

**Substance Misuse policy**

1. **Scope**

This policy applies to all employees of North West Leicestershire District Council, unless stated otherwise, and will be applied fairly and consistently without discrimination on the grounds of marital status, gender, age, disability, sexual orientation, race, nationality, ethnic or national origins, trade union membership or activity, political or religious belief and unrelated criminal conviction.

The principles of this policy are applicable to agency workers, although they are not employees of North West Leicestershire District Council. Instances of concern will be discussed with the relevant agency and the contract of the affected worker may be terminated if there is evidence of drug or alcohol abuse in the workplace.

For the purposes of this policy the term ‘employee’ shall apply to agency workers and contractors where it relates to general behaviours and standards.

1. **Purpose**

This policy is intended to:

* Ensure that North West Leicestershire District Council (NWLDC) employees and visitors to NWLDC premises benefit from a drug and alcohol free environment.
* Outline the rules of behaviour expected of individuals in relation to drugs and alcohol.
* Offer appropriate help, support and guidance to employees in relation to drugs and alcohol.
1. **Definitions**

**Alcohol misuse** is the consumption of alcohol during working hours, or attending work under the influence of alcohol.

NWLDC requires all staff to have alcohol levels that are less than the current drink driving level, that is:

* no higher than 35 micrograms of alcohol in 100 millilitres of breath, 80 milligrams of alcohol in 100 millilitres of blood, referred to as Blood Alcohol Concentration (BAC) or 107 milligrams of alcohol in 100 millilitres of urine.

**Substance misuse** is the taking of any drug or other substance that affects how the brain works and causes changes in mood, awareness, thoughts, feelings, or behaviour during working hours, or attending work under the influence of illegal substances. as defined This is defined as any substance which

(a) is capable of producing a psychoactive effect in a person who consumes it, and

(b) is not an exempted substance (see section 3).

Definitions in the Psychoactive Substances Act 2016 (<https://www.legislation.gov.uk/ukpga/2016/2/contents/enacted>) will be used.

Substance misuse also refers to the misuse of prescribed medication.

Employees must not sell, buy, supply or manufacture drugs or alcohol on NWLDC premises.

**During working hours** includes during breaks and also refers to individuals who are on standby / on duty.

**Workplace** – includes all places where work for North West Leicestershire is being carried out and is not limited to the council offices or depots. It will, therefore, include people’s homes during all times that someone is carrying out work for NWLDC, and include breaks that are being taken during a day’s work periods.

1. **Alcohol and psychoactive substances**

Alcohol and drug misuse can have an adverse effect not just on an individual but on their colleagues, customers and the public. Having a safe working environment, providing excellent customer service by maintaining productivity levels and avoiding days being lost to illness are all critical to our success.

Under the Management of Health and Safety at Work Regulations 1999, employees have a legal duty towards their own safety as well as the safety of others. Employees must inform their manager of any situations that could be considered to constitute a health and safety risk, including where a colleague appears to be under the influence of alcohol and/or drugs whilst at work. Employees should make their manager aware of any changes in a colleague’s pattern of behaviour in order that they can be encouraged to seek assistance. In no circumstances should employees seek to cover for a colleague about whom they have concerns as to them being under the influence of drugs or alcohol.

NWLDC requires all employees to comply with the alcohol and drugs policy. Assistance and support will be given, but breaches of the policy will be taken very seriously and may be dealt with under the council’s disciplinary procedure. Serious incapacity at work brought on by alcohol or drugs is considered gross misconduct under the disciplinary policy, and, if proved, can lead to dismissal without notice

1. **Assistance**

If an employee comes forward voluntarily and seeks help for an alcohol or drug problem they will be given help and support by NWLDC.

If an employee thinks they have a problem they are strongly encouraged to come forward and seek help. NWLDC will be sympathetic and ensure the employee gets the help and support they need. This may include referral to occupational health and/or direction to specialised drug and alcohol services (details of which are in the appendix below).

If an employee volunteers information that they have an alcohol or drug problem they will be treated with dignity at all times. Any discussions will be in the strictest of confidence.

The council recognises that employees may continue to struggle with alcohol or drug dependency even after they have sought and are receiving assistance. Every effort will be made to provide ongoing support to employees.

