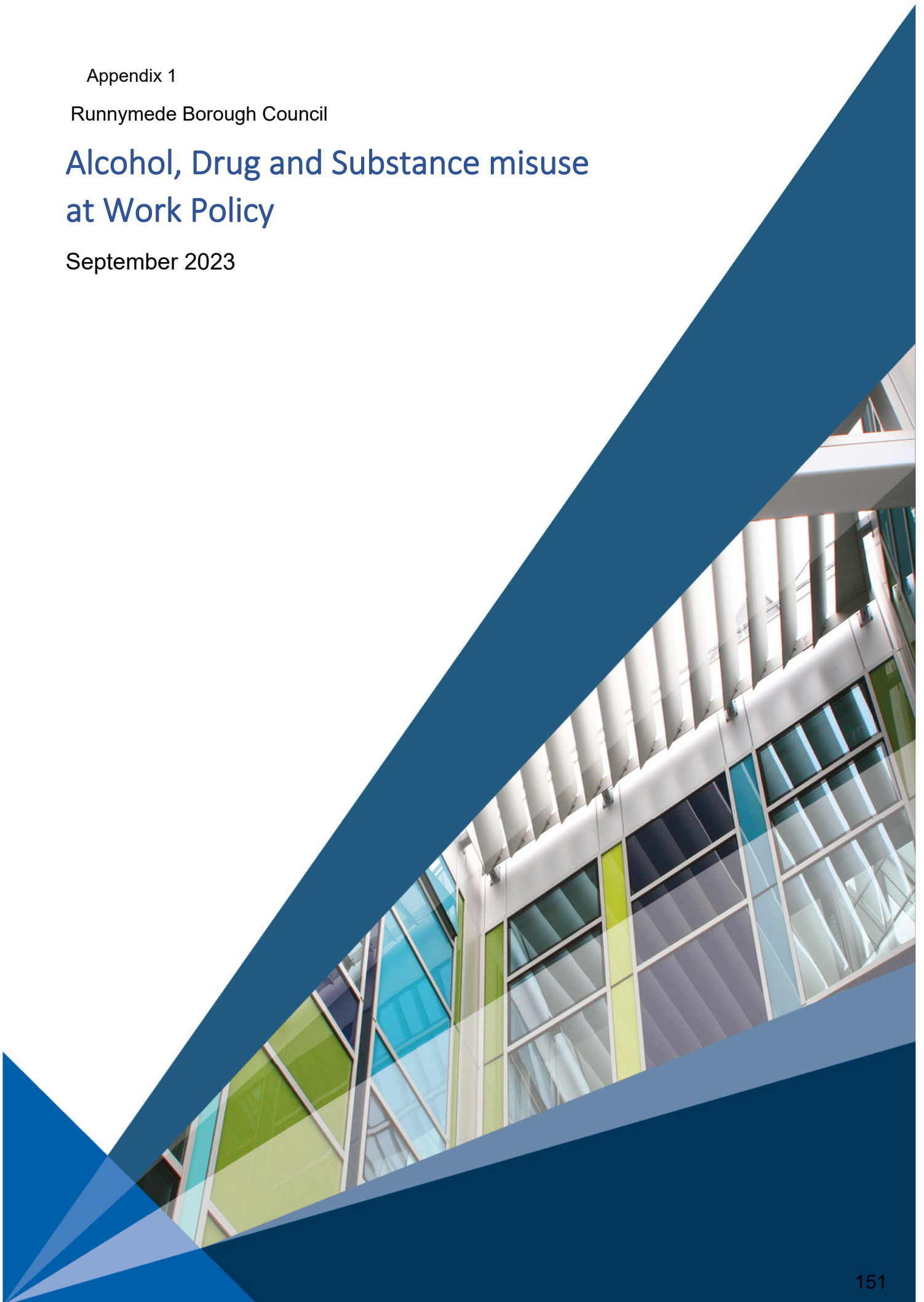


Appendix 1

Runnymede Borough Council

Alcohol, Drug and Substance misuse at Work Policy

September 2023



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Introduction

Runnymede Borough Council is committed to providing a safe and healthy working environment for all its employees. The Council also has a responsibility to ensure the safety of the public when carrying out its duties.

The Council seeks to have an understanding and constructive attitude towards alcohol and/or drugs and substance misuse problems with its employees. However, as a good employer, the Council is also committed to enabling a safe, secure working environment free from risks of harm or loss of life to members of the public and colleagues.

