attend work if they are under the influence of illegal drugs or alcohol
- check with their GP or pharmacist as to whether any prescription or over-the-counter medication may impair their ability to perform their duties. Where advised that there may be an impact, employees should inform their Line Manager


- 
- highlight any genuine concerns, confidentially and discreetly, with their line manager with regards to their own performance or that of a work colleague being impaired due to drugs or alcohol use
 - understand that the term 'at work' also refers to rest breaks and periods of standby
 - comply with any reasonable management requests related to drug, medications and alcohol use
 - undergo testing for drugs or alcohol where there is a reasonable suspicion that an employee's conduct or performance is impaired
 - continue an agreed course of treatment or rehabilitation for a drug or alcohol related issue when required
 - update their manager and provide medical evidence when undertaking a course of treatment or rehabilitation for drug or alcohol related issues
 - take care of their own health and safety and that of their colleagues or any other person they may come into contact with whilst at work
 - take care of equipment or machinery utilised as part of their role
 - adhere to all Highland Council policies, guidelines, toolkits and other information related to substance misuse and take reasonable steps to follow the advice in any other related policies
 - report any accidents, incidents, near misses or acts of violence whilst at work via the [Assure Portal](#) and inform their line manager
 - report any concerns which may cause harm (to clients, patients or the public) when obligated under regulatory bodies' Code of Practice (for example, NMC, SSSC etc).

Manager responsibilities

Managers should provide appropriate support to employees who they suspect are under the influence of drugs or alcohol, or where an employee has advised they have or are developing a dependency on drugs or alcohol.

A manager should:

- familiarise themselves with the expectations of the Workplace Drug & Alcohol Support Policy and ensure all employees are aware of the Policy and Guidance
- apply this Policy & Guidance fairly and consistently
- ensure the safety and wellbeing of all employees within the workplace and minimise risk by taking appropriate action
- implement reasonable adjustments and undertake a [risk assessment](#) where an employee's medication may impact their work duties

- 
- lead by example through a fair and open management style to promote and encourage a workplace culture where people are treated fairly and with dignity and respect
 - implement any supportive measures or reasonable adjustments which will allow an employee to remain in work
 - offer support and signpost to additional resources, for example the [Employee Assistance Programme](#)
 - obtain medical evidence where an employee is absent from work or where an agreed course of treatment or rehabilitation for a drug or alcohol related issue is undertaken
 - ensure that any accidents, incidents, near misses or acts of violence whilst at work are reported via the [Assure Portal](#)
 - treat all reported concerns confidentially and investigate discreetly to establish fact
 - take action to prevent any employee who is suspected of being under the influence from continuing their duties until the effect of the perceived substance misuse has worn off
 - where appropriate, take immediate action to prevent any employee who is suspected of being under the influence from driving a vehicle or operating machinery or any other action that may put themselves or others at risk
 - facilitate testing as per the Workplace Drug & Alcohol Testing guidance where drug and alcohol testing is required
 - contact [HR, Occupational Health](#) or the [HR Attendance Support Officer](#) when further advice or clarity is required.

Policy Principles

Being under the influence of illegal drugs or alcohol whilst at work is forbidden.

Any employee suspected of being under the influence of drug or alcohol consumption whilst at work will be required to cease duties immediately.

There are a number of different criminal offences which restrict the supply and use of harmful substances. It is illegal to possess, supply and produce controlled drugs. Drugs (other than those which are prescribed or bought over the counter), alcohol or 'legal highs' must not be:

- in an employee's possession, consumed or supplied to others during working hours, including rest breaks and periods on standby

- consumed at any time before reporting for work as their use may impair work performance and safety.

The Highland Council will report any instances of possession and/or supply of illegal drugs to the relevant authority.

Under the Road Traffic Act 1988 and the Transport and Works Act 1992 drivers of road vehicles or individuals in charge of a motor vehicle must be free from:

- illegal drugs
- legal highs
- prescribed drugs for which no valid prescription is available
- alcohol (must not be above the Scottish legal drink-drive limit).

