

# YSGOL GOLWG Y CWM



## Substance Misuse Policy

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## Substance Misuse (Drugs and Alcohol) Policy

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Appendix A – Drug and Alcohol Support in the County of Powys and Neighbouring Areas

# Cyngor Sir Powys County Council

## Substance Misuse Policy

### 1. Introduction

- 1.1 The inappropriate use of alcohol or drugs can damage the health and well-being of employees and have devastating effects on their personal and working lives. At work, alcohol or drug misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks not only for the individual concerned but also for others; for example, work colleagues, members of the public, contractors and service users. Furthermore, the effects of alcohol or drug misuse on the part of the employee are likely to be detrimental to the Council's reputation, image and its ability to deliver high-quality services. This policy is not intended to interfere with the personal lives or leisure time interests of employees.
- 1.2 Substance misuse is the harmful use of substances (like drugs and alcohol) for non-medical purposes. The term "substance misuse" often refers to illegal drugs. However, legal substances can also be misused, such as alcohol, prescription medications, caffeine, nicotine and volatile substances (e.g. solvents, petrol, glue, paint).
- 1.3 The Council is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of all of its employees. This Substance Misuse Policy is designed to ensure that employees are aware of the risks associated with alcohol/drug misuse and the consequences, including the legal consequences, of their actions.
- 1.4 When using this Policy and exercising its provisions, all managers and employees are expected to take into account the values of the Council which serve to guide the conduct and behaviours of all employees:
- Professional – whatever role we play in the Council, we act with professionalism and integrity.
  - Positive – we take a positive attitude in all that we do.
  - Progressive – we take a proactive and responsible approach to planning for the future.
  - Open – we keep each other informed, share knowledge and act with honesty and integrity.
  - Collaborative – we work constructively and willingly on joint initiatives.

### 2. Scope

- 2.1 This policy is applicable to all Council employees, regardless of their employment status and therefore includes fixed-term, part-time, zero-hours employees and agency workers. Contractors, volunteers and any other persons performing work on behalf of the Council are required to comply with this Policy and for the purposes of this policy, the term "employee" is used throughout.

- 2.2 This policy covers the use and misuse of intoxicating substances, which includes alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.
- 2.3 Staff employed in schools have their own policy.

### **3. Key Principles**

#### **3.1 This Policy aims to:**

- set out the rules regarding the use of intoxicating substances so that employees are aware of the likely consequences of misusing them in terms of the employee's employment;
- provide a framework to enable instances of substance misuse by employees to be handled in an appropriate, fair, equitable and consistent manner in line with the Council's Disciplinary Policy;
- create an organisational climate that encourages employees who may be misusing drugs or alcohol to come forward and seek help;
- raise staff awareness of the risks and potential harm to health associated with the use of intoxicating substances;
- set out the procedure for drug and alcohol testing in the workplace;
- achieve a balance between supporting employees who come forward with a problem and the overriding need to preserve service integrity and performance, as well as:
  - the health, safety and welfare of employees and others with whom they come into contact;
  - the Council's reputation; and
  - the delivery of high-quality, effective services.

### **4. Responsibilities**

#### **4.1 All Line Managers are responsible for:**

- being aware of the signs of substance misuse and the effects on performance, risk management, attendance and the health of employees;
- ensuring the health, safety and welfare of employees, members of the public and others with whom they come into contact, as far as reasonably possible;
- ensuring that staff understand this Policy and are aware of the rules and consequences regarding the use of alcohol, drugs and other intoxicating substances;
- taking reasonable care of themselves and others, in terms of the Health and Safety at Work Act 1974 - managers need to be aware that they have a duty of care to deal with alcohol and drug related issues promptly and effectively. If managers are unsure of what action to take, they must contact HR for advice

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and support. Please note that in certain circumstances, an employer who does nothing about a drug problem may be liable to charges under the Health and Safety at Work Act 1974;

- ensuring that staff are aware of the support that is available to them should they have a problem;
- monitoring the performance, behaviour and attendance of employees as part of the normal supervisory relationship;
- intervening at an early stage where changes in performance, behaviour, sickness levels, attendance patterns are identified to establish whether alcohol or drug misuse is an underlying cause;
- providing support and assistance, where appropriate and for a reasonable period, to staff who are dependent upon intoxicating substances to help their recovery;
- ensuring that no employee (or group of employees) is unfairly singled out for random testing; and
- initiating disciplinary measures where appropriate to do so.

4.2 Where a manager is aware, or reasonably suspects, that an employee is misusing intoxicating substances, they are strongly advised to seek advice from the HR team on the approach to be adopted to address and resolve the problem.