This includes an obligation to take all reasonable steps to minimise the risk of accidents or injuries occurring at work because of employees affected by alcohol and/or drugs, or other substances. This policy seeks to balance both obligations.

It is illegal for anyone to produce, supply or be in possession of illegal drugs. The Council may be liable if it knowingly allows the dispensing, manufacturing, possession, using or selling of these on their premises.

The Council does not tolerate the use of illegal drugs and/or substances and being under the influence of alcohol in the workplace.

Alcohol and/or drugs, or other substance problems can affect or impact anyone. This policy applies equally to all employees.

Policy Definitions

Alcohol misuse is a level of drinking which interferes with a person's health and/or social functioning and/or work capability or conduct. Please note that this can be either persistently affecting a person's work or affecting it on a "one off" or occasional basis.

Substance misuse refers to:

- the use of illegal drugs (as defined by the Misuse of Drugs Act 1971) that has a negative impact on health or functioning, either dependant use or use as part of a wider spectrum of problematic or harmful behaviour
- prescribed or over the counter drugs (when not for a medical condition) whether deliberate or unintentional
- new psychoactive substances (formerly known as 'legal highs') solvents such as glue, butane etc.

Illegal drugs are classified into three main categories under the Misuse of Drugs Act 1971 based on the harm they are considered to cause.

- Class A: including ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium, and injectable forms of class B drugs
- Class B: including cannabis, cannabis resin, oral preparations of amphetamines, barbiturates, codeine, and methaqualone (Mandrax)
- Class C: including most benzodiazepine (for example, Temazepam, Valium), other drugs of the amphetamine group, and anabolic steroids.

Alcohol or drug dependency refers to impaired control over the use of substances. Those who have developed a long-term dependency / addiction that requires specialist help and support.

Safety Critical roles refers to work that contain any safety critical elements where drug or alcohol misuse could have a serious outcome, for example:

- using machinery
- using electrical equipment or ladders
- driving Council vehicles (e.g., refuse trucks, buses, tractors, ride on mowers)
- operating heavy lifting equipment.

Scope of the policy

This policy applies to all persons working for or on behalf of the Council including:

- employees at all levels
- agency or casual staff
- persons employed as consultants/contractors
- work experience placements
- volunteers.

It is applicable to all premises that are owned, occupied, or shared by the Council.

Purpose of the Policy

The aim of the policy is to give guidance to Line Managers on how to handle situations where employees/workers are in possession of, or under the influence of, alcohol and/or drugs whilst carrying out duties of their role.

The policy also complies with the following legislation:

Health and Safety at Work Act 1974	Misuse of Drugs Act 1971
Road Traffic Act 1988	Management of Health and Safety at Work Regulations 1999

The Council commits:

- to provide a consistent framework for the management of alcohol and/or drugs and substance misuse at work by introducing 'with cause' testing
- to ensure that employees' use of alcohol and/or drugs does not impair the safe and efficient running of the Council, or result in risks to the Health and Safety of themselves, other employees, customers and the public
- to prioritise the Health and Safety of the public and employees, where there is a conflict between the needs of the employee with alcohol or drugs misuse issues and the health and safety of others.
- to ensure all employees are treated consistently and fairly in the testing for alcohol and/or drugs
- comply with all relevant legislation in this area
- to enable all employees to identify problems related to the influence of alcohol and/or drugs or other substances which may affect their performance within the workplace and to encourage those with a problem to seek help.

Confidentiality

The Council's intention is to ensure that the confidentiality of all employees experiencing alcohol and/or drug problems is maintained by the appropriate people (e.g., Line Managers and Human Resources). There may be circumstances when it is necessary for others to be informed, on a need-to-know basis, (e.g., if the safety of the person concerned, or others would be compromised by not doing so).

Details of tests carried out and the results shall be recorded and kept securely by Human Resources for a period of six years in line with the Council's retention and disposal schedule.

The Council will process data in accordance with the [Health and Safety Privacy notice](#).

