

## **Trowbridge Town Council**

*Working with the Community*

### **Drugs and Alcohol Misuse Policy**

#### **1. INTRODUCTION**

Our employees are our most valuable resource and their health and safety is of the utmost importance. Drug and alcohol misuse has the potential to damage the health and well-being of our employees and threaten the success of our Council.

The aim of this policy is to protect the health and safety of our employees and to help anyone who may be suffering from a drug or alcohol related problem.

#### **2. POLICY**

The Council has a statutory duty under the Health and Safety at Work Act 1974 to ensure, so far as is reasonably practicable, the health, safety and welfare at work of its employees. Employees should also be aware of their individual responsibility for their own health and safety and for those who may be affected by their acts or omissions whilst at work.

The Council recognises that an alcohol or substance misuse problem may be an illness which calls for advice and support and should be treated in a confidential and constructive manner, notwithstanding that it may be appropriate to apply disciplinary measures. Early identification and appropriate treatment are the most useful ways of dealing with such misuse. The policy aims to assist those affected to acknowledge the problem and encourage employees who recognise that they may have a problem to voluntarily seek advice and help.

The policy is designed to ensure that the Council's interests and those of the public for an effective, efficient and safe service are maintained whilst employees are treated in an appropriate manner. Consumption of alcohol or substance misuse at work, hospitality functions, during breaks or immediately prior to starting work is detrimental to job performance and incompatible with good practice in terms of health and safety. Employees should not attend for work whilst still under the effects of alcohol, drugs or other misused substances. This absence must be taken as either annual leave, flexi-time or a deduction of pay.

Disciplinary action will be taken against employees who are convicted of an offence of driving under the influence of alcohol or drugs which is committed whilst on Council business.

The Council is under a duty to uphold the law where a drug is a controlled substance under legislation.

##### **2.1 Definition of alcohol / substance misuse**

The Council defines alcohol or substance related problems as those which, either intermittently or continually, interfere with a person's work capability or conduct. Substance misuse is abuse of illegal or prescribed drugs, including over the counter medicines and also solvents.

##### **2.2 Who is this policy for?**

The policy applies to all Council employees.

##### **2.3 Aims of the policy**

- To assist managers to identify employees with a problem at an early stage and to provide appropriate guidance and support.
- To assist the employee to overcome the problem, if they so wish, by creating an environment which actively encourages employees to acknowledge their problem and seek treatment.

- To assist an employee whose performance is affected to restore this to an acceptable level within a reasonable time scale.
- To increase employee awareness of the dangers associated with alcohol/substance misuse.
- To protect the welfare of employees, clients and others and to minimise problems arising at work. A failure to act where substance misuse is known of may also make the Council liable to prosecution.

## **2.4 Application of the policy**

- Employees who believe that they have an alcohol or substance related problem, are encouraged to seek help and treatment voluntarily initially from the Head of Resources (who, having taken each case on its own individual merit, may refer him/her to a nominated Counselling Service) or through their own GP or specialist agencies. Employees are also encouraged to approach their supervisor or line manager.
- Where an incident occurs, which appears to be due to negligent or deliberate misuse of alcohol or any other substance, the employee will be subject to the Council's disciplinary procedures.
- Any employee under the influence of alcohol or other substances at work will be suspended from work immediately.
- Employees who come to the notice of managers, through observations or by disciplinary proceedings, as possibly having an alcohol or substance related problem will be offered the opportunity of assessment and help by the Head of Resources or referral to an outside agency. However, this does not prejudice the Council's right also to pursue the matter through disciplinary procedures.
- Supervisors and managers are not expected to diagnose alcohol/substance misuse or to recommend treatment as only those medically qualified to do so should make an assessment.
- Managers are advised to take initial advice from the Head of Resources. The manager's role is to monitor job performance and attendance, to identify a deteriorating pattern of performance and/or attendance and to take corrective action as described in the policy.
- Employees will be expected to make medical appointments as far as possible outside working hours. Employees who are certified sick will be subject to the provisions of the sick pay scheme.

## **2.5 Refusal of assistance**

- Should an employee refuse or discontinue any programme of assistance worked out for them, then any unacceptable behaviour or inadequate standard of work will be dealt with on its merits through the authority's Disciplinary Procedure.
- Following return to employment, after or during treatment, if work performance should again suffer because of an alcohol related problem, each case will be considered on its merits and, if appropriate, a further opportunity for help and treatment will be offered.

## **3 OTHER ISSUES**

If the employee does not consent to medical screening, the Council may draw such inferences from that refusal as it sees fit.

