

ALCOHOL DRUGS AND SOLVENT MISUSE PROCEDURE

1. Our Policy

- 1.1 The Council is committed to ensuring the health, safety and welfare of its employees and those affected by its activities. The Council will take reasonable steps to minimise the risk of injuries and/or incidents at work resulting from the misuse of alcohol, drugs and/or other intoxicating substances by its employees.
- 1.2 The overall aim of this procedure is to prevent alcohol and drugs problems in the workplace and ensure that employees with drug and alcohol problems are treated reasonably. This will be achieved by:
 - a) Setting out the Council's expectations and employees' responsibilities;
 - b) Raising awareness of the consequences of alcohol and drug use;
 - c) Promoting sensible drinking;
 - d) Providing managers with guidance for managing drug and alcohol related situations;
 - e) Enabling the Council to comply with relevant legislation covering possession, cultivation, manufacture and supply of alcohol, drugs and solvents; and
 - f) Providing information about where support and advice can be obtained for alcohol and drug related problems.
- 1.3 Action under this procedure normally relates to situations where employees have declared a problem, or are believed by management, colleagues, HR, OH, or any combination of these, to have a problem with alcohol, drugs or solvents.

2. Purpose of the procedure

- 2.1 The purpose of this procedure is to ensure:
 - that employees are aware that the use of alcohol, drugs and solvents is not permitted on Council premises, during working hours; and
 - the fair and reasonable treatment of employees who have drug and alcohol related problems.
- 2.2 The procedure applies to all employees, except those in schools with delegated budgets.

2.3 The procedure applies to the use and/or misuse of alcohol, illegal drugs (refers to any drug classed as illegal under UK legislation), illegally/legally obtained and prescribed medication, recreational drugs (legal highs), and other substances that can affect physical, or psychological states.

2.4 It is important that medication is taken as prescribed by a doctor.

3. Definition

A drug for the purposes of this procedure is any substance that affects the way in which the body functions physically, emotionally or mentally and includes:

- Alcohol;
- Over-the-counter medicines;
- Prescribed medicines;
- Drugs listed under the Misuse of Drugs Act 1971 e.g. Heroin, Cocaine, Crack and Methamphetamine, Psilocybin mushrooms, anabolic steroids, Cannabis.

4. Alcohol, Drugs and the Workplace

4.1 Employees should ensure that their behaviour and performance at work is not affected by the consumption of alcohol, illegal drugs and/or other substances as described in 2.3 above.

4.2 The Council recognises that dependence upon alcohol, illegal drugs or the misuse of other substances may be considered to be an illness and aims to support employees in overcoming such dependencies where it is reasonable to do so.

4.3 Where an employee's performance or attendance is below the expected standard as a result of their alcohol, drug or substance misuse, it may be handled using the Council's Employee Performance Procedure or the Sickness Absence Procedure as appropriate.

4.4 Where intoxication or consumption of alcohol or ingestion of other substances breaches the Council's disciplinary rules, this will normally be dealt with under the Disciplinary Procedure (see Paragraph 5 below).

4.5 Breaches of conduct, performance management and attendance matters are covered by existing procedures. This procedure should therefore, be read in conjunction with the Employee Code of Conduct, Disciplinary Procedure, Sickness Absence Procedure, Corporate Health and Safety Policy, Employee Performance Procedure, Equality in Employment Procedure.

4.6 The legal limit of alcohol for driving is 80mgs of alcohol in 100mls of blood. Employees who breach the law at work, for example, by driving over the legal limit of alcohol, or by possessing unlawful drugs may be reported to the Police and face criminal proceedings.

5. Misconduct and gross misconduct in relation to alcohol and drugs

- 5.1 Being unfit for duty due to the use of alcohol or other intoxicants, or consuming these whilst at work is a breach of the Council's disciplinary rules and will normally be handled as misconduct under the Disciplinary Procedure.
- 5.2 The consumption of alcohol or the taking of drugs or intoxicating substances is a serious breach of the Council's disciplinary rules in circumstances where:
- it could constitute a health and safety hazard;
 - it would be a breach of a position of responsibility and trust; or
 - it contravenes specific service rules;

and will normally be handled as gross misconduct under the Disciplinary Procedure.

- 5.3 Employees with an alcohol or drug related problem will be encouraged to seek appropriate help. Employees who refuse to accept their problem or refuse advice and treatment will cease to have the protection of this procedure and will be subject to the normal procedures for dealing with poor performance, sickness absence, or breaches of the Health & Safety at Work Act 1974.

6. Confidentiality and Recording Alcohol Related Incidents

- 6.1 Employees' personal details will be respected in accordance with the Data Protection Act 1998.
- 6.2 Any action taken in accordance with this Procedure or any of the associated Council Procedures should be conducted with confidentiality and sensitivity.
- 6.3 The National Drugs Strategy requires organisations to record drug related incidents. Luton Borough Council defines a drug related incident as one, which results in a disciplinary investigation.
- 6.4 The Council records and reports on the number of disciplinary investigations broken down by nature of allegation. Employees are assured that this data is reported in a statistical format and is, therefore, anonymous.

7. Management Guidelines

- 7.1 Managers should follow the guidelines below in situations where an employee is identified as possibly experiencing alcohol/drug related problems:
- Discuss the issues with the employee in private;
 - Direct the employee to the Alcohol and Drug Misuse Procedure and highlight the various sources of support listed;

- Advise the employee that time off to attend appointments or compliance with a rehabilitation programme will be considered sickness absence and managed in accordance with the Sickness Absence Procedure;
- Clarify standards of conduct and performance and advise the employee that further incidents of misconduct will result in action being taken under the Council's Disciplinary Procedure. Performance issues will be addressed in accordance with the Council's Employee Performance Procedure; and
- Follow up the meeting in writing and place a copy on the employee's personal file.

Further advice and guidance is available from Human Resources.

Internal Sources of Support & Advice

Occupational Health Advisers

Lilian Adams, ext 7202
Suzanne Ebdon, ext 6374
Margaret Hawkes, ext 6374

External Sources of Support, Advice and Treatment

AXA/ICAS Luton Borough Council Employee Assistance Programme
0800 072 7 072

Alcohol Services for the Community
for information advice, support and treatment about alcohol
2nd floor Napier House, 17-21 Napier rd, Luton LU1 1RF
01582 723434 www.alcohol-services.co.uk

PUKE (Prevention, Understanding Knowledge and Education
Young Peoples Alcohol Service including support, counselling, fun activities and
time for young people caring for adults using alcohol
Contact details as above for Alcohol Services for the Community

Westminster Drug Project for information, advice and support about drugs
34 Clarendon Road, Luton.
01582 483117

Talk to Frank National Drugs Helpline.
0800 776600

Luton Alcohol and Drug Help line available 24 hours a day seven days a week
0800 787797

Young Peoples Drug Service
Britannic House
18-20 Dunstable Road Luton
01582 657558