Instances of driving under the influence of drugs or alcohol are likely to constitute an offence and whilst there is no legal duty to report such instances to the relevant authority, it is strongly encouraged.

Allegations of drug or alcohol use at work will be investigated under the Council's [Disciplinary Procedures](#).

An Assistant Chief Executive (ACE) may authorise the responsible consumption of alcohol at events to mark special occasions. On these occasions staff should not return to work after consuming alcohol and non-alcoholic drinks must be available. All employees are expected to exercise responsibility for their own behaviour and level of consumption of alcohol during any attendance at work functions.

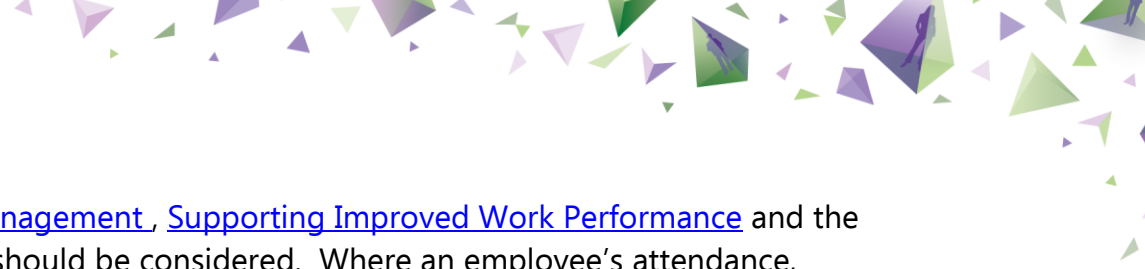
Additional support is available via the [Mental Health & Wellbeing Toolkit](#).

Managers will adopt a helpful and non-judgemental approach when supporting employees who may be experiencing drug or alcohol dependency/addiction and ensure that all individuals are treated with dignity and respect.

If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment should be considered.

If the employee is absent from work due to alcohol or drug misuse, the absence should be recorded in [MyView](#) and paid in line with the [Attendance Management Policy](#).

Where an employee refuses to accept that drug or alcohol use is affecting their performance, attendance and/or conduct, or if they refuse treatment, policies such as



the [Attendance Management](#), [Supporting Improved Work Performance](#) and the [Disciplinary Policy](#) should be considered. Where an employee's attendance, performance, or conduct continues to be a concern despite the support offered, dismissal may be considered following formal procedures.

Disciplinary Considerations

Incidents of "misconduct" or "gross misconduct" involving drug and alcohol usage will be managed using the [Disciplinary Policy](#), regardless of whether related to an ongoing dependency or an isolated incident.

Where an employee has declared they have a drug or alcohol concern, this may be taken into account as a mitigating factor in any disciplinary process.

Instances of misconduct and gross misconduct, as defined in the [Disciplinary Policy](#), may lead to sanctions up to and including dismissal following formal procedures.

Examples of behaviours that are subject to disciplinary action are:

- deliberate disregard for the safety of themselves and that of colleagues related to the use of intoxicating substances
- unacceptable behaviour in the workplace associated with the use of intoxicating substances
- being found incapable of performing normal duties appropriately and safely because of consuming drugs or alcohol
- possession, consumption, dealing/trafficking, selling or storage of controlled drugs either on work premises or engaging in such activities outside of work.

Risk Implications

Employees in particular roles may be required to be redeployed on a temporary basis if in a high-risk role. This is particularly relevant to employees who are responsible for vulnerable groups or responsible for driving and/or operating machinery.



Drug & Alcohol Testing

‘With Cause’ testing is used to aid the application of the Workplace Drug & Alcohol Support Policy where there is evidence or reasonable suspicion of an employee using drugs or alcohol in the workplace.

The Council reserves the right to require any employee to undergo ‘With Cause’ testing for drugs or alcohol.