Employees should be aware that the Misuse of Drugs Act 1971 makes it a criminal offence for the Council to knowingly allow the production or supply on its premises of any controlled drugs and for any individual who allows such activities by his or her neglect or connivance. The Council will press for the prosecution of any employee found breaking these laws on its premises.

The Council will not get involved in an employee's use of drugs or alcohol in his or her private life unless and until that use has an actual or potentially adverse effect upon the employee's performance of his or her duties or upon the best interests (principally name and reputation) of the Council. In

these circumstances the fact that the drug or alcohol abuse may be outside the working hours or off Council premises shall not prevent the Council from taking action in response.

## **MANAGERS GUIDANCE**

### **Suspected misuse**

1. If you suspect alcohol or substance misuse, before discussing the problem with the employee you should gather facts about performance, attendance, interactions and factors relating to job performance.
2. You should keep an open mind as to causes for poor performance or behaviour as there may be other causes (e.g. stress, mental ill health, major life changes, certain physical illnesses).
3. Possible problems might be in behaviour or interaction with colleagues, sickness record and incidents/accidents involving the employee or poor performance against targets.

### **Initial approach to the employee**

4. Managers should start discussions with the observations and facts that they have gathered and give the employee the opportunity to provide an explanation. Individuals with an alcohol or substance misuse problem may often try to conceal it or deny the problem even when it is obvious. Sensitive use of such information can be useful in helping an employee accept they have a problem.
5. You should clearly state expected standards of work and behaviour, gain the employee's agreement to meet these and set a review date. You should be sensitive but direct, encouraging the employee to seek help. If he/she refuses to seek help you should discuss the potential consequences.
6. If you suspect a problem but performance is not obviously affected it may still be appropriate to discuss the situation informally with the employee because of health and safety responsibilities. This may act as a preventative measure. The situation must then be monitored as to any further action necessary.

### **Review of performance**

7. No further action is needed if the employee reaches required standards at the time of the review. An extension of the review date might be appropriate at this stage.

### **Time off / leave to undergo treatment**

8. There are a variety of treatments for long-term misuse (e.g. hospital admission, session clinics, counselling). The employee should be allowed to attend sessions during working time where necessary.
9. Leave to undergo treatment will be treated as sick leave within the terms of the appropriate sick pay scheme, with monitoring of progress by the Head of Resources.
10. Upon successful completion of treatment the employee should, where possible, return to their usual job and performance should be monitored as for any employee.
11. Where the employee is no longer capable of continuing their usual job it may be appropriate to seek alternative employment in line with the Council's redeployment policy and in discussion with your Head of Resources.

### **Unlawful possession of drugs**

12. If an employee is involved, convicted or suspected of unlawful possession of drugs you should instigate an immediate investigation, taking into account the following factors when considering whether disciplinary action is appropriate:

- whether the offence took place on or off duty
- whether a safety risk was involved
- the ability of the employee to work effectively
- the effect on the Council's reputation
- the illegality of the employee's actions
- contact with children and/or other vulnerable people at work
- whether the incident needs reporting to the Police.

13. An employee found to be involved in, or convicted of, the unlawful manufacture or supply of drugs may be liable to dismissal. You should contact your Head of Resources as soon as you suspect a problem.

**Recognising when there is a problem**

14. It should be remembered that there can be many causes for poor performance or changed behaviour, e.g. stress, mental ill health, major life changes, certain physical illnesses. Some possible signs of alcohol or substance misuse might be:

- signs of hangover
- signs of intoxication, e.g. slurred speech, unsteady movement
- smelling of alcohol
- hand tremors
- any changes in an employee’s behaviour.

**What help is there available?**

15. Any manager who wants more information or advice related to this guidance should contact the Head of Resources in the first instance. Employees who feel they have a problem may wish to talk to their GP or other external agencies. They may also wish to contact their Trade Union.

**Lance Allan – Town Clerk & Proper Officer**

**Signed.....**

**Dated.....**

*Approved by the Policy & Resources Committee on 18<sup>th</sup> May 2021  
Unless the size and nature of the Council changes the date of the next review is May 2025*

**TROWBRIDGE TOWN COUNCIL**

***Working with the Community***

**DRUGS AND ALCOHOL MISUSE POLICY**

**ACCEPTANCE SLIP**

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I have received, read and understood the Council's Drugs and Alcohol Misuse Policy

Signed .....

Name .....

Job Title .....

Date .....

*Completed form should be returned to Juliet Weimar, Head of Resources*