Employees' responsibilities

As well as the general responsibilities of employees under the Health and Safety policy, it is also the responsibility of all employees to:

- read and understand the responsibilities in this policy and to report suspected breaches
- cooperate with requests for alcohol and/or drug testing as requested to ensure a safe place of work
- report for work, and remain throughout the working day, in a fit and safe condition to undertake your duties and not be under the influence of alcohol and/or drugs or substances
- maintain sensible and safe alcohol drinking levels outside of work in the knowledge of your role and responsibilities and the residual effects
- know the risks of driving whilst under the influence of alcohol, new psychoactive substances (NPS), legal/prescription medicines, or illegal recreational drugs
- know the possible side effects or impaired performance from, over the counter or prescribed drugs which you are taking for a health condition. If you experience side effects as a result of taking prescribed or over the counter medicines that impair your ability to perform your duties safely and satisfactorily, you must notify your Line Manager immediately
- co-operate with any support and assistance provided by the Council to address an alcohol and/or drug or substance misuse problem
- discuss with the Line Manager or Human Resources at the earliest opportunity alcohol and/or drug dependency issues. While the Council regards alcohol and/or drug misuse as a treatable illness, it is also the employee's responsibility to seek assistance if required
- be willing to undertake the recommended treatment by your GP/Specialist, including participation in a rehabilitation programme leading to abstinence, in order to overcome an alcohol and/or drug misuse problem
- not attempt to 'cover up' for a colleague with an alcohol and/or drug or substance related problem but instead should encourage the individual to seek help.

Line Managers' responsibilities

Line Managers should be aware that under the Health & Safety at Work Act 1974, if they knowingly allow an employee under the influence of excess alcohol and/or drugs to continue working and this places the employee or others at risk, they could be individually prosecuted.

As well as the responsibilities of Line Management in the Health and Safety policy they also have responsibility to:

- ensure that all employees, volunteers, contractors, agency and work experience students are made aware of the terms of the policy in relation to their work and the potential consequences regarding the use of alcohol and/or drugs and other substances
- ensure the overall safety and welfare of employees and other people they meet
- take suitable action if an employee is suspected of alcohol and/or drugs and substances whilst carrying out their duties
- administer alcohol and drug test in line with the procedure and training
- know the signs of alcohol and/or drugs misuse, the effect on performance, attendance and health
- intervene at an early stage and seek support from Human Resources, where changes in performance, behaviour, sickness levels, attendance patterns are identified to establish whether alcohol and/or drugs misuse is an underlying cause
- instigate disciplinary measures where appropriate to do so including the consideration of suspension where necessary
- provide support and assistance, where appropriate and for a reasonable period, to employees who are dependent upon intoxicating substances during their recovery.

All Managers have a specific responsibility to operate within the boundaries of this policy, to ensure employees understand the standards of behaviour expected of them and to act when behaviour falls below the Council's requirements.

Expected Workplace conduct in relation to alcohol and/or drugs consumption

Employees who drive a Council vehicle and/or operate machinery, as part of their job, must not consume alcohol, take illegal drugs and/or be under the influence of medicated drugs which have advisements, at any time during the working day.

Employees who carry out their role under the influence of alcohol and/or drugs may impair their ability to drive or use machinery responsibly, thus posing a danger to themselves, colleagues and the public.

If you have been prescribed medication which impairs your ability to carry out your role safely you must inform your Line Manager who will discuss alternative options, with support from Human Resources.

Employees and persons working on or on behalf of the Council in non-safety critical roles must also understand that drinking even small amounts of alcohol or misusing drugs before and/or during work may increase the risk of an accident.

An employee who is a regular driver on Council business, who loses their licence due to a conviction for driving whilst over the legal alcohol limit, or other drink offences will have their individual circumstances considered and a decision taken according to the requirements of their job.

If an employee is involved in Court proceedings arising from committing an alcohol and/or drug related offence, drives and/or operates machinery as part of their role, they must report the matter immediately to their Line Manager or supervisor.

Identifying a problem

Alcohol and/or drugs and substance misuse can result in problematic behaviour, which affects work performance, including the ability to work safely. There may be problems with health, work performance or behaviour, or other signs, for example the following, particularly in combination, may result in a problem being suspected:

- persistent short-term absence
- unauthorised absence
- erratic/unacceptable behaviour
- deterioration in work performance
- mood swings
- unkempt appearance/deterioration in physical appearance
- accident/injury.

These are only some of the signs of a potential problem and symptoms may vary significantly. Similarly, these and other symptoms may occur but be wholly unconnected with alcohol and/or drugs or substance misuse, e.g., an indication that the employee is suffering from stress-related problems instead. See appendix A to identify signs.