All employees must be advised that the reason they are being referred for a test is because they are suspected of being under the influence of drugs or alcohol in the workplace.

In addition, employees must be advised that if a positive test is confirmed they will be subject to the Council’s [Disciplinary Procedures](#), which could result in disciplinary action up to and including dismissal.

Employees may be accompanied by a work colleague or Trade Union representative (as an observer) during testing. Any arrangements to be accompanied should not delay the testing process. If an accompanying party interferes or disrupts the testing process, then testing will stop and the employee will be considered to have failed the test.

An employee who refuses to be tested or who refuses to provide consent will be treated in the same manner as having received a positive test. The Council’s [Disciplinary Procedures](#) will be instigated. The employee must be informed of this at the time of refusal.

The procedure may be postponed if the employee has a valid medical reason for refusal. Reasons which are not medically related will not be accepted and the employee will be required to take the test.

The Council’s [Disciplinary Procedures](#) will be instigated for employees who test positive (failed test). [HR](#) should be contacted for advice and confirmation of next steps in all cases involving suspension from duties.



Equality & Diversity

This policy endorses the Equality & Human Rights Commission's (EHRC) principles which apply to all employees of The Highland Council, regardless of any of the protected characteristics (Age, Disability, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion or Belief, Sex or Sexual Orientation).

Guidance

Guidance, information and tools relating to the management of this policy have been developed and will be maintained in accordance with the Highland Council Partnership Framework. Guidance, procedures and associated documentation can be found on the HR Microsite – see Quick Links below.

Legislation

The development and application of this policy is guided by:

- Employment Rights Act 1996
- Employment Relations Act 1999
- Employment Act 2008
- Health and Safety at Work Act 1974
- Health and Safety at Work Regulations 1999
- Misuse of Drugs Act 1971
- Corporate Manslaughter and Corporate Homicide Act 2007

Monitoring

The application of this policy will be monitored through the Highland Council Partnership Framework and the Corporate Resources Committee.

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Attendance Management	Click Here
Employee Assistance Programme	Click here
Disciplinary Procedures	Click Here
Supporting Improved Work Performance	Click Here
Mental Health & Wellbeing Toolkit	Click Here
Employee Assistance Programme	Click Here
Assure Portal	Click Here
With Cause Drug and Alcohol Testing Guidance	Click Here

spectrum
life

EQUALLY SAFE AT
WORK
DEVELOPMENT



happy to
talk flexible
working

vivup

disability
confident
LEADER

We are a
Living Wage
Employer

Healthy
Working
Lives

myjobscotland



The Highland
Council
Comhairle na
Gàidhealtachd

Human Resources
Goireasan Daonna

Workplace Drug & Alcohol Support Guidance



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Introduction

The Highland Council is committed to providing workplaces which are free from the dangers associated with alcohol or drug misuse and expects employees to undertake their duties in a safe and effective manner, particularly where an employee works in a safety critical role such as driving or operating machinery. Implementing this guidance will help Highland Council to achieve its aim of providing a safe workplace for employees.

This guidance also clarifies the process for managers and employees where an employee is suspected of being under the influence of drugs or alcohol at work.

The Highland Council reserves the right to require employees to undergo drug and alcohol testing where relevant cause has been identified.

Using or being under the influence of illegal drugs or alcohol is prohibited whilst at work.

Guidance

Definitions

Drugs and Alcohol	Drugs and alcohol within this policy and guidance refers to illegal drugs, 'legal highs', prescribed and over the counter medications or alcohol
Legal Highs	Are substances which although mimic the effects of drugs such as cocaine and ecstasy, are chemically and structurally different enough to avoid being officially classed as illegal substances and are not controlled under the Misuse of Drugs Act
Under the Influence of Drugs or Alcohol	Relates to a person's mental and physical impairment (to any degree) to safely undertake a work activity or task. This may present as reduced co-ordination or impaired cognition
Addiction	A chronic relapsing disorder which changes behaviour and is characterised by a compulsive prioritising of substance use despite the adverse consequences

