

SUBSTANCE MISUSE POLICY

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Author:	Human Resources
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Assessed by:	Iain Davidson Employee Relations Manager Simone Doyle Equality & Diversity Advisor (HR)
Contact details:	Human Resources Scottish Borders Council Headquarters Old School Building Newtown St Boswells Melrose TD6 0SA ☎ Tel 01835 825015 Skype: akhr ✉ askhr@scotborders.gov.uk
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SUBSTANCE MISUSE POLICY

Contents Page:

	Page No.
1. <u>Policy Statement</u>	3
2. <u>Aims & Purpose of the Policy or Introduction</u>	3
3. <u>Equal Opportunities</u>	5
4. <u>Scope of the Policy</u>	5
5. <u>Links with other Council Policies</u>	5
6. <u>Policy on Substance Misuse</u>	6
7. <u>Roles & Responsibilities</u>	7
8. <u>Education and Training</u>	8
9. <u>Implementation, monitoring and review</u>	8

List of Appendices:

	Page No
1. <u>Useful Contacts</u>	9

SUBSTANCE MISUSE POLICY

1 Policy Statement

- 1.1 This policy sets out Scottish Borders Council's (the Council) position on the misuse of alcohol or other substances, whether legal or illegal.

2 Aims & Purpose of the Policy/Introduction

- 2.1 The Council is committed to ensuring the health, safety and welfare of its employees and the public.
- 2.2 The Council recognises that every individual has a responsibility for their own health, but it can become apparent in the work environment that an employee is developing health problems. The workplace is, therefore, a legitimate place to offer help to those with drug and/or alcohol misuse problems.

This policy aims to:

- ensure the health, safety and wellbeing of employees and the public;
- outline the support available to employees with drug and/or alcohol problems;
- prevent drug and alcohol problems at work through awareness-raising and other means;
- promote general health and wellbeing and reduce levels of absence as a result of drug and alcohol misuse;
- set clear rules about the use of drugs and alcohol in the workplace;
- support managers to tackle perceived problems at an early stage;
- comply with best practice and legislation, particularly the Health and Safety at Work Act 1974; and
- protect the reputation of the Council.

2.3 The Legal Position

Employers and employees are required to abide by the law. Employers can be prosecuted if they fail to take action once aware that controlled drugs are being used, supplied or produced on their premises. Employers are required to take action if an employee's behaviour is putting themselves and/or other people at risk. This helps create a safe and healthy working environment. Employees are required to take reasonable care of themselves and others who might be affected by their behaviour and to co-operate with employers.

The legislation relevant alcohol and the misuse of drugs in the workplace are

The Misuse of Drugs Act 1971

The principal legislation in the UK for controlling the misuse of drugs is the Misuse of Drugs Act 1971. The Act makes the production, supply and possession of specified controlled drugs unlawful except in certain circumstances (for example when they have been prescribed by a doctor). If a person, including an employer, knowingly permits the production or supply of any controlled drugs, or certain other activities to take place on their premises they are committing an offence

The Health and Safety at Work Act, 1974

The Council has a duty under the Health and Safety at Work Act 1974 (HSW Act) to ensure the health, safety and welfare at work of our employees as far as is reasonably practicable.

The Management of Health and Safety at Work Regulations 1999

The Council has a responsibility to assess the risks to the Health and Safety of its employees.

If the Council knowingly allows an employee under the influence of substances to continue working and their behaviour places the employee or others at risk, the Council could be prosecuted. Employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

The Road Traffic Act 1988

It is an offence to drive, attempt to drive or be in charge of any vehicle having consumed more than the prescribed amount of alcohol or while unfit to drive through drugs. . The prescribed amount of alcohol is extremely low.

The Psychoactive Substances Act 2016

It is an offence to produce, supply, offer to supply, or possess with intent to supply psychoactive substance.

“Psychoactive Substance” is a substance which affects a person’s mental functioning or emotional state, what are commonly known as “legal highs”. (This does not include substances such as caffeine or tobacco).

2.4 **What are “Substances?”**

As well as alcohol, and illegal drugs this includes all controlled substances, glue, lighter fuel, solvents, prescribed drugs, over-the-counter medicines, psychoactive substances and any other substance that may impair reasoning or performance if misused.

2.5 **What is Substance Misuse?**

Substance misuse is defined as the 'problematic use of alcohol, drugs and other substances'.

Problematic use covers three main areas:

- **inappropriate use** where taking substances may aggravate an existing condition that they were intended to alleviate.
- **habitual use** where an individual becomes dependent on the effects of a drug (including alcohol) so that the desire for these effects becomes a central and overriding concern of daily life and has adverse occupational and social consequences.
- **excessive use** which may lead to physical and psychological illness.