Identifying potential problems 'earlier' rather than 'later' increases the chances of successfully resolving the matter, with less harm to an employee and the public.

Identifying the right action

Reporting for work under the influence of alcohol and/or drugs and substances

A manager will assess whether the person is fit to be on duty. This is particularly the case where there is a risk to the person, or to other people and/or public who might be affected by their condition. Refer to **Appendix B** on how to approach the conversation.

Where an employee or person working on or on behalf of the Council is suspected of being under the influence of alcohol and/or drugs whilst performing, or with intent to perform their duties, they will be removed to a private place. Concerns will be raised with them in a confidential and sensitive manner and a test will be carried out with their consent.

Failure to consent to an alcohol and/or drug test may lead to disciplinary action.

There may be circumstances when an employee or worker arrives at work, and prior to beginning their duties, informs you of their inability to perform their role safely. In these circumstances a manager may decide as a first occurrence to send the employee home offering the option of unpaid leave or annual leave (if available). The Line Manager must carefully monitor the situation for any repercussions in the future.

It may be necessary to consider urgently whether the person has committed a criminal offence, for example employees found in possession of illegal drugs, using illegal drugs or supplying illegal drugs whilst at work may be reported to the police. Advice should be sought from Human Resources.

Employees exhibiting signs of addiction

The Council will, where feasible, and without risk of harm to colleagues and the public, support employees who have alcohol and/or drugs or substance misuse problems. If an employee is perceived to have such problems, they will be encouraged to seek assistance from their Doctor, Alcoholic or Narcotics Anonymous, their Line Manager or Human Resources.

Where a dependence on alcohol and/or drugs has become apparent through deterioration in work performance, the employee will have to demonstrate satisfactory completion of a performance improvement plan or action may be taken in accordance with the Council's Capability Procedure, unless the dependency is deemed to be a risk to colleagues and the public. In this case please contact Human Resources.

Where an employee has been diagnosed as having an alcohol and/or drugs problem, reasonable time off with pay will be allowed for counselling and employees will be given the opportunity of attending treatment within work time, where feasible. Alternatively, if employees require to be absent from duty normal sick pay arrangements will apply.

Any information in relation to the employee's condition will remain confidential unless they fail to comply with advice, which may put others in danger. In such cases disclosure will be made on a strict 'need to know' basis with the employee's prior knowledge.

Voluntary referral for support

Employees who suspect or know they have a drug and/or alcohol problem are encouraged to seek support at an early stage. Sources of support are outlined in Appendix C.

Relapse

The Council must consider the risk to the employee, colleagues and the public in the work they carry out, and whether a person can stay in their current post and work safely.

It acknowledges that relapse is common with alcohol and/or drug problems. If an employee has successfully completed a course of counselling or other treatment and later relapses, the Council will consider whether to consider another period of treatment or to invoke the Disciplinary or Capability Procedures.

Alcohol and Drug Testing

The Council operate a testing of alcohol and/or drugs on persons working for on or behalf of the Council if there is reasonable belief that they are under the influence of alcohol and/or drugs. That is classed as 'with cause' and 'voluntary'. Examples of reasonable belief are referenced in Appendix A.

'With Cause' Testing

Whenever a manager or supervisor has reasonable cause to suspect that a worker is impaired and unfit to continue working due to alcohol and/or drug ingestion, then a 'with cause' test may be instigated.

Voluntary Testing

Whilst employees should never report for duty under the influence of alcohol, there may be occasions when an employee is unsure of their condition. Under certain circumstances the employee may request to be tested before commencing duty.

Employees should be aware that opting for voluntary testing on a regular basis may indicate to their manager that there may be an alcohol-related issue which needs addressing.

The Council will automatically test persons working for on or behalf of the Council if an incident occurs. For example:

- A crash whilst operating a Council vehicle and/or machine
- A near miss in a safety critical role
- Any incident that is reportable to the insurers or RIDDOR.

A positive alcohol test is two consecutive breath tests giving results equal to or greater than the cut-off level. The cut-off level applied is the UK drink driving limit: 35mg per 100ml breath (80mg per 100ml of blood).

In these incidents Line Managers are to follow the Council Alcohol and Drugs Testing Procedure for full details of how it is administered.