Dependency	When an individual's body becomes physically reliant on a substance and they therefore become dependent on that substance
Substances	Refers to the use of any substance that can be consumed, inhaled, injected or otherwise absorbed into the misuse
Substance misuse	The use of a substance for a purpose that is not consistent with legal or medical guidelines, or where substances are used in a way that is harmful, or in excess for purposes other than those for which they were intended
With Cause Drug & Alcohol Testing	Is the screening of breath or urine analysis that is undertaken when it is believed an employee may be under the influence of drugs or alcohol
With Cause	Refers to the presence of evidence or a reasonable suspicion that an employee's conduct or performance is impaired by drugs or alcohol at work
At work	When an employee is undertaking work duties regardless of location, for example where an employee is working from home or remotely or on periods of standby
Testing Specific Definitions	
OHIO	The software used for all Occupational Health referrals
Referring Officer	The Highland Council employee who books the test and acts as the point of contact between PAM and the Safeguarding Officer
Line Manager	The line manager of the employee being tested
Employee	The employee who is suspected of being under the influence and who is being tested
Consent	The employee's permission or agreement - required by both Highland Council and PAM D&A Services on separate forms
Safeguarding Officer	The line manager or a manager at an appropriate level who is available near to the location where the employee who is suspected of being under the influence is working, who will take the lead role on the testing process
Test Collector	The PAM employee who conducts the test
PAM D&A Services	PAM's (our Occupational Health provider) Drug and Alcohol Services team
Accompanying Manager	A manager at an appropriate level who can stay with the employee until the testing begins (required in instances where the line manager is unable to stay)

Employee Representative	A colleague or Trade Union Representative
Negative Result	No alcohol or drugs have been identified in the sample
Non-Negative Result	The presence of drugs has been identified in the sample, however the testing laboratory need to validate the result before it can be deemed 'positive'
Positive Result	Alcohol or drugs have been confirmed in the sample
Chain of Custody process	PAM's internal process that maintains the integrity of the sample collected and ensures the processing and packaging is accurate, confidential and remains legally defensible

Identifying a potential drug or alcohol concern

It is important to identify substance misuse problems as early as possible. Possible signs which may indicate a concern for employees are listed below, however, it is important to remember that some of these signs may be caused by other factors unrelated to drugs or alcohol, such as an illness or stress, and these should therefore be regarded only as indications that an employee may have a drug or alcohol problem.

- Smelling of drugs or alcohol
- being unsteady on their feet or appearing uncoordinated
- slurring speech and having trouble with or changing their way of communicating
- increased sickness absence and/or poor timekeeping
- being quieter or more outgoing than usual.
- dysfunction or breakdown of relationships with colleagues or management
- poor performance, conduct or reduced concentration and memory
- having accidents or near misses, either on or off the job
- mood and attitude changes
- change in personal appearance or physical ability, such as hand tremors, dilated pupils, facial flushing, poor personal hygiene
- theft
- possession or consumption of prescription drugs without appropriate authority.

Roles & Responsibilities

Any employee suspected of being under the influence of alcohol or drug consumption whilst at work will be required to cease duties immediately.

Employee Responsibilities

In addition to the responsibilities stated in the [Workplace Drug & Alcohol Support Policy](#), employees should:

- adopt a responsible attitude towards drinking and prescribed and over-the-counter medication use
- seek additional support and advice if developing a dependency on drugs or alcohol
- consider counselling, mediation or other support when recommended
- utilise resources available through the [Employee Assistance Programme](#)
- discuss and consider reasonable adjustments or lifestyle changes that may support continuing or returning to work
- report any concerns which may cause harm (to clients, patients or the public) when obligated under regulatory bodies' Code of Practice (for example, NMC, SSSC etc). Employees are also obligated under the same terms to ensure and maintain their own fitness to practice.