2.6 **Identifying Substance Misuse**

All kinds of people can become involved in drugs, alcohol and substance misuse for all kinds of reasons, and they do not conform to any stereotypes. There are a number of signs/symptoms that may indicate a problem, which include:

- Poor timekeeping
- Absenteeism
- Decrease in job performance
- Over-confident and mood swings
- Reduction in response times and physical deterioration i.e. blurred eyes, hand tremors
- Memory lapses
- Inappropriate behaviour
- Irritable and possible aggression towards other people
- The smell of alcohol
- Unkempt appearance
- Theft

These are just indicators and are for guidance only; other causes could trigger the above symptoms

2.7 **The Effects of Substance Misuse**

Alcohol and/or drugs/ other substances affect an individual's performance, efficiency and behaviour and compromise safety. Long-term effects can include liver disease, kidney disease, acute and chronic pancreatitis, diabetes, cardiovascular disease, several types of cancer, weight and/ or sleep loss; depression and anxiety or other mental health problems, high blood pressure and increased risk of a stroke.

At work, drug and alcohol misuse, including hangovers, can result in reduced levels of attendance, mistakes, sub-standard work performance, impaired judgment and decision making and increased health and safety risks, not only for the individual concerned but also for others.

Employees who drink irresponsibly or commit offences related to the misuse of drugs and alcohol may put the Council's reputation at risk and also prompt legal claims against the Council

3 **Equal Opportunities**

- 3.1 The Council is committed to treating all employees fairly. Managers and staff will not discriminate directly or indirectly on grounds of Age, Disability, Gender reassignment/ Gender Identity, Marriage/Civil Partnership, Pregnancy/Maternity, Race, Ethnic or national origin, Religion/Belief, Sex, Sexual Orientation or trade union membership and activity.

4 **Scope of the Policy**

This policy applies to all Council employees and also contractors, consultants, agency staff, volunteers and other third parties working for, or on behalf of, the Council.

5 **Links with other Council Policies**

- 5.1 This policy should be read in conjunction with the following Council policies and procedures:
- Attendance Management Policy and Procedure
 - Disciplinary Procedures for Misconduct
 - Guidelines on Special Leave

6 Policy on Substance Misuse

- 6.1 The use, possession, distribution, purchase, sale of and/or being under the influence of alcohol or any controlled drugs or psychoactive substances whilst at work or on Council property is prohibited. This may lead to action being taken under the Council's Disciplinary Procedures for Misconduct, the outcome of which may be action up to and including summary dismissal.
- 6.2 Where an employee is found to be displaying the signs of drug or alcohol misuse, this should be discussed privately with the employee by their line manager or an alternative manager where appropriate. The result of this discussion may be, after advice from Human Resources, that the employee is asked to leave work safely. Depending on the circumstances, after advice from Human Resources, special paid leave may be appropriate. There may also be a referral to PAM, the Council's Occupational Health provider.
- 6.3 An employee who is using prescription or over the counter drugs which may affect their behaviour and/ or their work performance must inform their line manager. A discussion will then take place as to how best to deal with the situation. This may include temporary redeployment or temporary removal of certain duties.
- 6.4 Employees suffering from substance misuse problems are encouraged to discuss this, in confidence, with their line manager or other appropriate manager.
- 6.5 Support is available to employees:

A referral may be made to PAM, the Council's **Occupational Health** provider. Occupational Health consultations with employees are confidential. However, confidential help is available in interpreting the report, where required, from both PAM and HR.

Separately there is also a confidential **Employee Assistance Programme** run by Vivup. This service is available 24 hours a day every day of the year. Employees can obtain advice and support on any work or personal issue, including substance misuse.

The support provided includes telephone counselling.

Vivup can be contacted directly by the employee via telephone (freephone 0800023 9324) or by registering on the website to access online resources: vivupbenefits.co.uk/access-my-benefits/

Details of further sources of support are contained in Appendix 1.

- 6.6 The Council accepts that the misuse of alcohol, drugs or related substances are health problems which require treatment and the Council undertakes to act fairly in dealing with such cases. In particular seeking treatment for such problems will not affect employment or promotion prospects.
- 6.7 Employees who suspect or know that they have alcohol or drug related problems will be encouraged to seek help and treatment voluntarily from their G.P. or appropriate agency on the clear understanding that:

- cases will be treated confidentially by the Council.
- any reasonable absence from work necessary will be granted under the sick leave scheme and an employee will therefore be entitled to the normal sick pay benefits, provided they co-operate fully.
- Appointments for treatment will be treated in the same way as hospital appointments (see [Guidelines on Special Leave](#))
- Every effort will be made to ensure that after treatment an employee is able to return to the same job, unless to do so would be inappropriate for health and safety or other reasons and in these circumstances redeployment will be actively pursued.
- If an employee relapses after treatment, discussion will take place as to whether further treatment is appropriate.