If after having received treatment an employee suffers a relapse, the council will consider the case on its merits. Medical advice will be sought from Occupational Health in an attempt to find out how much more treatment time is likely to be required for a full recovery.

If after an employee has received treatment and, after professional advice has been sought by HR, recovery seems unlikely, or if the employee refuses to engage with agencies or treatment that could help them, the council will follow the appropriate policy (capability, attendance, disciplinary).

Whilst our aim is to assist our employees who have alcohol or drug abuse problems by encouraging treatment/rehabilitation, we reserve the right to deal with issues of this nature under the terms of our disciplinary policy, having considered all the details of the case.

1. **The Rules**

Employees have an obligation to present themselves in a fit state for work. Employees must not turn up for work under the influence of alcohol or drugs. Where there is an impact on work action may be taken that can include disciplinary action under the category of gross misconduct.

Employees must not drink alcohol or take drugs during working time. Working time is any time between when an employee reports for work and the time they finish work and includes lunchtimes. It also includes any period of call out whilst on standby duty or overtime working. There may be occasions when responsible drinking (i.e. less than the legal limit as defined above) is allowed by your manager – e.g. Bee a Star event or Christmas parties etc.

Employees may attend events such as conferences and award ceremonies conferences away from council premises at which alcohol is available. In these circumstances, discretion, good judgement and responsible drinking is expected. At such events they are representing the council, even outside ‘normal working hours’, so their behaviour must not in any way bring the council into disrepute.

1. **Prescribed medication**

The policy does not stop employees from using prescribed medication, over-the-counter medication or herbal remedies, in the manner for which they are prescribed or intended. However, medication like tranquillisers, sleeping pills, pain-killers, decongestants, cough suppressants, antihistamines (for treatment of hay fever or other allergies) and antidepressants can make people feel drowsy and may affect their work performance or the safety of themselves or others. If an employee is taking any medication they should:

* check the possible side effects with their doctor or pharmacist, and use their judgement as to whether or not their duties could be affected
* if an employee is prescribed medication that could affect them at work – e.g. cause drowsiness, or mean they should not use dangerous machinery, power tools or drive - they should talk with their manager about this at the earliest possible opportunity as soon as they have been prescribed the mediction, this could include at their return to work meeting, if they have been off, or by arranging to meet their manager. If necessary the manager may arrange amended duties (in line with NWLDC Attendance Policy) or, if this is not possible, the employee may be sent home as unfit for work.
1. **Absence**

If employees are absent from work due to their attendance for treatment in relation to alcohol or drug abuse, that absence will be treated as normal sickness absence. Triggers will be applied in accordance with the policy. However, the fact that treatment is being undertaken to improve future health and attendance will be taken into account as mitigation.

1. **Disciplinary Action**

Whilst the council will be sympathetic to employees who are experiencing difficulties with alcohol and drugs, it may be appropriate to implement a disciplinary or capability procedure as appropriate where conduct or performance is not satisfactory, which could result in termination of employment.

Drug and alcohol misuse may become a matter for disciplinary action in accordance with the NWLDC Disciplinary policy, particularly where help is refused and / or impaired performance continues and / or others are put at risk.

Dismissal may result from disciplinary action.

Criminal activity in the workplace involving drugs will, in every case, require the council to report the activity to the police.

Where, in the judgement of a line manager, an employee’s work is likely to be affected by drugs or alcohol NWLDC has the right to suspend the individual until an investigation has taken place. The council reserves the right to require an employee to undertake drug and / or alcohol testing (using the appointed accredited testing company) and, if relevant, a medical examination to determine the cause of the problem.

If a test or medical examination in such circumstances is refused, the refusal will be taken into account if they subsequently fail to meet the standards of performance or behaviour due to suspected drug or alcohol abuse.

If, having undergone tests and / or a medical examination, it is confirmed that an employee has positively tested for a controlled drug or attended work under the influence of alcohol, or it transpires they suffer from drug or alcohol abuse, or if they admit they have a problem, the council reserves the right to suspend them to allow a decision to be made on how to deal with the matter.