In the event of a negative alcohol and/or drug test, no action may be taken. In cases where the person is visibly unable to carry out their work due to medicated or over the counter drugs the employee can take sick leave.

In the event of a positive in-house alcohol and/or drug test the employee may be suspended and invited to attend an investigatory meeting in line with the Council's Disciplinary Procedure.

The outcome of the investigatory meeting will depend on the circumstances of the case but could lead to disciplinary action. The level of seriousness of this action will depend on the facts of the case.

An employee who receives a disciplinary warning will be tested at least three times randomly over a six-month period.

Misconduct

This policy provides support to employees with ongoing alcohol and/or drugs problems, where feasible. Where the problem impacts on the person's ability to do their job these are normally classed as Capability issues.

Where employees refuse to accept that they have a problem with alcohol and/or drugs or refuse advice from their GP on treatment or the treatment fails, disciplinary action may be taken, which could lead to dismissal.

If a medical referral is made, it is possible that a decision about disciplinary proceedings may be deferred until the medical report has been received and considered, but this may not always be the case.

In instances of serious misconduct where the employee subsequently admits to having an alcohol and/or drug problem, the support route, if feasible, and the disciplinary route may be implemented in tandem.

Where the employee's contract stipulates the need to maintain an appropriate full driving licence as a fundamental part of their job is disqualified from driving due to a conviction for driving whilst over the legal alcohol limit (or under the influence of other substances), redeployment would be considered, if not potential dismissal may occur.

Suspension should only occur following advice from a Senior Manager or Human Resources. If they are not available, the person is to be kept off critical duties in the service location until advice can be sought. Care should be taken to ensure that the individual does not drive, and they will need to find an alternative means of travelling home.

Other factors that need to be taken into account include:

- whether or not the employee is in charge of vehicles, machinery, or is involved in other safety critical work
- whether or not the employee has direct contact with members of the public
- what the impact is on work performance, colleagues and the use of Council resources (including computer equipment)
- whether or not the individual has confided in their Line Manager and acknowledged that they have a problem and need help. The Council would view this as a positive step.

The Disciplinary Procedure will be instigated with an investigation into the misconduct to establish the facts of the case.

The following incidents are normally considered to be gross misconduct which may warrant suspension and a full investigation:

- a positive drug and/or alcohol test result
- acts of aggression
- any accident or incident at work caused by the employee due to an alcohol and/or drug or substance dependency
- possessing, using or selling illegal drugs in the workplace
- being convicted of any criminal offence connected with drugs, regardless of whether the offence took place inside or outside the workplace.

Any disciplinary hearing which follows will taken into account all the facts of the case including mitigating factors.

Sickness Management and Return to Work

All sickness absences will be managed in accordance with the Sickness Management Policy. This includes referrals to Occupational Health, return to work meetings and monitoring.

Continued failure to attend work due to being under the influence of alcohol and/or drugs may lead to the Sickness Management Procedure being instigated.

Where, following return to work after treatment, the employee's work performance continues to suffer because of alcohol and/or drug related problems, the individual circumstances of the case will be considered. Where this is assessed as no longer appropriate, the employee will be managed in accordance with the Council's Capability or Disciplinary Procedure.

An employee whose problems are suspected to be alcohol and/or drug related and who refuses the offer of referral for diagnosis and/or help and treatment, or who discontinues a course of treatment before its satisfactory completion and whose conduct remains unsatisfactory, will be subject to action in accordance with the Council's Disciplinary Procedure.

If an employee's work responsibilities are seen to be an obstacle to their recovery, then redeployment will be considered upon advice received by Occupational Health.

A minimum of three random tests will be carried out if the employee continues in a safety critical role to ensure the safety of themselves, colleagues and the public over 6 months.

Having accepted help or treatment and resolved the alcohol and/or drug related problem, the employee's normal promotional prospects will not be affected.

Monitoring and Review

The policy is aiming to ensure fairness and consistency in relation to alcohol and/or drugs at work.

The Council will, in consultation with Unison, the Safety Committee and Managers, monitor the effectiveness of the Policy and will review its provisions as circumstances require and at least once every two years or earlier if appropriate.

Linked Policies

- Capability Policy
- Employee Code of Conduct
- Sickness Management Policy
- Disciplinary Policy
- Health & Safety Policy
- Whistleblowing Policy

Appendix A - Guidelines for managers in identifying signs

It is important to remember that the earlier an individual's problem can be identified, the more likely it is that they can be successfully helped to overcome it.