Manager Responsibilities

In addition to the responsibilities stated in the Workplace Drug & Alcohol Support Policy, managers should:

- regularly assess workloads, stress levels and working conditions to create a workplace environment where a genuine commitment to supporting wellbeing is demonstrated
- consider the implications around wellbeing and inclusion when planning social or work events
- create a workplace culture where an employee feels able to report any concerns and provide support for those making allegations in good faith
- ensure they provide appropriate support and consider a referral to [Occupational Health](#) where an employee raises health concerns or has advised that they have, or are developing, a dependency or addiction to a substance
- have regular contact with employees to ensure confidence that all employees are fit and capable for work

- ensure employees are kept fully informed of any requirements expected of them including providing medical evidence, keeping in touch, reasonable adjustments or drug & alcohol testing
- continue to monitor work performance and attendance of any employees who there is a concern around.

Discussing drug & alcohol concerns with an employee

Where a line manager has concerns, but the employee has not disclosed a drug or alcohol problem, the manager should arrange to discuss the matter with the employee. The purpose of the discussion is to provide a summary of the concerns and the circumstances observed such as work performance, attendance, behaviour or attitude. The employee should be given the opportunity to respond fully.


Where an employee does not feel comfortable discussing this with their manager, a referral to [Occupational Health](#) can be made for a medical appointment or they can be signposted to the [Employee Assistance Programme](#) or a [Mental Health & Wellbeing representative](#) for support.

It has been recognised that providing the right support to employees to manage drug & alcohol concerns may enable them to cope better and allow them to remain healthy and safe at work. We recognise that every employee's experience will be different and that some individuals may not want to discuss their health, therefore it is not feasible to set out a structured set of specific guidelines. We have however found that the way you approach a conversation relating to drug & alcohol concerns can help the employee feel more able to speak openly and strengthens trust in the working relationship. The more supportive you are, the more likely your employee will feel able to approach you.

As with any sensitive conversation, setting the right tone is important. Managing a situation in which an employee is believed to have an alcohol, drug or substance related problem requires a great deal of tact, understanding and patience on the part of the manager. Any conversations should be approached with empathy.

Here are some tips to consider:


- wait until the affects of any mental or physical impairment have worn off
- to ensure confidentiality, secure a private space and ensure you are able to avoid interruptions
- allow enough time for the conversation to take place – don't rush

- 
- welcome the employee and put them at ease by asking simple, open, non-judgemental questions
 - seek an explanation from the employee without leading or making suggestions of drug or alcohol problems (remember there may be other causes such as domestic worries or the side effects of prescribed medication)
 - give the employee ample opportunity to explain what is going on for them in their own words
 - maintain good eye contact, actively listen to the explanation and carefully encourage the employee to open up, probe gently if necessary
 - be prepared for some silences but don't be inclined to fill the gap
 - keep the focus of the discussion on the person and the work-related issues including any concerns over performance and/or conduct
 - employees should only have additional supervision and scrutiny applied where there are specific circumstances requiring this
 - check that the employee is aware of the Highland Council's guidance relating to substance misuse
 - ask the employee what support they feel they may need and suggest ways in which they can be supported
 - sign-post to additional support and provide information on the [Employee Assistance Programme](#)
 - avoid making assumptions, being prescriptive or providing your own opinion of the situation
 - agree any actions and how these will be implemented in writing, ensuring any written documentation or record is treated as confidential and is stored securely
 - discuss and agree any testing needs required for ongoing support
 - ensure that designated time is allowed if a follow up meeting is required
 - do not take it personally if the employee refuses any proposals of help, remains in denial or relapses.

Any conversation relating to drug & alcohol concerns should be treated as confidential. If information is to be shared, the employee should be informed of who will be told as well as the information which will be shared.

If the employee acknowledges that a drug or alcohol related problem exists, they should not be treated differently because they have made this disclosure. Where an employee indicates a willingness to get help and undertake treatment, support should be provided to assist with their recovery.

