

LANCASHIRE COUNTY COUNCIL ALCOHOL AND DRUG USE POLICY AND PROCEDURE

POLICY STATEMENT

As your employer, Lancashire County Council has a duty to ensure in so far as reasonably practicable that employees' use of alcohol, non-medically prescribed drugs and medically prescribed and over-the-counter drugs does not impair the safe and efficient running of the organisation or the health of its employees.

We recognise that alcohol and drug use whether recreational or prescribed pose social as well as health and safety concerns, and we will offer you support with alcohol and drug-related difficulties which affect your health, work performance and wellbeing.

We will take all reasonable steps to ensure that:

- Information and advice are available to you to raise awareness of the symptoms and effects of the use of alcohol and drugs.
- If you recognise that you may have an alcohol or drug-related problem, you are encouraged to seek help voluntarily.
- If you have an alcohol or drug-related problem, you have access to information to enable you to seek confidential advice, help and if necessary, a referral to the appropriate agency.

The Council commissions a range of community and residential treatment services and recovery interventions that the council would be able to access to support employees. Advice relating to this can be sourced from the Behaviour Change Team.

We are aware that the taking of some prescription or over-the-counter drugs for medical purposes may impair your work performance or safety. You should be guided by the advice of your GP, pharmacist or the instructions for use and should inform your line manager if you are taking drugs which may affect your work performance or may endanger yourself and/or others. This information can then be considered and where necessary, alternative working arrangements can be considered and implemented where possible in line with business needs.

As an employee of the council, you are responsible for ensuring that the use of alcohol, medication and over-the-counter drugs does not impair the safe and efficient running of the organisation, or your own health.

The use of alcohol or illicit drugs whilst at work/in the workplace is not acceptable.

SCOPE

This document sets out the council's policy and formal arrangements for managing the impacts of alcohol and drug use on the ability of employees to undertake their role. It is related to and intended to be read in conjunction with other related council policies and procedures.

This policy applies to all council employees regardless of status or seniority.

The policy also applies to agency and casual workers, contractors, volunteers and others working on the council's behalf where failure to adhere to this policy is likely to result in these working arrangements being terminated.

This policy covers the use of intoxicating substances, which includes alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.

LEGAL DUTIES

- i) The Health & Safety at Work Act, 1974 and other Health & Safety legislation places an obligation on the council as an employer to ensure, as far as is reasonably practicable, the health, safety and welfare of employees whilst at work. This includes protecting employees and others from the risk posed by an employee continuing to work whilst under the influence of alcohol or drugs.

Similarly, you as an employee are required to take reasonable care of yourself and others who could be affected by your acts or omissions.

- ii) The Road Traffic Act 1988 (as amended in Road Traffic Act, 1991) makes it a criminal offence to drive or be in charge of a motor vehicle on a road or other public place when unfit through alcohol or drugs.
- iii) The Misuse of Drugs Act 1971 makes the production, supply and possession of controlled drugs unlawful in all but certain specified circumstances. Knowingly permitting these activities to take place on their premises could mean an employer is committing an offence.

OBJECTIVES

The key objectives of this policy are:

- To set out the council's procedures for managing the impacts of alcohol and drug use on the ability of employees to undertake their role.
- To encourage early recognition of alcohol and drug-related use in order to provide support to resolve issues where possible.
- To help any employee with an alcohol or drug-related problem to obtain skilled, confidential assistance to address the underlying causes and overcome them.
- To support employees with an alcohol or drug-related problem in restoring their performance and capability to an acceptable level within a reasonable timescale.
- To ensure that alcohol and drug use and its consequences do not occur on council premises or impact on the work of the council.

- To protect others from illness or injury caused by council employees who are unfit to work through the consumption of alcohol or drugs.

RESPONSIBILITIES

The Chief Executive & Director of Resources, Executive Directors, Directors and Heads of Service:

Ultimate responsibility for ensuring that the council meets its legal obligations for managing alcohol and drug-related issues rests with the **Chief Executive & Director of Resources, Executive Directors, Directors and Heads of Service** who are responsible, through their line management arrangements, for implementing these arrangements within their own services.

Managers:

Managers are responsible for ensuring that the arrangements relating to the management of alcohol and drug-related issues are carried out and any action is taken as appropriate.

Employees:

You must take reasonable care of yourself and others by adhering to the corporate arrangements relating to alcohol and drug use. Anyone self-disclosing a problem with drugs or alcohol is encouraged to self-refer to local treatment services. See Section V of the Annex to this Policy; Arrangements for Managing Alcohol and Drug Use within the council are shown in the Procedure section below.

TESTING

We reserve the right to request any employee, agency and casual workers, contractors, volunteers and others working on the council's behalf undergo a test, for the use of alcohol and drugs at work where there may be a reason to suspect such use, for example in the event of a road traffic accident or a serious incident where there is a reasonable suspicion that the cause may be attributable to the use of alcohol or drugs.

Any refusal to undergo a test will require further investigation and action and the testing arrangements set this out and link to any other wider LCC policies where required.

ARRANGEMENTS

Arrangements for managing alcohol and drug use within the council are contained in the Procedure section below.