Work related problems often caused by alcohol and/or drug or other substance misuse may include the following:

Absenteeism

Multiple instances of unauthorised absence	Frequent and excessive sick leave	Unexplained absences
Short term and frequent absences that show a pattern	Peculiar and increasingly improbable excuses for absence	Unusually high absenteeism rate for colds, flu, diarrhoea and vomiting etc.
Frequently late for work	Frequent trips to the toilet	Overlong breaks.

High Accident Rate

Accidents at work	Accidents out of work e.g., at home, travelling to or from work etc.
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Appearance

Flushed face, 'bleary' eyes	Smell of alcohol	Hand tremors, unsteady movements
Increasingly unkempt appearance/lack of personal hygiene	Physical incapacity	Sleepiness
Slurred speech	Cold, sweaty palms	Dilated pupils
Red eyes	Suspicious attitude toward others	Excessive talkativeness.

Deteriorating Efficiency

Change of behaviour	Unexplained dips in productivity
Jobs taking more time	Mistakes due to inattention or poor judgement
Missed deadlines	Increasingly unreliability and unpredictability
Difficulty in recalling instructions etc.	

Poor Employee Relations

Performance or conduct issues	Over reaction to real or imagined criticism	Irritability and/or aggression
Complaints from colleagues	Avoidance of manager or colleagues	

It is important to remember that some of these features can also be signs of other things, like stress or illness.

Each case should be considered individually, depending on the previous pattern of behaviour and the nature of the incident. Human Resources should always be consulted in these circumstances.

Appendix B - How to approach a person/employee

You should approach the person/employee as soon as is practicable and appropriate, being mindful of privacy. Consider any potential difficulties that may prevent your efforts from being effective, for example:

- Personal friendship with the individual
- A poor relationship with the individual
- Feeling insufficiently informed about this Policy or misuse problems in general.

Where these or other circumstances exist that make approaching the employee difficult or inappropriate, you need to contact a suitable colleague to come as soon as possible.

Under the Influence on duty

If it is suspected that a person/employee is intoxicated or dependent on a drug and/or substance whilst on duty the Line Manager should ensure the individual is taken away into a private space away from other employees or members of the public.

If available at short notice it is advisable for the Line Manager to be accompanied by a colleague and for the employee to be accompanied by a workplace colleague or Union Representative.

The Manager should make a record of any signs which may be indicative of the employee being under the influence. Clear and factual notes must be made documenting all the reasons, signs and behaviours observed that led to the point that concerns were raised and what action was taken.

The Manager should highlight to the individual the reasons for them having a suspicion that they are under the influence. If the Manager believes that the employee is under the influence of alcohol and/or drugs or substances, they should make arrangements for the employee to be removed from duty and a test carried out as soon as possible.

Based on the test results the Manager should liaise with the Senior Manager and/or Human Resources to take the decision whether to suspend in accordance with the Council's Disciplinary Procedure whilst an investigation is undertaken.

Dependency

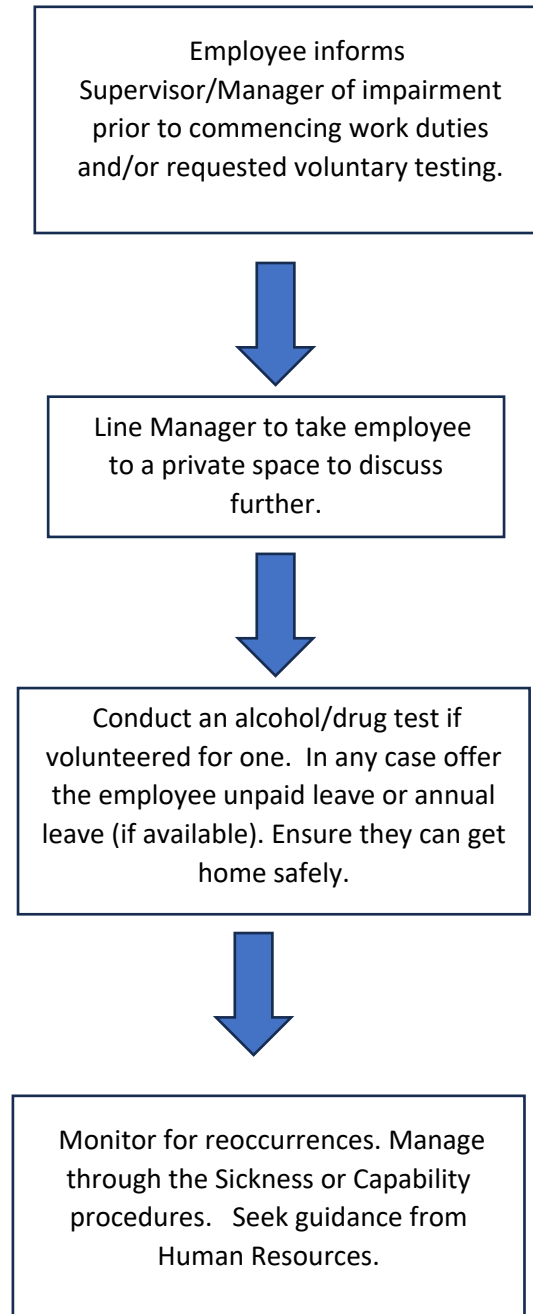
The manager should carefully monitor the situation and keep confidential records of work performance (attendance times, etc.) and all signs and symptoms of misuse (all records must be kept in accordance with the Council's data protection policy).

