

Alcohol and Substance Misuse Policy & Procedure

Version Number	Issue 4.0
Date Revision Complete	March 2017
Policy Owner	Head of HR & OD
Author	HR Officer
Reason for Policy/ Revision	General Update
Data Protection	This policy is compliant with current Data Protection requirements
Equalities Impact Assessment Is it required? Yes/No	
Proof Read	Yes – Law at Work; H&S Advisor; Care Services Manager; Human Resources Team
Date Approved	March 2017
Approved by	EMT
Next Review Due	March 2020
Audience – Training and Awareness Method	Managers will be briefed on the revisions to this policy
Internal References	Codes of Conduct, Disciplinary Policy & Procedure, Data Protection Policy; SSP & Sick Leave Scheme
External References	Alcohol Focus Scotland Life Works
Comments	

Alcohol and Substance Misuse Policy & Procedure

1.0 Introduction

- 1.1 Blackwood recognises that alcohol and substance misuse related problems are an area of health and social concern and that an employee with such problems may require support from their employer.
- 1.2 Blackwood also recognises that alcohol and substance misuse problems can have a detrimental effect on work performance and behaviour which may present a risk to colleagues and customers. Blackwood has a responsibility to its employees and customers to ensure that this risk is minimised.
- 1.3 This policy covers the misuse of alcohol, illegal drugs, psychoactive substances (known as legal highs), prescription and over the counter medication, and forms part of Blackwood's overall Health and Safety Management System.
- 1.4 This policy and procedure involves two approaches:
 - 1.4.1 Providing reasonable assistance to any employee with an alcohol or substance misuse problem who is willing to co-operate in treatment for the problem in accordance with this policy and procedure.
 - 1.4.2 Disciplinary rules, enforced through disciplinary procedures, where use of alcohol or drugs (other than drugs prescribed by the employees GP for a specific and current condition) affects performance or behaviour at work, and where either an alcohol or substance misuse problem does not exist or where treatment is not possible or has not succeeded.

2.0 PRINCIPLES AND SCOPE OF THE POLICY

This policy applies to all Blackwood employees and relief workers. It will also apply to volunteers, agency workers and contractors working within the organisation.

2.1 Employee Assistance

Blackwood will, where possible, provide the following assistance to any employee with an alcohol or substance misuse problem:

- i. Helping the employee to recognise the nature of the problem, through referral to a qualified diagnostic or counselling service.
- ii. Support during a period of treatment. This may include a period of sick leave or approved other leave, continuation in post or transfer to other work, depending upon what is appropriate in terms of the employee's condition and needs of Blackwood.
- iii. The opportunity to remain or return to work following the completion of a successful course of treatment, as far as is practicable, in either the employee's own post or an alternative post.

- iv. Assistance for employees through the Employee Assistance Program Lifeworks
- v. Awareness campaigns through emails promoted by the Health and Safety Advisor
- vi. Appropriate training for Managers in alcohol and drug awareness.

2.2. Conditions of Assistance

Blackwood's assistance will depend upon the following conditions being met:

- GP / Blackwood approved Occupational Health Doctor's diagnosis of an alcohol or substance misuse related problem.
- The employee recognises that they are suffering from an alcohol or substance misuse related problem and is prepared to co-operate fully in referral and treatment from appropriate sources.

2.3. Assistance Limitations

The limits to the assistance Blackwood can provide are:

- 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.
- The employee's continuation in their post or an alternative post during or after treatment will depend upon the needs of the organisation at that time.

2.4 Alcohol and Substance Misuse and Disciplinary Action

2.4.1 Blackwood's Code of Conduct outlines the offences and the type of disciplinary action that may be taken against an employee in relation to being under the influence of alcohol or other substances at work, impaired capability due to alcohol or other substances and the consumption of alcohol or other substances whilst on duty (other than where prescribed by the employee's GP for a specific and current condition).

2.4.2 Breach of these rules will normally result in summary dismissal and only in exceptional cases will either notice or the reduced disciplinary penalty of a final written warning be given.

