

SOLIHULL METROPOLITAN BOROUGH COUNCIL

Drugs, Alcohol and Substance Misuse

This policy sets out the terms of agreement reached by those participating in the Council's Consultation and Negotiating Framework.

This Model Policy was provided by the Solihull School's HR Service. The school must undertake negotiation and consultation with the relevant Trade Union/Staff Association representatives before this policy is adopted by the School Governing Body. Advice is available from your HR provider on how to undertake this, if required.

Drugs, Alcohol and Substance misuse December 2016

What does this procedure cover?

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1. Introduction

Solihull Metropolitan Borough Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. It recognises that this can be put at risk by those who misuse drugs or alcohol to such an extent that it may affect their health, safety, performance, conduct and relationships at work, and that of their colleagues.

The Council will take all reasonable steps to reduce, if not eliminate, the risk of injuries or incidents occurring due to individuals suffering from the effects of alcohol, drug or substance abuse.

This policy contributes to the Council's commitment to address the health and wellbeing of its employees and to work with other agencies that are committed to make Solihull a healthier, happier and safer place to work and live in.

2. Policy statement

The Council recognises that problems of alcohol, drug and substance abuse can exist amongst employees and that such problems can affect the employees' ability to work safely and/or effectively. It also recognises that alcohol/drug dependence **may** be an illness to be treated the same way as other illnesses. However, whether or not it has become an illness, such problems can also affect the delivery of our services.

The Policy seeks to ensure that problems are dealt with effectively and consistently.

The purpose of the policy is to protect employees and encourage those affected by their own or someone else's drug or alcohol use to seek help.

3. Scope of policy

This policy applies to:

- All employees including school based employees and those seconded to other authorities/organisations.
- Workers engaged from other organisations to undertake work on behalf of the Council, e.g. contractors, consultants and agency workers.
- Volunteers undertaking voluntary work for the Council/schools.

4. Safeguarding

This policy seeks to ensure that Solihull Council undertakes its responsibilities with regard to the protection of children, young people and vulnerable adults and will respond appropriately to any concerns raised as a result of the Drugs, Alcohol and Substance Misuse Policy.

5. Legislation relating to this policy

- The Misuse of Drugs Act 1971
- The Psychoactive Substances Act 2016
- The Health and Safety at Work Act 1974
- The Management of Health and Safety at Work Regulations 1999

6. Definitions

For the purpose of this policy the following definitions apply:

- A **drug and/or alcohol related problem** is defined as any consumption or use of, either intermittent or continual, which definitely and repeatedly interferes with a person's health and sound functioning, and/or their work capability and conduct.
- **Alcohol misuse** refers to drinking excessively and more than the recommended limits of alcohol consumption:
 - UK's Chief Medical Officer guideline for both men and women to keep health risk from alcohol to a low level it is safest not to drink more than 14 units per week ^[1]
 - In England and Wales, the alcohol limit for drivers is 80 milligrammes of alcohol per 100 millilitres of blood, 35 microgrammes per 100 millilitres of breath or 107 milligrammes per 100 millilitres of urine. ^[1]
 - It takes an average adult around an hour to process one unit of alcohol so that there's none left in their bloodstream, although this varies from person to person ^[2]

Please refer to Appendix A for examples of units

Alcohol misuse also refers to an episode of drinking to intoxication or to drunkenness; or in circumstances of **binge drinking**, an episode of heavy drinking over a short period of time, such as over the course of an evening or over an hour or two.

- The term **misuse** is any use that harms social or physical functioning
- **Drugs** are any substance that affects the way the body functions physically, emotionally or mentally.
- The term, **drug and substance misuse**, refers to the misuse of controlled and prescription drugs, and use of illegal and designer drugs and other psychoactive substances (formerly known as "legal highs"), whether deliberate or unintentional. These include substances such as solvents.

[1] www.gov.uk

[2] www.drinkaware.co.uk

7. Restrictions whilst at work

No employee or other person under the Council/ School's control shall, in connection with any work-related activity shall;

- report, or endeavour to report, for duty having consumed or be under the influence of alcohol or any unlawful drugs or any prescription drugs that have not been prescribed for the user, which is likely to render him/her unfit and/or unsafe for work; or
- consume or be under the influence of alcohol, drugs or substances while on duty. This includes business functions where the employee is representing the Council or School; or.
- store alcohol, drugs or substances in personal areas such as lockers and desk drawers; or
- attempt to sell or give alcohol, drugs or substances to any other employee or other person in connection with work performed.