Where an employee refuses to accept that drug or alcohol use is affecting their performance, attendance and/or conduct, or if they refuse treatment, policies such as the [Attendance Management](#), [Supporting Improved Work Performance](#) and



[Disciplinary Policies](#) should be considered. Where an employee's attendance, performance, or conduct continues to be a concern despite the support offered, dismissal may be considered following formal procedures.

Treatment

Reasonable time off with pay will be allowed for medical appointments and counselling. Managers should recognise that employees receiving support for drug and alcohol related concerns may not always follow a linear process and that setbacks may occur.

During a period of treatment, the [Occupational Health](#) service will keep the manager up to date regarding the employee's progress, the likely return-to work date and whether alternative employment needs to be considered.


Occupational Health Service should review the employee before they return to work and provide guidance on any workplace adjustments required. If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment may be considered. After the return, Occupational Health and the manager will jointly review the employee's progress.

If an employee has successfully completed a course of counselling or other treatment and later relapses, the organisation will consider whether to permit another period of treatment with guidance from Occupational Health, or invoke the capability procedure as outlined in the [Attendance Management Policy](#).

Reasonable Adjustments

The purpose of considering reasonable adjustments is to enable an employee experiencing any drug or alcohol related concerns to continue to remain in work and undertake their job. Any adjustments should consider the employee's needs, the Service requirements and the tasks which are undertaken. It is very important, therefore, that a manager involves the employee in discussions to understand the barriers the employee is experiencing and the potential adjustments that could help to mitigate these.

Any adjustments should be considered for all employees regardless of an employees work location including those working in a hybrid or remote location. The diversity of roles and working environments across the Council may provide challenges to implementing some adjustments, however, this highlights the importance of



supportive discussions with the employee to ensure all possibilities are explored and consideration is given to all suggestions the employee may have.

The implementation of any adjustments should also be agreed between the employee and the manager as part of their discussion. Some adjustments may need more planning and preparation than others.

Reasonable adjustments which might be considered include:

- allowing an adjustment to tasks or reallocating tasks on days an employee's wellbeing is impacted
- the ability to rearrange formal meetings or presentations if needed
- a temporary change to an employee's work pattern or shift, including later start or earlier finishing times or changing the days they are at work
- implementing the Flexi-Time scheme or flexible working
- allowing a change of work location (hybrid working)
- time off work for routine appointments, treatment or rehabilitation in line with the [Attendance Management](#) and [Special Leave](#) policies
- redeployment where an employee's work responsibilities are seen to be an obstacle to their recovery.

False Allegations

No action will be taken against an employee who raises a concern in good faith which is later found to be untrue.

Disciplinary procedures may be instigated where an employee makes a malicious complaint which has no basis, substance or evidence and was made to deliberately cause upset and distress.

Other Considerations

Illnesses and medication

Many illnesses and some medications can cause significant side effects which may mimic misuse of drugs and alcohol.

Disability

Whilst addiction itself is not a disability, impairment caused through drug & alcohol use may be classed as a disability. For example, where drug or alcohol use causes a mental or physical health impairment, a disability may be diagnosed. Managers should support employees with a disability and provide information about the [Reasonable Adjustment Disability Passport](#) process. For more information please see the [Equalities in Employment – Disability Confident](#) page.

Drug & Alcohol Testing

Please refer to the [Definitions](#) for clarity on Roles & Responsibilities in the Drug & Alcohol Testing process.