2.4.3 Where a breach of these rules occurs but it is established that an alcohol or substance misuse related problem exists and the employee is willing to co-operate in referral to and treatment through an appropriate support service under the terms outlined in this policy and procedure, Blackwood may **suspend** application of the Disciplinary Policy and Procedure and provide assistance as described above. Where employees do not comply with the treatment suggested or continue to misuse alcohol or other substances, action in line with the Disciplinary Policy and Procedure will be taken.

3.0 KEY OPERATIONAL FRAMEWORK

- 3.1 The Alcohol and Substance Misuse Procedure (as at appendix 1) should be referred to for further information and guidance in relation to how to approach and manage suspected and diagnosed alcohol and substance misuse problems.
- 3.2 Employees will be made aware of the policy and procedure at induction and at any future time when required.
- 3.3 Counselling, through the employee assistance programme Lifeworks, will be offered to employees with an alcohol or drug problem and employees be may referred for counselling by a manager.
- 3.4 Employees will be made aware of the risk of disciplinary action in line with the Blackwood Disciplinary Policy and Procedure if breaches of the Code of Conduct involving alcohol or other substance misuse occur.

APPENDIX 1

Alcohol and Substance Misuse Procedure

1. ESTABLISHING THE PROBLEM

- 1.1 Alcohol or substance misuse can affect performance and behaviour at work, either through misconduct or where there is a decrease in standards of work performance. The manager will be responsible for responding to such situations, referring the employee to counselling or disciplinary investigations, supported by the Human Resources team.
- 1.2 The Manager is not responsible for diagnosing an alcohol or substance misuse problem, merely for assessing whether such misuse is a possible factor.
- 1.3 In some instances the employee may seek help and advice themselves from their manager or other source.
- 1.4 Employees who suspect that a colleague may have an alcohol or substance misuse problem are encouraged to discuss their suspicions in confidence with their manager or the Human Resources Team, especially if there are specific health and safety concerns (See Section 4).
- 1.5 Where employees do not inform their Manager of a problem, Managers should be aware that the misuse of substances or alcohol by employees may come to light in various ways. The following characteristics, especially when arising in combination may indicate the presence of an alcohol or substance related problem:
 - 1.5.1 **Absenteeism**
 - instances of unauthorised leave
 - frequent Friday and/or Monday absences
 - leaving work early (at short notice)
 - lateness (especially when returning from lunch)
 - unusually high level and repetitive nature of absence for medical/self certification sickness common ailments such as colds, flu, and stomach upsets with no discerning visible signs.
 - unscheduled short-term absences, with or without explanation
 - 1.5.2 **High Accident Level**
 - at work
 - elsewhere, i.e. driving, at home
 - 1.5.3 **Work Performance**
 - difficulty in concentration
 - work requires increased effort

- individual tasks take more time
- problems remembering instructions or own mistakes

1.5.4 **Mood Swings**

- irritability
- depression
- general confusion
- aggressive behaviour

1.5.5 **Misconduct**

- An employee's alcohol or substance problem may come to light as a mitigating factor in a disciplinary interview. It should be treated as a mitigating factor for certain "less serious" disciplinary offences, such as poor time keeping or lateness, provided the person is prepared to seek assistance from either their GP or a recognised counselling support organisation. In these circumstances, each case should be viewed on its individual merits.
- See also section 10 regarding Gross Misconduct.

2. INTERVENTION

- 2.1 Managers who feel an employee's unsatisfactory performance or conduct may be substance or alcohol related should discuss the matter with the Human Resources Team. If deemed appropriate, a meeting with the employee will be arranged at which the Manager and a representative of Human Resources will be present. The employee has the right to be accompanied at this interview if they wish to.
- 2.2 At the meeting the employee's unsatisfactory performance or conduct and evidence to support this allegation will be discussed.
- 2.3 The Manager, in liaison with the Human Resources Team, should clearly restate Blackwood's required standards, making sure the employee understands what is expected of them.
- 2.4 The Manager should try to establish the cause of the problem with the aim of getting the employee to admit that the alcohol or substance misuse is the underlying problem where possible. This can be very difficult as individuals with a substance or alcohol problem will often go to great lengths to conceal the situation. Managers may seek guidance from the counselling service provided by Lifeworks on how to approach the matter if they feel this guidance would be beneficial.
- 2.5 The employee should be informed of the assistance Blackwood is prepared to give if it is accepted that they are trying to overcome a drink or substances problem. It should be outlined to the employee that Blackwood requires their performance to improve to a standard acceptable to Blackwood over an agreed time scale and that failure to achieve this may ultimately result in dismissal. The Manager, in liaison with the Human Resources team, should agree with the employee what follow-up action is to be taken.