Employees must inform their line manager, usually following medical advice (e.g. GP) regarding any prescribed medication that may have an effect on their ability to carry out their work safely and/or effectively.

Exceptionally, alcohol may be provided for **agreed** official Council/School functions or special occasions (e.g. Civic functions, Long Service Awards etc.). In these circumstances non-alcoholic drinks must be available as an alternative, and at no time must the employee be adversely affected by its consumption.

8. Procedure

The Council recognises that a member of staff with alcohol, drug or substance misuse problems needs help and support from his/her employer. However the Council/School also understands that it has a responsibility to all its employees, service users, pupils and other stakeholders, to ensure the risks are minimised.

Accordingly, the Council/School will seek to adopt two approaches:

- 1) To provide reasonable assistance to the member of staff with an alcohol, drug or substance misuse problem who is willing to co-operate in treatment for that problem.
- 2) To take disciplinary action where use of alcohol, drug (other than on prescription) or substance affects performance or behaviour at work, and where either (1) an alcohol or drug dependency problem does not exist or (2) where treatment is not possible, has been refused or has not succeeded.

9. Recognising the problem

Where it is suspected an employee's performance or behaviour in the workplace is cause for concern and it is related to drug, alcohol or substance misuse, then the line manager/ head teacher should address these concerns at the earliest opportunity by discussing the matter with the employee and seeking appropriate support.

Any action will also consider:

- a) health and safety issues;
- b) safeguarding;
- c) the effects of performance, conduct and behaviour within the workplace, including relationships with other work colleagues;
- d) attendance at work.

10. Assistance for employees

The Council/School will, where possible, look into a range of assistance to a member of staff, which may include;

- helping the employee recognise the nature of the problem, through referral to Occupational Health and/or counselling service, their GP or other appropriate agency.
- support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in post or redeployment to other work. This will be dependent upon the employee's condition, the job undertaken, individual circumstances and the needs of the service.
- the opportunity to remain or return to work following the completion of a course of treatment, as far as is practicable.

The Council/School's assistance will depend upon the following conditions being met:, that

- Occupational Health diagnoses an alcohol, drug or substance dependency related problem.
- the member of staff recognises that he/she is suffering from an alcohol, drug or substance misuse problem and is prepared to co-operate fully in referral and treatment from appropriate sources.

The Council/ School and its employees must recognise the following limits to the assistance the Council/ School can provide as being;

- where an employee fails to co-operate in referral or treatment arrangements, no special assistance will be given and any failure in work performance and behaviour will be dealt with through the Disciplinary procedure.
- if the process of referral and treatment is completed but is not successful, and failure in work performance or behaviour occurs, these will be dealt with through the Disciplinary procedure.

11. Disciplinary Action

In line with the Council/ School's Disciplinary procedure, the following will be regarded as gross misconduct:

- a) Attending work and/or carrying out duties under the influence of alcohol or drugs.
- b) Consumption of alcohol or drugs whilst on duty (other than where prescribed or approval has been given).
- c) Possession, use or distribution of an illicit substance or produce, supply or possess with intent to supply a psychoactive substance.

This misconduct may result in dismissal. Where this conduct is also considered a criminal offence, e.g. as in c) above or driving whilst under the influence of alcohol or drugs this will be reported to the police.

Where misconduct occurs, but it is established that an alcohol or drug misuse related problem exists, and the member of staff is willing to co-operate in referral to an appropriate service and subsequent treatment, the Council may consider **suspending** application of the Disciplinary procedure and seek to provide assistance as described (in section 9) above. Employees who do not comply with the treatment suggested or continue with alcohol, drug or substance misuse, will be subjected to the application of the Disciplinary procedure.

12. Occupational Health

Through the Occupational Health Service the Council will provide advice and support to managers on;

- a) whether an alcohol, drug or substance misuse related problem exists
- b) progress in any treatment undertaken
- c) re-establishment or continuation at work, where appropriate
- d) assistance to employees with alcohol, drug or substance misuse related problems.

