

Introduction

The Council wishes to promote the health and wellbeing of all employees, and has a statutory duty under the Health and Safety at Work etc. Act 1974 to ensure a safe environment for its employees, workers, contractors and service users.

The Council recognises that the misuse of alcohol, drugs, or other substances poses a direct and significant threat to this goal and is committed to ensuring a working environment which is free of this risk.

This Policy covers the misuse of alcohol and drugs, including inappropriate use of prescribed drugs. The definition of misuse is any use, either intermittent or continual, which interferes with a person's health and/or work performance so that safety, efficiency, productivity, or work attendance is affected. The use of the term "misuse" throughout the policy does not imply that illegal substances have an appropriate or correct use.

Aims of the Policy

The Council aims to manage alcohol and drug misuse by:

- providing a positive and structured approach, ensuring all employees are treated fairly, equitably and consistently
- adopting a proactive approach through the monitoring and counselling of employees
- encouraging employees with a problem to seek help in a confidential and supportive manner.

Scope

This policy applies to all employees except for those working in maintained schools under the direct control of a School Governing Body.

School Based Employees

Newport City Council commends this policy to individual Governing Bodies for adoption. If adopted by a Governing Body, the policy will apply to all employees under the direct control of that Governing Body.

To be read in conjunction with

- [Wellness Work Policy](#)
- [Corporate Health and Safety Policy](#)
- [Disciplinary Policy](#)
- [Drug and Alcohol Testing Policy](#)
- [Drug & Alcohol Testing Employees Leaflet](#)

PRINCIPLES

- The Council prohibits the consumption of illegal drugs and alcohol at **any time** during working hours. This includes prior to work, during breaks (including lunch breaks) and any periods where the employee is formally on-call or standby. Employees must not at any point of the day or night present to work having consumed illegal drugs or alcohol.
- This includes employees working from home and those hybrid working.
- For the purposes of this policy, “illegal drugs” means “controlled drugs” as defined in the Misuse of Drugs Act 1971 in respect of which the person in possession of them does not have a lawful excuse for such possession (e.g. a doctor’s prescription).
- There are many ways in which alcohol, drug and substance misuse may threaten the health and safety of the employee, their colleagues and service users. For example, such misuse is clearly incompatible with:
 - Driving a vehicle
 - Using machinery/equipment/tools
 - Working with children, young people, or vulnerable adults
- Section 7 of *The Health and Safety at Work etc. Act 1974* states “it shall be the duty of every employee while at work to take reasonable care for the health and safety of him/herself and of other persons who may be affected by his/her acts or omissions at work”.
- Should any employee who is suspected of having drugs or alcohol in their system present themselves to work they will be subject to the provisions of the Drug and Alcohol testing policy and may be required to submit for testing. Such situations and any resulting absence will be managed appropriately by their manager, who will seek advice from Human Resources as necessary.
- Except where drugs are medically prescribed or bought over the counter, under the Misuse of Drugs Act 1971, it is an offence for the Council knowingly to allow controlled drugs to be used, kept, or supplied on its premises. It is also illegal to ignore such occurrences. It is an offence to allow anyone on Council premises to produce, give away or sell illegal drugs. An employee found to be using or supplying controlled drugs on Council premises will be subject to disciplinary actions and will be reported to the Police.
- Employees should ascertain whether any medicines they are taking either whether prescribed or purchased over the counter are likely to produce any side effects, which may affect their work performance and / or their ability to carry out certain duties (e.g., driving) and should inform their manager if this is the case. The manager, in discussion with the employee, may then decide to modify duties or take other appropriate action to protect their health and wellbeing, which may include the employee having to take sick leave or be placed on medical suspension where this is the only appropriate action.

N.B. Reference to Human Resources will include reference to the Health, Safety and Wellbeing team

POLICY

Managers will:

- Understand the signs and symptoms of alcohol, drug, and substance misuse.

Employees must:

- Not refuse a reasonable request to be tested for alcohol or illegal drugs. For further details please see the Drug and Alcohol Testing Policy
- Not possess illegal drugs at work
- Not drive/operate (or attempt to drive/operate) machinery or motor vehicles where it is likely that they have alcohol or illegal drugs in their system or where it would be inadvisable to do so due to the effects of prescription or over-the-counter medication.
- Not present for work where it is likely that they have alcohol or illegal drugs in their system or have misused prescribed medication, including if your workplace is based at home.
- Not consume alcohol or illegal drugs or have misused prescribed medication whilst at work, including at lunch times or on breaks including if your workplace is based at home.
- Familiarise themselves with this policy and other related documents.
- Seek professional assistance if they have a problem, or potential problem, and attend any Occupational Health appointments, as arranged, and agreed.
- Be alert to the possibility of alcohol and substance misuse symptoms in colleagues and to encourage them to seek assistance.
- Report any potentially criminal behaviour related to drug or alcohol abuse in the workplace to managers.
- Notify their line manager of any prescription drugs they are taking that may affect their ability to undertake their duties.
- Report to their line manager if they suspect that a colleague has consumed drugs or alcohol or has them in their system and is therefore putting their own, their colleagues' and public safety at risk.
- Not make malicious or knowingly incorrect accusations towards or about colleagues.

Human Resources & the Health & Safety Team will:

- Provide help and assistance in relation to individual drug and alcohol misuse cases.
- Provide awareness training for employees/managers/elected members in relation to drug and alcohol misuse and the provisions of this policy.