Purpose of testing

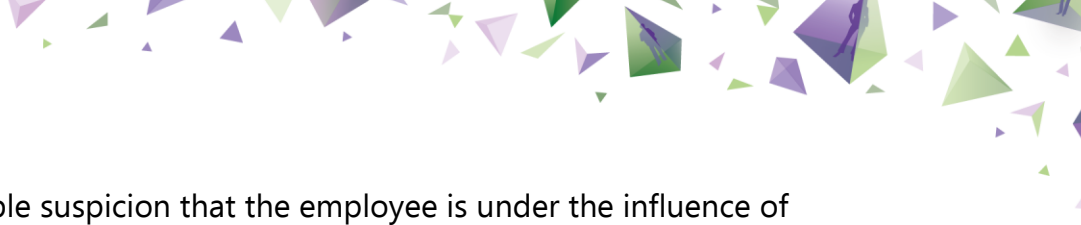
Testing provides an opportunity to support the positive outcomes of implementing a Workplace Drug & Alcohol Support Policy. It provides confirmation of whether an employee was using drugs or alcohol at the time a concern was raised rather than relying on the judgement or opinion of others. It also allows us to identify employees who may need additional support and could lead to a reduction in absenteeism and accidents.

The Council reserves the right to require any employee to undergo 'With Cause' testing for drugs or alcohol. All employees referred for testing will be tested for both drugs and alcohol.

Supportive Testing

There may be occasions where an employee requests supportive testing as a means to aid recovery. Any consideration of supportive testing must be on a voluntary basis. The frequency of tests should be agreed between the manager and employee. The manager should seek approval from the Head of Occupational Health, Safety and Wellbeing prior to being arranged.

Where an employee has voluntarily undertaken supportive testing and decides they no longer wish for this to continue, a discussion should take place between the manager and employee to agree any additional or alternative supportive measures required. The employee should not be questioned, or any assumptions made, about why they wish to cease testing.



Where there is reasonable suspicion that the employee is under the influence of drugs or alcohol, then the **With Cause Testing process** can be initiated.

Where there is a continuing concern in the health, behaviour or performance of an employee, advice should be sought from [HR](#) before implementing the [Disciplinary Policy](#) or [Supporting Improved Work Performance](#).

Where ongoing attendance management is required, advice should be sought from the [HR Attendance Support Officers](#), before implementing the [Attendance Management Policy](#).

Consent and Refusal to Test

Employee's must consent to screening for practical and legal reasons. Consent must be recorded on the **HC Consent form**.

Employees cannot be forced to take a test, however if they refuse and there are reasonable suspicions for testing, they will be treated in the same manner as having received a positive result where the Council's [Disciplinary Procedures](#) will be instigated. The employee must be informed of this at the time of refusal.

Where an employee refuses to undertake testing stating they have a medical reason for refusal, a risk assessment should be undertaken to identify whether the employee is able to remain at work.


When to Test

If an employee is suspected of being under the influence of drugs or alcohol at work, or there is evidence to this effect, a test can be requested by the manager.

As soon as a manager becomes aware of a concern, they should arrange for the employee to be removed from duties to mitigate any risk and contact the Referring Officer to book a Drug & Alcohol test.

Arranging the Test

The employee should be taken into a private room where they can remain, accompanied by the Safeguarding Officer or an Accompanying Manager, until the testing begins. Their behaviour should be monitored and documented on the **Drug & Alcohol Observation Checklist**.



The employee is permitted to be accompanied by a colleague or Trade Union representative who must act as an observer only. Any arrangements to be accompanied should not delay the testing process. This representative is in addition to the Accompanying Manager and they are not permitted to take part in any part of the process as this is an observing role only.

Please see the full step-by-step [Drug & Alcohol Testing Process](#) for further information.

Referring Officer Role

There will be nominated Referring Officers in each Cluster within the Highland Council. The role of the Referring Officer is to be the point of contact between PAM and the Safeguarding Officer. The Referring Officer should book the test through OHIO [using their Service budget code](#) and will subsequently receive correspondence from PAM relating to the implementation of the test and the results once testing is complete.

A [Referring Officer List](#) is held detailing Referring Officer contact details for each Service.

Safeguarding Officer Role

When an employee is undergoing a test, a Safeguarding Officer will be appointed. This will usually be the line manager of the employee, but it could be delegated to the most senior person available at the location if the line manager is not available. The role of the Safeguarding Officer is to take the lead on the testing process, ensuring the employee is kept safe and informed and that they are accompanied at all times. The Safeguarding Officer may also need to ensure the employee gets home safely following testing, if appropriate.

