

Guidance for Managers dealing with Substance Misuse

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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

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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:

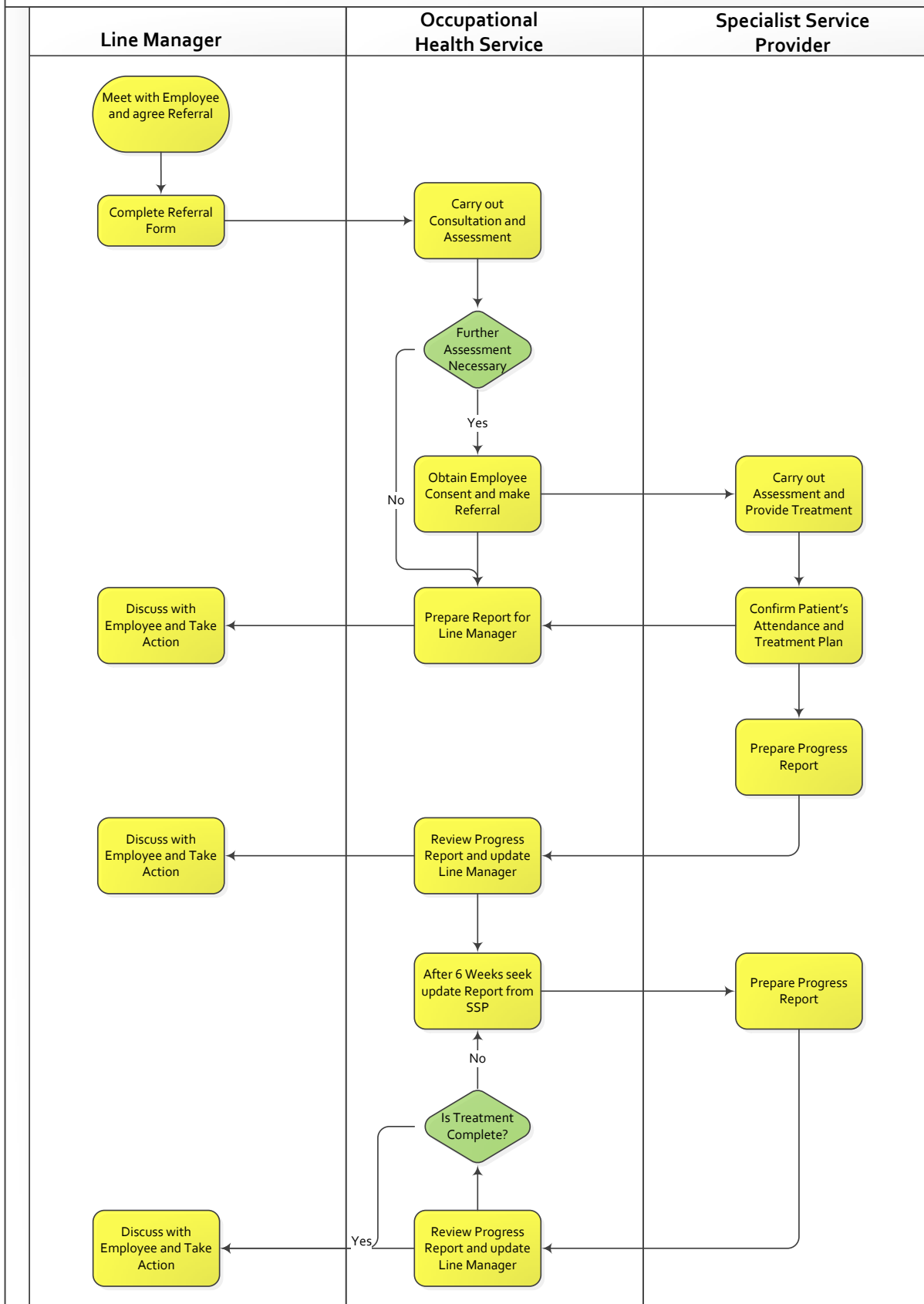
- As appropriate, wait until the effects of perceived substance misuse have disappeared.
- Keep the focus of the discussion on work related issues including any concerns over performance and/or conduct.
- Seek an explanation from the employee without leading or making suggestions of problem drinking 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