The employee’s right to confidentiality will be respected unless legal or health and safety considerations affect this right. Any disclosure of information should only occur after discussion with the member of staff, and preferably with the employee’s consent.

1. **Drug and Alcohol Testing**

The council agrees that there will be no random drug or alcohol testing.

Any testing will be carried out by the council’s appointed independent testing company. Details of the appointed agency, timescales and tests are appended to this policy, but may be subject to change.

If an employee is involved in an accident, injury or near miss, or if there is a suspicion that an employee is under the influence of drugs or alcohol they may be required to submit to tests for the presence of illegal drugs, alcohol or other substances. This is especially important where the employee works in a safety critical role – such as driving or operating machinery.

The decision to initiate testing will be made by the Team Manager (or their designated deputy in their absence) in conjunction with HR. The testing company will have their own procedures for actually requesting a test is carried out.

If the employee refuses to undertake a test, or fails to reasonably co-operate with the testing procedure (which can include returning home before the test is carried out), the refusal will result in a disciplinary investigation and possible action (including dismissal) being taken and the refusal will be considered as a material factor. On site workers may be escorted back to the council’s premises in order for the tests to be carried out in a suitable location.

If a positive test is returned the employee may be subject to disciplinary action, which could include dismissal.

A copy of the test results will be made available to the employee on request.

At all stages of the drugs and alcohol testing procedure employees have the right to be accompanied by a trade union representative or work colleague. However, the procedure will not be delayed if the preferred person is not immediately available.

**Appendix One**

**External Support Organisations**

**Turning Point**

**Coalville Hub**

42 High Street

Coalville LE67 3EE

Phone 0330 303 6000

Turning Point is the integrated substance misuse service.They work with anyone who is affected by drugs or alcohol and wants support to make change. They offer a variety of treatment options. The team across Leicester, Leicestershire & Rutland includes doctors, nurses, recovery workers, support workers, peer mentor volunteers, and trainers. There are lots of different people who can offer their support, knowledge and encouragement to help people achieve recovery. Family support is also available. The Coalville hub offers a full range of services.

Areas served by Turning Point – Leicester city, Leicestershire and Rutland county and Leicester prison.

**Leicester City Alcohol and Drug Team - Advice service**
Paget House
2 West Street
Leicester
Leicestershire
LE1 6XP

Phone - 0116 225 6400

Website - [www.leicspart.nhs.uk](http://www.leicspart.nhs.uk/)

Targeting people with drug and alcohol related problems.

 Service for adults with alcohol problems. Offers individual, couple, family and group therapy and treatment. Key worker support. Provides supervised home detox or detox in hospital. Can provide referral to other agencies if so required.

Areas served - Leicester City, Leicestershire and Rutland.

**Leicestershire Community Projects Trust - Drug & Alcohol Advice Centre - Advice service**
96 New Walk
Leicester
LE1 7EA

Phone - 0116 222 9555 (Drugs)/0116 222 9545 (Alcohol)

Website - [www.lcp-trust.org.uk](http://www.lcp-trust.org.uk/)

Advice, information and support for people concerned about their own or someone else's substance use.
Drop-in service.Telephone advice and information about substance use and a referral point to further services.

Areas served - City of Leicester, Leicestershire, Rutland.

**Swanswell (Loughborough) - Advice service**
95 Ashby Road
Loughborough
Leicestershire
LE11 3AB
and
42 High Street,
Coalville,
LE67 3EE

Phone - 0300 303 5000

Website - [www.drugs.org.uk](http://www.drugs.org.uk/)

Targeting anyone worried about their own or someone else's alcohol or drug use, including young people.
Advice, information and support for anyone worried about their own or someone else's alcohol or drug use. Support for parents, partners and carers of adult substances users

Areas served - Charnwood and North West Leicestershire.

**Alcoholics Anonymous**

Phone – 0800 9177650

Email – help@aamail.org

Website – <http://www.alcoholicsanonymous.org.uk>

**Narcotics Anonymous**

Phone – 0300 9991212

Website – <http://ukna.org>

**Talk to Frank**

Advice on drug use

Phone - 03001231110

Website - <https://www.talktofrank.com/get-help/find-support-near-you>

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