Appendix C - Useful contacts

<p>Counselling The employee may well need support and counselling depending on the circumstances. Telephone and/or face to face counselling can be obtained through Wellbeing advice – Staff pages (runnymede.gov.uk).</p>	<p>Al-Anon Self-help group for people affected by the drinking problem of family or friends. Al-Anon's youth group, Alateen, offers support for people aged between 12-20 affected by a problem drinker. Tel: 0800 0086 811, 10am-10pm, 365 days a year. Website: http://www.al-anonuk.org.uk/</p>
<p>Alcoholics Anonymous (AA) International Fellowship of recovering alcoholics with meetings and local groups nationwide. Tel: 0800 9177 650, email help@aamail.org Website: www.alcoholics-anonymous.org.uk/</p>	<p>DrugScope Comprehensive and searchable research library on drugs. Tel: 020 7234 9730. www.drugscope.org.uk/</p>
<p>NHS Online health advice and information on alcohol misuse. https://www.nhs.uk/conditions/alcohol-misuse/</p>	<p>Public Health England http://www.nta.nhs.uk/</p>
<p>Addaction A UK wide treatment agency, helping individuals, families and communities to manage the effects of drug and alcohol misuse. www.wearewithyou.org.uk</p>	<p>ADFAM Support group for families affected by drug use. Will listen, give support, provide information & respect confidentiality. www.adfam.org.uk</p>
<p>Cocaine Anonymous Is a fellowship of men and women who share their experience, strength and hope with each other so that they may solve their common problem and help others to recover from their addiction. www.cocaineanonymous.org.uk. Tel: 0800 612 0225, 10.00 – 22.00, 7 days</p>	<p>Drinkline The national alcohol helpline is a free confidential telephone helpline which offers information and advice on alcohol to anyone concerned or worried about their own drinking. It also offers advice to family and friends by providing information on the support available. Tel: 0300 123 1100. Opening Hours: Weekdays 9am - 8pm, Weekends 11.00am - 4pm</p>
<p>Narcotics Anonymous (NA) for recovering addicts who meet regularly to help each other stay clean. There is only one requirement for membership - the desire to stop using. Tel: 0300 999 1212. 10am to midnight. www.ukna.org/</p>	<p>Talk to Frank Confidential advice and information service about drugs and solvents. Trained advisors can provide information about local services and give you support if you are concerned about a drug problem. Tel: 0300 123 6600. Text: 82111. www.talktofrank.com</p>
<p>NHS Online health advice and information on drugs misuse. https://www.nhs.uk/live-well/healthy-body/drug-addiction-getting-help/</p>	<p>Turning Point Range of alcohol and drug services to help people to recover from addiction and gain control of their lives. www.turning-point.co.uk</p>
<p>The Mix Non-judgmental advice and facts on drink and drugs for the under 25s Tel: 0808 808 4994 from 4pm – 11pm every day. Text: THEMIX to 85258 24/7 crisis line www.themix.org.uk</p>	

Appendix D - Guidance for Managers - flowchart

Employee voluntarily informs of alcohol and/or drug use.



Employee suspected or visibly affected by alcohol and/or drugs.