4.3 Such matters will be treated confidentially as far as is legitimately and legally possible. For example, it may be necessary in order to provide effective support, protect others or to prevent harm to the employee, for information to be shared with others; for example Occupational Health, NHS, community mental health team, etc. In certain situations, it may be necessary for a senior manager to contact the police, particularly where there is a threat to life or property.

4.4 Employees are required to:

- familiarise themselves with this Policy and to fully comply with its provisions;
- ensure that they are open and transparent with their line manager about any alcohol or substance misuse; failure to do so may result in formal disciplinary action;
- present a professional, courteous and efficient image to those with whom they come into contact, at all times. Employees therefore have a personal responsibility to adopt a responsible attitude towards the use of substances and this includes notifying their line manager if they are prescribed medication that affects their ability to drive and/or operate tools and machinery;
- not possess, store, trade, sell or use controlled/illicit drugs on Council premises or to bring the Council into disrepute by engaging in such activities outside of work. The only exception would be where an employee has a prescription for a controlled drug to treat a specific condition or as part of a substance misuse rehabilitation programme. Alcohol brought onto Council property by an employee, such as when given as a gift, should be taken home as soon as reasonably possible and under no circumstances should be consumed on Council property. In such circumstances, employees are reminded of their responsibilities under the Code of Conduct for Employees;

- 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 Council can arrange for the provision of appropriate support to help a speedy rehabilitation; for example, referral to the Occupational Health service, medical professionals, professional drug/alcohol treatment agencies, etc.;
- co-operate with any support and assistance provided by the Council, or any external agency recommended by the Council, to address an alcohol or drug misuse problem;
- not attempt to 'cover-up' for, or collude with a colleague who has an alcohol- or drug-related problem, but instead should encourage the individual to seek help;
- to raise their concerns with the employee's line manager if they have genuine concerns that a colleague may be misusing drugs and/or alcohol;
- be in a fit and safe condition to undertake their duties for their contracted hours. Employees must not be under the influence of alcohol or drugs whilst carrying out work on behalf of the Council;
- not consume alcohol or drugs at any time while at work, including during rest or meal breaks spent at or away from work premises. Exceptions apply to drugs prescribed for the individual or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer) and where the safety of the employee or others with whom they come into contact is not compromised;
- notify their manager immediately should they be prescribed medication, or plan to take over-the-counter medicines, that may cause side-effects which could impair their ability to undertake their work duties safely and effectively. This is particularly important if they occupy a post where it is not only their own personal safety but those of others that could be jeopardised; such as, but not limited to driving on Council business or operating machinery and/or tools. If an employee is in any doubt, they should consult their GP, health provider or local pharmacist. Employees are not necessarily obliged to disclose the actual medical condition being treated nor the medication – simply the impact and/or any side-effects;
- to engage with the Council and to follow all instructions and requirements in respect of workplace drug and alcohol testing; and
- Provide the necessary medical certification (i.e. Statement of Fitness for Work or self-certification, whichever is applicable) for sickness absences in line with the Sickness Absence Management policy.

## **5. Conduct Outside of Normal Working Hours**

- 5.1 Council staff must not consume any intoxicating substances before coming on duty or when they may be required to attend work at short notice; for example, when they are on call.
- 5.2 Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for intoxicating substances to leave

their system before reporting for work. These restrictions should be incorporated into local workplace rules and must be brought to the attention of all employees as part of their induction and should be made available to employees to refer to during their period of employment.

## 6. Drug and Alcohol Testing

6.1 The Council has a general duty to ensure the health, safety and welfare of its employees and if it knowingly allowed an employee under the influence of alcohol or drugs to continue working and this placed the employee or others (such as service users) at risk, the Council could be liable to charges. To reduce this risk, employee drug and alcohol testing may be conducted from time to time or when required, particularly where employees drive vehicles or operate machinery as part of their work duties.

6.2 On-site testing will generally be conducted using a calibrated Alco-meter (in the case of alcohol) and by urine sample (in the case of drugs). An external agency will be employed to conduct the tests, which will be carried out in controlled conditions.

### 6.3 "For Cause" Testing

For Cause testing is undertaken on an individual employee or group of employees:

- Where there is reasonable suspicion that an individual may either be under the influence of drugs or alcohol or has an addiction or substance misuse habit; or
- When an individual has been involved in an accident or a near miss incident; or
- When the Council has received information relating to potential alcohol or substance abuse or addiction. In this case, where the Council believes the information has been provided in good faith, the source of the information will not be revealed to the individual.

Examples where "For Cause" screening may be used include, but will not be limited to:

- Abnormal or 'out of character' behaviour which is of concern to their line manager (caution should always be exercised as some mental and physical health conditions may give the impression that an employee is in a state of intoxication);
- Where there is a reasonable suspicion that alcohol or drugs have been consumed in the workplace (such as an alcohol container with a broken seal);
- Possession/use of a controlled substance;
- Signs of current intoxication / impairment;
- A workplace incident or accident.