3. RISK ASSESSMENT

- 3.1 Where an alcohol or substance misuse problem is suspected to exist, an assessment of the risk posed by the employee's changed behaviour or performance levels must be

undertaken. Specifically, the risks in regard to colleagues and customers, as well as to the employee themselves, must be assessed.

- 3.2 Where it is assessed that a significant risk is present, suspension from work should be considered until a diagnosis is confirmed.

4. DIAGNOSIS

- 4.1 Where it is established that alcohol or substance misuse is or could be the problem, the Human Resources Team will organise an appointment with an independent medical practitioner through the organisation's Occupational Health advisors and seek advice from the employee's own GP (with the employee's agreement), who will be responsible for establishing whether or not a diagnosis of alcoholism or substance dependency can be made. The Medical Practitioner will also be asked for advice as to the employee's capability to undertake their job given the nature of the role and the potential risks it presents.
- 4.2 Any disciplinary action should be suspended until a diagnosis is made. If appropriate, disciplinary suspension from work may be considered.
- 4.3 If the employee denies that either alcohol or substance misuse are the cause of the problem they should be treated as for any other disciplinary or capability problem, whichever is judged as appropriate by Blackwood.
- 4.4 However, if there are strong signs that the employee's unsatisfactory performance is substance or alcohol-related and they will not admit or acknowledge this, further encouragement should be given at all stages of the disciplinary procedure to acknowledge the underlying problem.

5. TREATMENT & SUPPORT

- 5.1 If a positive diagnosis of an alcohol or substance misuse problem is made, and the employee agrees to co-operate, treatment and support arrangements should be agreed and commenced. The type of support that Blackwood will provide in these circumstances may include:
- Reasonable unpaid time off to attend or arrange appropriate counselling.
 - The provision of a nominated confidante, the nomination of which will be jointly agreed with the employee. This person will meet with the employee on a regular basis to review progress and help address any aspects of the employee's working arrangements which are hindering their progress. Blackwood will also provide support to this person through Human Resources or the counselling service provided by Lifeworks.
 - A relaxation of the discipline procedure initially to allow time for treatment and counselling.
 - Confidentiality of shared information.
- 5.2 Subject to proof of attendance whilst they are undergoing an agreed programme of treatment to assist in the recovery process, or to minimise identified risks, Blackwood will consider authorised absence from work. This may be in relation to the terms of Blackwood's Sickness Benefit Scheme or a period of unpaid absence may also be

considered under individual circumstances agreed by the Human Resources team and the individual EMT member responsible for the employee's service.

6. RETURN TO WORK

- 6.1 Medical advice will be obtained before any return to work in order to assess fitness to return and any further support required.
- 6.2 Every effort will be made to ensure that on completion of the recovery programme employees are able to return to the same or equivalent work.
- 6.3 Where a return would jeopardise either a satisfactory level of job performance, the employee's recovery, or would present a risk to customers and colleagues the Manager, in liaison with Human Resources will review the full circumstances surrounding the case and agree a course of action to be taken. This may include the offer of suitable alternative employment or the consideration of dismissal on the grounds of ill health. Before a decision on dismissal is made, it must be discussed with the employee and an up-to-date medical opinion obtained. Any recommendation for dismissal will be in accordance with Blackwood's Disciplinary Policy and Procedure.

7. RELAPSE

- 7.1 Where an employee, having received treatment, suffers a relapse, Blackwood will consider the case on its individual merits. Medical advice will be sought in an attempt to ascertain how much more treatment or rehabilitation time is likely to be required to achieve a full recovery. At Blackwood's discretion, more treatment or rehabilitation time may be given in order to help the employee to recover fully.