6.8 Disciplinary action will normally be suspended in the case of employees who are suspected of suffering from alcohol or drug related problems and who accept referral for diagnosis and/or treatment (via their G.P. , Borders Counselling on Alcohol, or other agency) and continue treatment to completion, with a satisfactory level of work performance.

6.9 In the course of employment an employee may be asked to attend functions or events organised by the Council or a third party. Alcohol may be available at these events.. At all times the employee should remember that they are a representative of the Council.and act appropriately.

7 Roles and responsibilities

7.1 It is the responsibility of the Line Manager to:

- ensure the effective implementation of this policy and associated procedures;
- ensure the health, safety and welfare of employees in line with legislative requirements;
- be aware of the signs of drug and alcohol misuse enabling prompt intervention via appropriate procedures where a problem is suspected; and
- take appropriate steps to ensure that staff reporting for duty who are or appear to be under the influence of alcohol or other substances are prevented from commencing work.
- Refer employees to Occupational Health, where appropriate.
- Direct employees to other sources of support, where appropriate.

7.2 It is the responsibility of the employee to:

- Take all reasonable steps to take care of their own health and safety and that of colleagues, service users and the wider community
- Take personal responsibility for their own drug and alcohol use
- Report for work, and remain throughout the working day, in a fit and safe condition to undertake their duties, ensuring that their performance at work and their judgment are never impaired by drugs and/or alcohol. In particular, employees must ensure that their consumption of alcohol does not threaten the safe performance of their duties and that their behaviour never puts themselves or others at risk

- Report concerns about a colleague being unfit for work due to drugs and/or alcohol to the appropriate line manager
- Take responsibility for themselves in seeking help and/or advice for an alcohol or drug problem and co-operating with support and assistance provided; and
- Inform their line manager if they are taking prescribed or over-the-counter medication which may affect their health and safety whilst at work.

8 Education and Training

- 8.1 An online course and assessment, “Alcohol and Drugs in the Workplace”, is available via SBLearn, the Council’s e-learning system.
- 8.2 All managers and employees are encouraged to complete the course and assessment.
- 8.3 To access the courses visit [SBLearn - Login \(tessello.co.uk\)](https://tessello.co.uk)

Log in procedure

When you reach the login screen please log in using:

- Your employee number
- Password - first time login is set to default to your surname i.e. Smith (initial capital only).

You will immediately be asked to complete a process to set your password to something more secure. You will then be required to complete a 'Memorable Question' so that you can change your password securely should you forget it in the future.

- 8.4 Further events to raise awareness of substance misuse issues will be arranged on an ongoing basis.

9 Implementation, Monitoring and Review

- 9.1 The outcomes of this Policy will be reviewed at least every two years. If any trends emerge these will be analysed and appropriate steps taken, potentially including a full review of the policy. Changes to this document and related procedures are the responsibility of the Director People Performance & Change.
- 9.2 Additionally, as a minimum an impact assessment of the policy will be carried out every two years in accordance with the Council’s HR Policy Review programme or as required by legislative requirements in order that the Policy remains relevant and fit for purpose.

USEFUL CONTACTS

Service	Website/Email address	Telephone No.
Internal Services		
Vivup Employee Assistance	_vivupbenefits.co.uk/access-my-benefits/	0800 023 9324
SBC HR Case Management Team	ashkhr@scotborders.gov.uk	01835 825015 Skype: askhr
Health and Safety Team:	healthandsafety@scotborders.gov.uk	Skype: Health & Safety Team
Mental Health First Aiders <i>(a team of SBC employees. This confidential service is available to anyone with concerns about the mental wellbeing of themselves or a fellow employee.)</i>	MHFirstAiders@scotborders.gov.uk	01835 825 038 Skype: Mental Health First Aiders
External Services		
Alcoholics Anonymous	https://www.alcoholics-anonymous.org.uk/help@alcoholics-anonymous.org.uk	0845 769 7555
Narcotics Anonymous	https://ukna.org/	0300 999 1212
NHS 24 Drug addiction	https://www.nhs.uk/live-well/addiction-support/drug-addiction-getting-help/	Freephone 111
Samaritans	In your community Samaritans mailto:jo@samaritans.org	116 123
The Scottish Association for Mental Health	https://www.samh.org.uk mail to: enquire@samh.org.uk	0141 530 1000
Scottish Families affected by drugs and alcohol	https://www.sfad.org.uk/support-services	Helpline : 08080 10 10 11
Turning Point Scotland	https://www.turningpointscotland.com/	Free call 0800 652 3757