

**APPENDIX B
ALCOHOL AND DRUG MISUSE POLICY**

OXFORD CITY COUNCIL

**APPENDIX B
ALCOHOL AND DRUG MISUSE POLICY**

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1. POLICY STATEMENT

- 1.1 We are committed to providing a safe, healthy and productive working environment for all our staff, customers and visitors. This includes ensuring that all staff are fit to carry out their jobs safely and effectively in a working environment which is free from alcohol and drug misuse. Reference to “drugs” in this policy includes, but is not limited to, prescribed, over the counter and illegal drugs, as well as “legal highs”, irrespective of whether they are marketed as such, and inhalants/solvents intended for purposes other than human consumption.
- 1.2 All staff are expected to arrive at work fit to carry out their jobs and to be able to perform their duties safely without any limitations due to the use of or after effects of alcohol or drugs (whether prescribed, over the counter or illegal).
- 1.3 Misuse of alcohol and drugs can lead to reduced levels of attendance, reduced efficiency and performance, impaired judgement and decision making and increased health and safety risks, not only for the individual but also for others. Irresponsible behaviour or the commission of offences resulting from the misuse of alcohol or drugs may damage our reputation and, as a result, our business.
- 1.4 We recognise that:
- (a) some of our staff may become dependant on alcohol or drugs.
 - (b) such dependencies can be successfully treated.
- 1.5 We wish to promote a culture which understands and is sympathetic to the problems associated with alcohol and drug misuse in which staff with dependency problems are encouraged to seek help and are supported.
- 1.6 We will **not** accept staff
- (a) arriving at work under the influence of alcohol or drugs, and/or
 - (b) whose ability to work is impaired in any way by reason of the consumption of alcohol or drugs, or
 - (c) who consume alcohol or take drugs (other than prescription or over the counter medication, as directed) on our premises or in the course of employment, or whilst on call or standby.

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2. WHO IS COVERED BY THE POLICY?

- 2.1 This policy covers all individuals working at all levels and grades, including senior managers, officers, directors, employees, consultants, contractors, trainees, homeworkers, part-time and fixed-term employees, casual and agency staff and volunteers (collectively referred to as **staff** in this policy).
- 2.2 This policy does not form part of any employee's contract of employment and it may be amended at any time (subject to the usual consultation process for any fundamental changes).

3. SCOPE AND PURPOSE OF THE POLICY

- 3.1 This policy is principally intended to deal with alcohol and drug problems which, in the context of this policy are any drinking or taking of drugs, whether intermittent or continual, which interferes with work performance in relation to attendance, efficiency, productivity, attitude or safety. You will be deemed to be under the influence of alcohol or drugs where that is the reasonable opinion of a manager or supervisor, as evidenced by one or more factors in 15.2.
- 3.2 This policy is not intended to apply to "one-off" incidents or offences caused by alcohol or drug misuse at or outside work where there is no evidence of an ongoing problem, which may damage our reputation, and which are more properly dealt with under our disciplinary policy.
- 3.3 The purpose of this policy is to ensure that:
- (a) All staff are aware of their responsibilities regarding alcohol and drug misuse and related problems.
 - (b) Staff who have an alcohol or drug related problem are encouraged to seek help, in confidence, at an early stage.
 - (c) Staff who have an alcohol or drug related problem affecting their work are dealt with sympathetically, fairly and consistently.

4. PERSONNEL RESPONSIBLE FOR IMPLEMENTATION OF THE POLICY

- 4.1 The Head of HR has overall responsibility for the effective operation of this policy. The Head of HR has delegated day-to-day responsibility for operating the policy and ensuring its maintenance and review.

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- 4.2 Managers and supervisors have an important role to play in identifying problems at work that are being caused or contributed to by alcohol or drug misuse.
- (a) Where a manager or supervisor considers that deterioration in work performance and/or changes in patterns of behaviour may be due to alcohol or drug misuse they should seek advice and assistance from the Occupational Health (“OH”) or Human Resources (“HR”)
 - (b) When a member of staff arrives at work and a manager or supervisor reasonably believes that they are under the influence of alcohol or drugs, or the after effects of alcohol or drugs, they shall:
 - (i) immediately contact the Safety Adviser, or a member of HR in order that the member of staff can be taken to the first aid room or provided with assistance and an investigation can be undertaken.
 - (ii) If the arrival occurs outside of normal office hours, the employee should be immediately suspended from duty in accordance with the disciplinary policy, paragraph 5.3.
 - (iii) arrange for the employee to take a breath or urine test as soon as possible (see Appendix 1).
- 4.3 If you notice a change in a colleague's pattern of behaviour you should encourage them to seek assistance through their manager or supervisor or the HR. If they will not seek help themselves you should draw the matter to the attention of your manager or supervisor. Covering up for a colleague whose work, behaviour or attendance is suffering as a result of an alcohol or drug-related problem will not help them deal with their problem.
- 4.4 If you believe that you have an alcohol or drug-related problem you should seek specialist advice and support as soon as possible. Our OH team, who can be referred through HR, can assist you and will do so in confidence.
- 4.5 Managers and supervisors will, depending on the level of responsibility and the knowledge and skills considered necessary for implementing this policy, be given training in:
- (a) The nature of alcohol and drug problems, their possible causes and effects.
 - (b) The impact of alcohol and drug misuse on workplace safety and performance.
 - (c) The assistance that can be provided by HR and/or outside agencies such as Oxfordshire PCT or Alcoholics Anonymous (AA).