PROCEDURE

Arrangements for Managing Alcohol and Drug Use

I. Dealing with an Employee suspected of alcohol and drug use

A. Establishing the issue

Drug and/or alcohol use is often symptomatic of other underlying issues and is often used as a coping mechanism for individuals experiencing stress and/or mental health issues. The use of alcohol or drugs by an employee may come to light in various ways. The following characteristics, especially when arising in various combinations, **may** indicate the presence of an alcohol or drug-related issue.

Remember - all these signs may also be caused by other factors and should be regarded only as indicators that an employee **may** be using alcohol or drugs. This list is not comprehensive and is only intended to provide examples, in all circumstances any existing medical conditions also need to be taken into account.

- i) **Absenteeism**
- ii) **High accident levels:**
 - at work
 - elsewhere, i.e. driving, at home.
- iii) **Changes in work performance**
- iv) **Behavioural changes**
- v) **Changes in general appearance**
- vi) **Misconduct/poor performance:** If alcohol or drug use comes to light during a disciplinary or capability process, it may be treated as a mitigating factor in certain circumstances, provided the employee is prepared to seek professional assistance/support e.g. undergo counselling/rehabilitation.
- vii) **Self-referral:** In some instances, employees may seek help and advice themselves. Employees who seek help voluntarily will be treated sympathetically, given support and encouraged to participate in counselling/treatment.
- (viii) **Occupational Health referral:** Alcohol or drug use may come to light through a referral to the council's Occupational Health Service.

B. Intervention

The employee must be treated with respect and the matter dealt with the utmost discretion in so far as reasonably practical throughout this process. Information will only be shared where necessary to support ongoing treatment or another process.

Where there are concerns that an employee's unsatisfactory behaviour or performance may be alcohol or drug-related, managers should seek advice from the council's Behaviour Change Team (details provided later in this document). If necessary, a meeting should be arranged with the employee and line management to discuss possible forms of intervention and support. In advance of the meeting advice should be taken from the council's Behaviour Change Team as this may assist with consideration of options and interventions.

At this meeting, the employee is entitled to be accompanied if they so wish by a work colleague, trade union representative or official employed by a trade union (See Section IV. Representation).

At the meeting the presenting issues and behaviours should be discussed with the employee so that they can be better understood and the impacts considered.

During the meeting the employee should be reminded or advised of the assistance and support the council can offer to those who are trying to overcome alcohol or drug use and should also be advised of internal and external services where help can be obtained (see details in this document). The employee should also be advised that their presenting issues and behaviours are impacting on their ability to perform satisfactorily in their role which could also result in detrimental impacts on service delivery. The employee should be encouraged to take up the offer of support where it has been established there is drug or alcohol use/dependency. At the conclusion of the meeting, the line manager, with advice from the council's Behaviour Change Team, Occupational Health, any health professionals involved and Corporate HR where necessary, should agree with the employee what follow-up action, support and interventions should be taken. This could include, through support of the Behaviour Change Team and/or other relevant support services, an appointment with professional support services.

Whilst the employee is receiving assistance from professional advisers, formal action may be suspended for an agreed period in order to allow the rehabilitation/advice to take effect. However, in the event the employee is unwilling to seek help or fails to co-operate with treatment, or if the presenting issues and behaviours continue/deteriorate during/after treatment, it may be necessary to address the issues through the appropriate council procedures.

It is important to note that there may be some circumstances where the matter is very serious, whereby it may be necessary to adopt the above procedures without awaiting the outcome of any support referrals/rehabilitation. In these circumstances, managers may also wish to consider placing the employee on restricted duties or suspension from work until the relevant process has concluded.

For advice on the most appropriate course of action, please contact [Corporate HR](#).

A record should be kept of all events and any actions taken (see the Policy Guidance for Managers document) and retained by the line manager.

C. Professional Treatment/Counselling

Where employees acknowledge that they are using alcohol or illicit drugs and are receiving or willing to receive professional treatment/counselling the council will:

- (a) Allow reasonable time off for counselling/treatment, this could be as annual leave, unpaid leave or possibly special leave without pay in line with arrangements for other medical treatment/appointments.
- (b) Make every effort to ensure that on completion of the recovery programme employees are able to return to the same work wherever it is safe and/or appropriate for them to do so.

However, where such a return would jeopardise either a satisfactory level of job performance or the employee's recovery, Services, with assistance where necessary from the council's Behaviour Change Team, Occupational Health, any health professionals involved, Corporate HR, and the relevant service provider for the area (See the Policy Guidance for Managers document) etc. will review the full circumstances surrounding the case and agree an appropriate course of action. This may include the offer of suitable alternative employment, action under the attendance policy or action under the disciplinary/capability procedure may be appropriate where recovery is not achieved within the agreed, reasonable, time frame.

- (c) Preserve the confidentiality of the employee with an alcohol or drug-related problem in all matters relating to their treatment/counselling etc. except where the nature of the problem is such that the continuation of their normal duties is likely to pose a serious threat to the wellbeing of the employee/or others. In such cases information will only be shared on a need to know basis and only in relation to the task under concern.