8. RECOVERY UNLIKELY

- 8.1 If, after an employee has received treatment, recovery seems unlikely, Blackwood may be unable to maintain employment. In such cases dismissal may result but in all cases a clear warning will have been given to the employee beforehand, and a full medical investigation will have been undertaken.

9. GROSS MISCONDUCT

9.1 Alcohol

- 9.1.2 Employees are, under normal circumstances, forbidden to bring to work alcohol to be consumed on the premises or partake of alcohol whilst on duty.
- 9.1.3 Employees must also present themselves for work free from the effects of alcohol and/or drugs.
- 9.1.4 Any employee breaking this rule will, in the absence of mitigating circumstances, be deemed to be committing an act of gross misconduct which may result in summary dismissal.
- 9.1.5 There are however, certain occasions when managers will make an exception to the above rule for example, at an employee's leaving party or other approved functions being held on Blackwood's premises. Such occasions will be clearly notified to employees in advance, by their Manager.

- 9.1.6 At such times, employees will still be expected to behave in a responsible manner. Drivers are required, where necessary, to find alternative means of transport home or not to drink alcohol during the function.
- 9.1.7 Employees who accompany customers to social occasions where alcohol is served, such as bingo, cinemas or pubs, must not consume alcohol while they are on duty and being paid by Blackwood.
- 9.1.8 If an employee is known to be, or strongly suspected of being intoxicated by alcohol or substances during working hours, the Human Resources Team should be consulted. Arrangements should be made by the Manager on duty at the location, for the employee to be suspended on full pay and escorted from Blackwood's premises. A full investigation and disciplinary action will then take place in accordance with Blackwood's Disciplinary Procedure.

10. **Drugs & Other Substances**

- 10.1 Employees are not permitted to bring or use drugs or other substances on Blackwood's premises which have not been prescribed by the employee's GP for their personal use in relation to a specific and current condition. When an employee does require bringing prescribed or over the counter medication into the work place they must bring this to the attention of their Manager. Any employee breaking this rule will, in the absence of mitigating circumstances, be deemed to be committing an act of gross misconduct which may result in summary dismissal. This rule will apply to any employee believed to be buying or selling substances, or in possession of unlawful (i.e. unprescribed) drugs.
- 10.2 This does not include the possession of or use on Blackwood premises of normal 'over the counter' medication such as cough mixture, headache tablets, etc. unless openly misused.
- 10.3 If an employee is known to be or strongly suspected of being under the influence of substances or non prescribed drugs/medication during working hours the Human Resources Team should be consulted if possible. Arrangements will be made by the Manager on duty at the location, for the employee to be suspended on full pay and escorted from Blackwood's premises. Disciplinary action may then take place in accordance with Blackwood's Disciplinary Procedure.

11. **AWARENESS**

- 11.1 All employees will be made aware of this policy on alcohol and substance misuse as part of their Induction to Blackwood. They will be encouraged not to cover up for employees with a drink or substance problem but to recognise that collusion represents a false sense of loyalty and may potentially damage the employee's long term health and may also be putting others at risk.
- 11.2 Employees who recognise that they have a drink or substance misuse problem, or that they are at risk of developing one, will be encouraged to come forward for confidential help. They should seek an appointment, in confidence with a member of the Human Resources team. Contacts at outside agencies where help can be obtained will be made readily available to all staff and include Blackwood's employee assistance programme, Lifeworks, which provides 24hr support.
- 11.3 An internal alcohol and drugs in the workplace awareness course is also available for managers who want further guidance on the topic.

12. ADDITIONAL INFORMATION - SUPPORT AGENCIES AND TREATMENT CENTRES

12.1 Employees with an alcohol or substance problem should be encouraged to contact their own G.P. in the first instance.

12.2 More information can be obtained from the following websites:

- [Alcohol Focus Scotland](#) - including how to access local services.
- [Know the Score – Drug abuse helpline](#)
- Lifeworks Employee Assistance website