This does not include directly providing treatment or specialist help which is the responsibility of GP's, hospitals and other agencies working in the field. Occupational Health may assist employees referred in the following ways:

- through counselling
- provide advice and signposting regarding obtaining treatment and specialist help;
- assisting in continuing or achieving a return to work

13. Alcohol and Drug Testing

The Council/ School reserves the right to carry out drug and/or alcohol testing as a result of an incident and/ or where a criminal offence is suspected (e.g. in charge of a motor vehicle whilst under the influence of drugs or alcohol).

The Council/ School reserve the right to introduce a random drug and alcohol testing scheme if the need should arise in the future and will consult as appropriate.

14. Help and Support

Any employee who believes they may have a drug, alcohol or substance misuse related problem is encouraged to talk in confidence to their line manager, human resources or trade union representative at any time. This is so that guidance on help and treatment may be sought before health, performance or employment is affected.

The Council offers employees' access to an Employee Assistance Programme. Confidential Care is an independent, free and completely confidential advice service, run by CiC. This is a 24 hours advice service and offers information and factsheets on drug and alcohol use and misuse.

Further support and information

There are a large number of organisations offering help, support and guidance to tackle the harm caused by alcohol, drug and substance misuse;

Alcohol dependence

If you are a resident of Solihull and concerned about your own alcohol drinking, or the alcohol use of somebody else, contact **SIAS (Solihull Integrated Addictions Service)** on:

- 0121 301 4141
- email to help@sias-solihull.org.uk

Anyone calling SIAS will receive immediate support and guidance and be put in touch with the most appropriate help. This is not available to staff who live outside of Solihull Borough.

Drinkline

Helpline: 0800 917 8282

A free, confidential helpline for people who are concerned about their own drinking, or someone else's.

Addaction

<http://www.addaction.org.uk/default.asp>

Helps people to recover from their addiction problems

Al-Anon

<http://www.al-anonuk.org.uk>

Provides support to anyone whose life is, or has been, affected by someone else's drinking, regardless of whether that person is still drinking or not

Alcoholics Anonymous

<http://www.alcoholics-anonymous.org.uk>

AA is an organisation of men and women who share their experience with each other hoping to solve their problems and help others to recover from alcoholism.

Adfam

<http://adfam.org.uk>

Working to improve the support available to families that have been affected by drug and alcohol related issues.

Change 4life

<https://www.nhs.uk/change4life>

Provides tips and tools to cut down and manage your drinking

Drinkaware

<https://www.drinkaware.co.uk/>

an independent charity, funded from donations and finance from drinks companies and supermarkets.

Drug dependence

If you are a resident of Solihull and concerned about your own drug use, or the drug use of somebody else contact SIAS (Solihull Integrated Addictions Service) on:

- 0121 301 4141
- email to help@sias-solihull.org.uk

This service is unfortunately not available to staff who live outside of Solihull Borough.

NHS Choices Website

<http://www.nhs.uk.uk/Livewell/drugs/Pages/Drugtreatment.aspx>

National Health Service advice page

Addaction

<http://www.addaction.org.uk/default.asp>

A UK drug and alcohol charity, helping people to recover from their addiction problems

Talk to Frank

<http://www.talktofrank.com/>

National drugs awareness site for young people and parents/carers.

Narcotics Anonymous

<http://ukna.org/>

Helpline for the UK: 0300 999 1212

A non-profit fellowship of recovering addicts who meet regularly to help each other stay clean. Membership is open to anyone with a drug problem seeking help, regardless of what drug or combination of drugs have been used, and irrespective of age, sex, religion, race, creed or class. The only requirement for membership is a desire to stop using drugs.

Adfam

<http://adfam.org.uk>

Working to improve the support available to families that have been affected by drug and alcohol related issues.

Know the score

<http://knowthescore.info/>

Helpline: 0800 587 5879

For people who want to know the truth about drugs

Substance Misuse

Re-solv

www.re-solv.org/

Helpline: 01785 810762

Work to prevent volatile substance abuse

Other Help

Samaritans of Solihull:

Telephone: 0121 704 22 55 (local call charges apply)
116 123 (National telephone service where this number is free to call)

Email: jo@samaritans.org (UK and ROI)

Visit the branch: **Samaritans Solihull**
Station Approach
Solihull
West Midlands
B91 1LE

Appendix A

What is a unit?

One unit is 10ml or 8g of pure alcohol. Because alcoholic drinks come in different strengths and sizes, units are a way to tell how strong your drink is.



Source: drinkaware 2016