In line with the council's commitment to assist in accessing facilities for the treatment/counselling of those suffering from alcohol and drug dependency, there is an expectation that employees will respond to such advice and will co-operate in undertaking treatment both for their own personal benefit and to enable them to better undertake their workplace responsibilities.

D. Relapse

While recovery and/or abstinence is possible, alcohol and drug dependence is characterised as a chronic relapsing condition and as such relapse can be common.

Where an employee, having undergone treatment/counselling suffers a relapse, the Service will consider the case on its individual merits. Advice from the Occupational Health provider or the Behaviour Change Team may be sought and at the Service's discretion, more treatment/counselling time may be given in order to help the employee to recover fully.

Where this is not considered appropriate, action under the attendance, disciplinary or capability policies may be taken, as appropriate. In determining what action to take the individual circumstances will be considered including the impact a relapse is having on the employee and the service in which he/she works.

E. No change following support/intervention

If, after employees have undergone treatment/counselling recovery seems unlikely, consideration may be given to the issue being managed under formal procedures eg dismissal under the disciplinary, capability or attendance procedures, after medical advice has been obtained.

II. Serious Misconduct caused by Alcohol or Drugs

A. Consumption of alcohol in the workplace

Employees are, under normal circumstances, expressly forbidden to consume alcohol in the workplace. Any breach of this rule will result in disciplinary action being taken, which could result in dismissal.

B. Consumption of alcohol before or during working hours or during meal breaks

If an employee or other person covered by the policy is, in the opinion of the appropriate manager, affected by alcohol or drugs during working hours, they will be escorted from the workplace immediately. The employee should be advised not to drive and if possible, a taxi/lift should be arranged. Whilst support can be offered to help the employee travel safely and legally, the council is not liable for unsafe/illegal decisions the employee may take.

Employees in safety critical roles as identified by Services through risk assessment e.g. drivers, those operating machinery etc. or with responsibility for service users, are expressly forbidden to drink alcohol before or during working hours or to attend work whilst still, in the opinion of the appropriate manager, affected by alcohol even if consumed some time previously. This would cause a serious safety risk to the employee, the service users, and their colleagues. These provisions apply also to staff on call or on 24-hour standby. Any breach of this rule will usually be considered as gross misconduct and investigated under the disciplinary policy and procedure and could result in dismissal.

Employees must report for work in a fit state and unaffected by alcohol and maintain this state during working hours.

No employees will be permitted to consume alcohol at any time whilst they are on duty and are reminded that any consumption of alcohol prior to duty and during meal breaks can impact safety and performance, which could constitute grounds for a disciplinary offence.

Employees on formal standby, or who are on formal on call for emergency service, must avoid the consumption of alcohol prior to their duty commencing.

In addition to the steps identified above, where managers have justified reason to suspect that an employee may be under the influence of alcohol or in the event of an accident/incident attributable to the use of alcohol, particularly where it involves a vehicle or equipment,

managers have the right to request any employee, agency or casual worker, contractor, volunteer and others working on the council's behalf undergo a test, for the use of alcohol and drugs at work..

Note: To assist managers and employees, Services should identify "Safety Critical" tasks when compiling or revising job descriptions as part of the job analysis process.

C. Drug use in the workplace

In the majority of cases if employees are found to be taking or under the influence of drugs at work which have not been prescribed on medical grounds or bought "over-the counter" support will be offered, however, depending on the circumstances this could result in disciplinary action being taken against the employee.

Any employee found to be selling drugs would be deemed to be committing an act of gross misconduct and will be subject to disciplinary investigation. It is also a criminal offence and may also result in a police investigation prior to an internal disciplinary investigation.

D. Alcohol and Drug-related incidents outside the workplace

It should also be noted that disciplinary action may be considered in relation to alcohol and drug-related acts of misconduct which take place outside of work hours, for example, in instances of criminal prosecution and/or conviction/caution for such actions. The main considerations should be the relevance of the offence to the employee's duties and/or the effect on the contractual relationship with the employer and on clients/colleagues. Disciplinary measures may not be appropriate in all cases.

III. Awareness and Development

All efforts will be made by the council to ensure employees are aware of the effects of alcohol and drug use. Information is available on the Wellbeing intranet pages and via the council's Behaviour Change Team.

Employees should be encouraged not to cover for colleagues with an alcohol or drug problem but to recognise that this represents a false sense of loyalty rather than helping them.

Employees who recognise that they have an alcohol or drug problem or that they are at risk of developing one should be encouraged to come forward for confidential help. They should seek an appointment, in confidence, with their line manager and/or the council's Behaviour Change Team, Employee Support or any health professionals involved, whichever they feel comfortable approaching. Contacts at outside agencies where help can be obtained are available at the end of this document. Employees can also contact their trade union for advice and support.

IV. Representation

Employees have the right to be accompanied by a work colleague, trade union representative or official employed by a trade union at any stage within these provisions.

Other representation may be appropriate in the circumstances i.e. an employee may want their counsellor/key worker etc. to attend meetings with them and this will be considered on a case by case basis.