### 6.4 Follow-up Screening as a Responsible Employer

Where an employee drug or alcohol dependency problem has been identified, the Council reserves the right to conduct follow-up screening for an agreed time period (e.g. 6 to 12 months) to ensure that the employee is cooperating with any rehabilitation programme. In some cases, follow-up screening will be conducted by the company employed to conduct the testing on the Council's behalf. In other cases, such as where an employee is undergoing rehabilitation therapy with an approved addiction rehabilitation service, such as Kaleidoscope.

#### 6.5 Testing Procedure

An employee will be informed via their line manager that they have been identified to be tested for alcohol and drugs, as well as the reasons, and will be provided with a suitable location giving aural and visual privacy. The employee will have the right to be accompanied by a witness, for example a trade union representative or work-based colleague. The individual will be provided with a Donor Information Sheet, which explains in detail the testing procedure and they will be required to sign a consent form. For alcohol, the company the Council employ to conduct the tests will use an electronic breath testing device, manufactured by Home Office-approved companies. The electronic breath test device gives a direct % 000 Blood Alcohol Concentration (BAC) reading. Testing for drugs will be via a collection of urine samples for analysis which will be achieved by the use of a portable testing kit for preliminary screening. All drug testing will be conducted by an appointed external collection service, who will provide competent persons especially trained in urine drug testing and the chain of custody process. "Chain of custody" is the name given to the procedures that are used to ensure that a sample travels in an intact and secure manner from the donor to the laboratory.

6.6 Employees have the right to refuse to take a test and if they do, this will then be viewed as a positive result, necessitating the appropriate disciplinary investigation process

#### 6.7 Immediate Actions following an Alcohol Test Result

A record of all tests taken and the results will be held confidentially. In the case of a negative test result, both the line manager and the respective employee will be advised and a confidential record should be kept securely.

6.8 The Council applies an alcohol limit that is identical to the law on drink-driving in England and Wales, which is 80 milligrams of alcohol per 100 millimetres of blood, 35 micrograms per 100 millilitres of breath or 107 milligrams per 100 millilitres of urine.

6.9 If an employee tests at or above 0.08% BAC (blood alcohol content), it will be deemed a positive result and the employee will usually need to be sent home in the first instance and managers should ensure that the employee is safely transported home. In some situations, the employee may be suspended from work, pending disciplinary action. Summary dismissal is a possible outcome, even for a first offence.

## 6.10 Immediate Actions following a Drug Test Result

A record of all tests taken and the results will be held confidentially. In the case of a negative test result, both the line manager and the respective employee will be advised and a confidential record should be kept securely.

- 6.11 If the urine reading indicates recent drug use, the individual will be advised that the sample (urine) needs to be analysed in a laboratory (this is classed as a non-negative result). The sample, provided under controlled conditions, will be handled in a formal chain of custody including maintenance of a split sample. The individual may need to be suspended from work, pending the result of further laboratory analysis. Note that employees being tested will have the opportunity to advise the collector of the sample whether they have taken any medication prior to the test that may have caused the positive result.
- 6.12 The drug screening kits are set to the established Substance Abuse and Mental Health Services Administration (SAMHSA) cut-off levels which are internationally recognised, which are also recommended by the European Laboratory Guidelines for Legally Defensible Workplace Drug Testing. Employees who are therefore tested positive are classed as working whilst being “impaired” putting their own and others health and safety in danger. Being impaired / under the influence whilst at work will be classed as gross misconduct under the disciplinary procedures and as such, may lead to summary dismissal.

## 7. Rehabilitation and Support

- 7.1 The Council recognises that alcohol and drug related problems are primarily matters of health and social concern, and that the people affected require help, support and treatment, as far as reasonably possible. Furthermore, the Council is supportive of employees with alcohol and drug-related problems.
- 7.2 A supportive approach may be considered as an alternative to disciplinary action or dismissal, where appropriate and where the employee requests assistance for a drug or alcohol problem. In such cases, the employee will be encouraged to participate in a programme of counselling and make a specific commitment to a change in behaviour. This approach will include counselling, referral to appropriate agencies (such as Kaleidoscope) and the consideration of appropriate time off away from work to undergo support and treatment.
- 7.3 In terms of support and rehabilitation, the following principles apply:
- The recognition that alcohol or drug misuse can be perceived as an addictive illness;
  - Employees will be encouraged to seek help for their substance misuse problem;
  - A “no blame” approach is used for employees who request help;
  - The provision of support including referral to Occupational Health who may refer the employee to an appropriate rehabilitation agency;