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5. ALCOHOL AND DRUGS AT WORK

- 5.1 Drinking alcohol while at work without authorisation or working under the influence of alcohol or non-prescribed drugs may be considered **serious misconduct**. Incapability at work caused by being under the influence of alcohol or non-prescribed drugs is **gross misconduct**.
- 5.2 **If you work in a Safety Critical Role (paragraph 15)**, you should **not** drink alcohol during the normal working day, at lunchtime, at other official breaks or at official work-based meetings and events. **If you do not work in a Safety Critical Role**, we expect you to demonstrate responsible behaviour at work, work-related functions and work-related social events and to act in a way that will not have a detrimental effect on our reputation. If you entertain clients or represent us at external events where alcohol is served, you are considered to be "at work" regardless of whether you do so outside normal working hours. Consequently, we will expect you to remain professional and fit for work at all times.
- 5.3 Managers should act to prevent excessive consumption of alcohol by any member of staff and should take steps to deal with any unacceptable conduct that occurs at such functions. Any such behaviour may lead to disciplinary action.
- 5.4 Exceptionally, you may participate in events where alcohol is available e.g. the employee Christmas Lunch held in the Town Hall, providing this is with the express prior approval of your Head of Service and providing it doesn't contravene the rules in Safety Critical Role (paragraph 5.1 and 15). In these circumstances if you return to work afterwards you must be able to undertake your duties soberly, safely and competently. Any such consumption of alcohol will render you unfit for Safety Critical Work (see paragraph 15).
- 5.5 You must not be in possession of alcohol or unprescribed drugs at work without a reasonable explanation.
- 5.6 We expect all our staff to comply with the **drink-driving legislation** at all times. Our reputation will be damaged if you are convicted of a drink-driving offence and, if your job requires you to drive and you lose your licence, you may be unable to continue to do your job. Committing a drink-driving offence outside or during working hours or while working for us may lead to disciplinary action and could result in dismissal in accordance with our Disciplinary Procedure.
- 5.7 If you are prescribed medication or if you are taking part in a clinical drug trial you must seek advice from your GP, pharmacist or other clinician involved in

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your treatment about the possible effect on your ability to carry out your job and whether your duties should be modified or you should be temporarily reassigned to a different role. If your GP or pharmacist advises you that some action should be taken you must tell your line manager or HR without delay.

- 5.8 If you are working in a property in which you believe illegal drugs are being smoked, tell your manager as soon as you can safely do so. Your manager must ensure that you are not exposed to this smoke.

6. SEARCHES

- 6.1 We reserve the right to conduct searches of Council property for alcohol or drugs, including, but not limited to, searches of lockers, filing cabinets and desks, and packages sent to our address which are on our premises. Any search will only take place with Head of Service consent and following consultation with trade union representation.

- 6.2 Any drugs found as a result of a search will be confiscated and disciplinary action and if appropriate police referral may result.

7. ALCOHOL AND DRUG SCREENING

- 7.1 Refer to Appendix 1

8. MANAGEMENT OF SUSPECTED SUBSTANCE MISUSE

- 8.1 If your manager or supervisor has reason to believe that you are suffering the effects of alcohol or drugs misuse, for example, due to a deterioration in your work or behaviour, they will invite you to an **investigatory interview**. You will be entitled to be accompanied by a work colleague or trade union representative. The purpose of the interview is to:

- (a) discuss the reason for the investigation and seek your views on, for example, the deterioration of your work performance and/or behaviour; and
- (b) where appropriate, to offer to refer you to the OH or HR for medical and/or specialist advice.

- 8.2 If, as the result of the interview, your manager or supervisor continues to believe that you are suffering the effects of alcohol or drugs misuse and you refuse an offer of referral to the OH the matter may be dealt with under our Disciplinary Procedure or Performance Improvement Policy and Procedure.

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- 8.3 If you agree to be referred to the OH your manager will request an urgent appointment and prepare a referral form, a copy of which will be provided to you.
- 8.4 The OH may ask for your consent to approach your GP for advice. A report will be sent to your manager who will then reassess the reasons for their investigatory meeting with you and decide on the way forward. This may include suspension from work or from certain duties (.e.g. driving, operating machinery).

9. PROVIDING SUPPORT

- 9.1 Alcohol and drug related problems may develop for a variety of reasons and over a considerable period of time. We are committed, in so far as reasonable, to treating these problems in a similar way to other health issues. Support will be provided where reasonable with a view to supporting a full recovery, allowing a return to work and the full range of your duties. This may include:
- (a) referral through the HR to the OH Team and/or appropriate treatment providers, where necessary in conjunction with your GP.
 - (b) time off work to attend treatment as recommended by the OH or your GP or specialist and may include recognition of some or all periods of your absence for treatment as periods of paid sickness absence.
 - (c) adjusting your duties or other support as recommended by the OH or your GP or specialist during treatment and for an agreed period thereafter, subject to operational requirements and feasibility.
- 9.2 If you do not finish a programme of treatment (either because the treatment provider ceases to support you or because you stop attending) or your recovery and return to work does not happen as anticipated at the outset of a course of treatment, your manager or your supervisor or HR will meet with you to decide what further action should be taken.