PAM's Testing Process

The Test Collector from PAM will conduct the process in line with their collection procedures, which do not require a witness to be present.

The Test Collector will explain the process to the employee being tested and verify their details including name, date of birth and proof of identity before asking them to consent to supplying the alcohol and drug samples. The employee should declare the use of any prescription or over the counter medications that may affect the drug test result.

The alcohol test is a breath test, which is repeated after 20 minutes if a positive result is given. The drug test is a urine sample, which gives an indicative result within five minutes.

Results

Alcohol

Results of the alcohol test are either positive or negative.

Drugs

Results from the drug test will initially be either non-negative or negative.

- Non-negative results are sent to a laboratory by PAM for further testing to confirm what drugs are present. This process may take a couple of days for an outcome.
- Negative result ends the PAM process for testing.

Outcomes

Negative Result (alcohol & drugs) – the Safeguarding Officer should conduct a risk assessment to assess the employee's fitness to work and discuss any procedures or support as required. Where an employee's fitness to work still appears to be compromised, the employee should be sent home and will be paid for the remainder of their working day.

Positive Result (alcohol) – the Safeguarding Officer should arrange for the employee to get home, ensuring that the employee is prevented from driving. The employee will be paid for the remainder of their working day. The Council's Disciplinary Procedures will be instigated for employees who test positive (failed test).

Non-Negative Result (drugs) – the Safeguarding Officer should arrange for the employee to get home, ensuring that the employee is prevented from driving. The employee should be suspended from duty and remain at home until the laboratory results are confirmed by PAM. HR should be contacted for advice and confirmation of next steps in all cases involving suspension from duties

Positive Drug Test

The Council's Disciplinary Procedures will be instigated for employees who test positive (failed test). HR should be contacted for advice and confirmation of next steps in all cases involving suspension from duties. The line manager should contact the employee to arrange a meeting to discuss the results and next steps.

Prescription / Over the Counter Medication

Where the results confirm the presence of prescription/over the counter medication, a [risk assessment](#) should be undertaken to assess the employee's fitness for work and return to duties, taking into consideration any adjustments or support required to enable the employee to return to work. If the employee raises any concerns around misuse of their medication, then a referral to [Occupational Health](#) should be considered – see [above](#).

Illegal Drugs or Legal Highs

Where the results confirm the presence of illegal drugs or legal highs, the [Disciplinary Policy & Procedures](#) should be followed and [HR](#) should be contacted if not already involved.

Recording of Results

The test collector will inform the Safeguarding Officer of the result at the time of testing. PAM will upload the result to the employee's file on the OHIO system which also triggers an email to be sent to the Referring Officer.

Additional Support

Counselling

Counselling can play a vital role in supporting employees with drug and alcohol concerns by providing a confidential avenue for an informal approach. Counselling may also be useful as it can help support the person accused of being under the influence as well as supporting an employee who has made an allegation, especially where there has been doubt about the validity of the allegation.

Counselling may be suggested by a line manager or requested by an employee and can be accessed via the Council's [Employee Assistance Programme](#). This service includes online chat and face to face support where appropriate

Quick Links

The Hyperlinks listed here will redirect you to the related guidance, letters, information, and relevant organisations mentioned in this policy.

HR Microsite	Click Here
Drug & Alcohol Testing Process	Click Here
Drug & Alcohol Testing FAQs	Click Here
HC Consent Form	Click Here
Drug & Alcohol Observation Checklist	Click Here
Employee Assistance Programme	Click Here
Occupational Health	Click Here
Attendance Management Policy	Click Here
Assure Portal	Click Here
Supporting Improved Work Performance	Click Here
Disciplinary Policy	Click Here
Risk Assessment	Click Here
Special Leave	Click Here
Drinkline	Click Here
Talk to Frank	Click Here
Alcoholics Anonymous	Click Here
Scottish Drug Forum (SDF)	Click Here

spectrum
.life



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