- Re-integration of the employee back into the workplace when the employee is well enough.
- 7.4 The Council seeks to create a workplace climate in which employees with a substance misuse problem, or potential problem, feel able to speak to their manager, a member of the HR team or their trade union representative.
- 7.5 All employees are encouraged to maintain a supportive and non-judgemental approach to help their colleagues if they are aware of an alcohol and drug related problem; however, note that covering for an employee who is under the influence of drugs or alcohol in the workplace is unacceptable and may result in disciplinary action.
- 7.6 Where treatment is accepted, the employee's progress will be monitored by Occupational Health and managers will receive updated medical reports in relation to any adjustments required for the employees work duties. Help and guidance will be given at the workplace as deemed appropriate, with the ultimate aim of complete rehabilitation. If the problem is affecting work performance, or where colleagues and/or members of the public are at risk, it may be necessary for the employee to accept treatment/support as a condition of continued employment.
- 7.7 In cases where a substance misuse problem continues and treatment is not effective, this may lead to disciplinary action, including dismissal.

## 8. Definitions

- 8.1 **Substance misuse** is the harmful use of substances (like drugs and alcohol) for non-medical purposes. The term "substance misuse" often refers to illegal drugs. However, legal substances can also be misused, such as alcohol, prescription medications, caffeine, nicotine and volatile substances (e.g. solvents, petrol, glue, paint) and can include those substances known as new psychoactive substances, previously known as "legal highs".
- 8.2 **Dependence** is a compulsion to continue taking a drug in order to feel good or avoid feeling bad. When this is done to avoid physical discomfort or withdrawal it is known as physical dependence. When it has a psychological aspect (the need for stimulation or pleasure to escape reality) it is known as psychological dependence.
- 8.3 **Addiction** is a condition in which a person engages in use of a substance or in a behavior for which the rewarding effects provide a compelling incentive to repeatedly pursue the behavior despite detrimental consequences.
- 8.4 **Recreational Drug Use** is the social or casual use of a substance for pleasure or leisure. In the UK, the term is often used to denote the use of ecstasy, MDMA or other "dance drugs" and implies that drug use has become part of someone's lifestyle, even though they may only take drugs occasionally.

- 8.5 **Rehabilitation**, in the context of substance misuse, refers to the medical and/or psychotherapeutic treatment for dependency on psychoactive substances such as alcohol, prescription drugs, prescription drugs and street drugs.
- 8.6 **Solvents** are carbon-based compounds that can produce effects similar to alcohol or anaesthetics when their vapours are inhaled. A number are used as solvents in glues, paints, nail varnish removers, dry cleaning fluids and de-greasing compounds. Others are used as propellant gases in aerosols or as fuels such as petrol or cigarette lighter gas (butane). Most households, factories and offices use a range of solvents which can be inhaled.

## 9. Policy History

Policy Date	Summary of change	Contact	Version/ Implementation Date	Review Date
May 2018	Complete revision of policy so that it includes drug and alcohol testing in the workplace	S Holcroft HR	4/ TBC	September 2020

## DRUG AND ALCOHOL SUPPORT IN THE COUNTY OF POWYS AND NEIGHBOURING AREAS

In the county of Powys, the organisation Kaleidoscope provides drug and alcohol services to children and adults. They work with an organisation called CAIS to help young people. According to research, the biggest dependence problem in Powys is with alcohol, and Kaleidoscope want to help people who might not have an alcohol dependency, but could reduce their alcohol consumption to healthier levels with a little support.

Kaleidoscope provides individualised care, offering the level of support each person needs. This could be:

- advice
- advocacy
- counselling/therapeutic support using a variety of approaches
- 'tier 2' services, such as needle exchange, acupuncture, and access to diversionary activities.

### **Kaleidoscope contact details**

Address:

Kaleidoscope  
Old Grosvenor Bakery  
Wellington Road  
Llandrindod Wells  
Powys LD1 5NF

**Phone:** 01597 825 102

**Website:** [www.kaleidoscopeproject.org.uk](http://www.kaleidoscopeproject.org.uk)

### **Kaleidoscope Central Office**

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**DASH (Drug Services Herefordshire)**

30 Commercial Road  
Hereford  
HR1 2BG

**Phone:** 01432 266 908

**Wales Drug and Alcohol Helpline (A Free Bilingual Drugs Helpline)**

**Freephone:** 0808 808 2234  
**Or text DAN to:** 81066

**The Shropshire Drug & Alcohol Action Team (DAAT)**

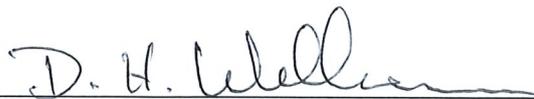
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