10. CONFIDENTIALITY

- 10.1 We aim to ensure that the confidentiality of any member of staff experiencing alcohol or drug-related problems is maintained appropriately by HR and/or the OH, managers, supervisors and, where it is necessary to inform them, colleagues. However, it needs to be recognised that, in supporting staff, some degree of information sharing is likely to be necessary.
- 10.2 If you seek help with an alcohol or drug-related problem directly from the OH or HR without the knowledge of your manager the matter will be treated

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confidentially unless, in the opinion of the OH maintaining confidentiality could put you, your colleagues or anyone else at risk. In those circumstances the HR or OH will encourage you to inform your manager and agree with you sufficient time to do so before sending them a written report advising of any potential risks. You will be given a copy of this report when it is sent to your manager or supervisor.

11. PERFORMANCE AND DISCIPLINARY ISSUES

- 11.1 If, having acknowledged an alcohol or drug related problem, you undertake treatment and/or rehabilitation, any related performance or disciplinary action may be suspended pending the outcome of the treatment.
- 11.2 Our intention is to support all staff with alcohol or drug related problems to regain good health. Depending on the progress made on the course of treatment, any disciplinary action may be suspended for a specified period, discontinued or continued.

12. RELATIONSHIP WITH OTHER POLICES AND PROCEDURES (P&Ps)

- 12.1 Matters that may be touched upon when dealing with cases of drug or alcohol misuse are also covered in other Council policies and procedures:

Issue	Policy & Procedure (P&P)
Sickness/ill health issues	Attendance Management
Therapy	Health & Wellbeing
Performance Improvement	Performance Improvement
Conduct	Disciplinary
Disclosure of employee concerns	Whistleblowing
Driving	Occupational Road Risk

13. MONITORING AND REVIEW

- 13.1 The Chief Executive, as Head of Paid Service, has overall responsibility for employees and will receive regular monitoring information including diversity information regarding the application of this policy from HR.

14. SUPPORTING INFORMATION

- 14.1 This policy is supported by a manager’s guide, information and training for managers, and information for all employees setting out its approach and promoting the help available. A process map is shown in Appendix 2

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15. APPENDIX 1 DRUG AND ALCOHOL TESTING REGIME

15.1 Safety-critical work

Safety-critical work is work that involves a risk of serious personal injury to the employee engaged in the work, or others who may be affected by the work. This includes the following work:

- Work at Height
- Driving
- Operating dangerous machinery
- Working in road traffic
- Commissioning, servicing and repair of electrical and gas systems.
- Any other piece of work that could reasonably be considered safety critical.

15.2 For cause screening and testing

For any employee engaged in safety-critical work, testing “for cause” may take place in the following circumstances:

- When a manager has reasonable grounds to believe an employee’s conduct or performance is impaired by drug or alcohol misuse.
- When an employee discloses that drug or alcohol misuse is affecting their work
- When an employee is involved in an accident at work and there are reasonable grounds to suspect that the employee may have been intoxicated by drugs or alcohol
- When a colleague or service user raises concerns that an employee is impaired through drug or alcohol misuse.

You will be deemed to be under the influence of alcohol or drugs where that is the reasonable opinion of a manager or supervisor.

In all cases of ‘for cause’ testing, the manager will inform the Head of Service and HR immediately and justify the reason(s) to the Head of Service as soon as reasonably practicable (which in some circumstances may be after the test is administered).

15.3 Alcohol screening and testing

If a manager has reasonable grounds to suspect that an employee is under the influence of alcohol, and that the safety of that employee and/or others is at risk, the manager should immediately suspend the employee from duty, and arrange for the employee to take a breath test.

If the employee’s breath test proves positive for alcohol (>35 µg per 100 millilitres), the manager administering the test should immediately arrange for a

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urine sample to be taken by an approved sampling and testing contractor. The employee should remain with the manager who administered the breath test until the sampling and testing contractor arrives. During this time the manager will prepare the sampling room.

15.4 Drug testing

If a manager has reasonable grounds to suspect that an employee is under the influence of drugs, and that the safety of the employee and/or others may be at risk, the manager should immediately suspend the employee from duty, and immediately arrange for a urine sample to be taken by an approved sampling and testing contractor. The employee should remain with the manager who administered the breath test until the sampling and testing contractor arrives. During this time the manager will prepare the sampling room.

Substances to be screened for during the test are from the following groups of drugs:

Amphetamines	Cocaine
Barbiturates	Opiates
Benzodiazepines	LSD & Other Hallucinogens
Cannabis	MDMA (Ecstasy)

Drug testing results will only be reported and recorded where they are at levels that would lead to impairment at work.

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16. APPENDIX 2 - PROCESS FOR DEALING WITH DRUGS AND ALCOHOL PROBLEMS