MANAGING EMPLOYEES WHO MAY MISUSE DRUGS OR ALCOHOL

Identifying Concerns – Managers

It is an important part of all managers' role to be able to identify factors / behaviours in individuals which may indicate a drug or alcohol problem. These may include, for example,

- Changes in behaviour
- Abnormal fluctuations in mood and energy

- Time keeping and attendance changes.
- Deterioration of relationships with others

Identifying Concerns - Employees

All employees have a responsibility to bring to the attention of their manager / headteacher any evidence of alcohol or drug misuse by a work colleague or trafficking on Council / School premises.

In addition, all employees who suspect or know that they have a dependency on alcohol or drugs, or other substance have a responsibility to bring this to the attention of their manager / headteacher.

SUPPORT FOR EMPLOYEES WHO MISUSE DRUGS OR ALCOHOL

Employees who suspect or know that they have an alcohol or drug/substance related problem are encouraged to seek help voluntarily through the Council's resources by speaking to their manager who can refer the employee to the most appropriate source, e.g., including external drug and alcohol support networks, Occupational Health provision or the current employee assistance programme. Should the employee prefer to select resources external to those suggested by the Council this will be supported.

Regardless of how a manager becomes aware of an alcohol or drug related problem the employee should be encouraged to discuss the issue. This will result in the employee being made aware of the support available to them and the reassurance that discussions will be dealt with in the strictest confidence.

The offer of support will be made on the understanding that:

1. The employee will be granted, if necessary, leave to undergo counselling or treatment. This will be managed under the *Wellness @Work policy* and will be treated as sick leave within the terms of the appropriate sick pay scheme.
2. On the resumption of duties, or on return to work following a period of internal or external assistance, the employee will be able to return to the same job unless the Council/Governing Body decides that the effect of the employee's alcohol and / or drug problem renders them unfit or unsuitable to resume the same job. When the same job cannot be resumed consideration will be given to finding suitable alternative employment, where practicable via the Redeployment Process.
3. Having accepted support and resolved the problem, the employee's normal promotional prospects will not be impaired.

The aim of the Policy is that the employee returns to work and the alcohol/drug problem is resolved. However, in some cases it may become apparent that the employee will not achieve the required improvement within a reasonable amount of time. The *Wellness @ Work* procedure will be applied in these circumstances and the situation will be dealt with under the *Capability Policy* which may result in employment being terminated on the grounds of ill health.

Alternatively, where the employee's behaviour indicates they have an alcohol/drug related problem and a satisfactory work performance is not achieved, either because they decline the offer of assistance, or they do not act upon the advice given, a meeting between the manager / Headteacher and Human Resources will take place to consider whether the normal disciplinary and / or wellness @ work procedures will apply.

Only where the risk is considered too serious for the employee to remain in work should suspension be considered. Managers / Head Teachers will need to hold a case management discussion with Human Resources to agree the most appropriate course of action for the employee and the Council/School.

PROCEDURE

When an alcohol or drug / substance misuse problem is identified managers should follow steps one to four below. Notes should be taken at any meetings, reviews and performance assessments and retained on their ESS account via a Wellbeing Check-in. Managers should confirm that records of discussion will be available to the employee via their ESS account, along with the agreed outcomes and next steps.

All meetings held under this policy are confidential and information obtained through this process should only be shared with appropriate parties, which could include Occupational Health and Human Resources. The employee should be made aware of their right to be accompanied by a Trade Union Representative or work colleague at these discussions.

STEP ONE – Initial Interview

The initial meeting should be held as soon as possible in order to identify the nature of the problem and any immediate action which needs to be taken. The manager /headteacher (or their nominated representative) should adopt a constructive but sensitive approach to obtain the identification of the issue. The meeting should take place in private and should focus on the concerns that have been identified.

The employee should be encouraged to discuss 'health' issues and reassurance should be given that the meeting is to identify the most appropriate support in a confidential environment. The employee should be encouraged to seek advice and support from their GP and be advised that an Occupational Health referral or Wellbeing referral may be made to further support. The manager / headteacher should establish if any support has been previously sort and clearly explain the Council / School's policy and ensure that the employee is aware of the possible future actions.

Consideration should be given at this meeting as to whether suspension is necessary. This will include a risk assessment of the potential health and safety implications to the employee, colleagues, and service users should the employee remain in work. Advice should be sought from Human Resources in these circumstances. Where suspension is considered, necessary this will be on full pay.

STEP TWO – Investigation, Case Management Discussion

Following the initial interview, a Case Management Discussion with Human Resources should be held so

that each case is treated on an individual basis and that the correct and most appropriate procedures are followed. In determining which course of action is most appropriate, Heads of Service / managers / Headteachers will need to ascertain whether the employee is currently receiving medical help for an alcohol, drug/substance misuse problem and/or if they are suspected of being dependent upon alcohol or drugs.

The below policies and procedures should be considered:

- [Disciplinary Policy](#)
- [Wellness at Work Policy](#)
- [Capability Policy](#)
- relevant [Health and Safety policies](#).

For each case, a referral to Occupational Health or Wellbeing referral may take place to ensure that further support and suggestions for the on-going support and recommendations is obtained.

STEP THREE – Positive intervention.

Where the employee engages with an external rehabilitation programme, for example if referred by their GP or external provider, the employee will be granted, if necessary, leave to undergo counselling or treatment. Such leave will be treated as sickness absence and will be paid in line with the terms and conditions of the appropriate occupational sick pay scheme.

Employees will have regular meetings with their manager/headteacher (or nominated representative) to discuss progress and may be required to demonstrate that they are keeping their appointments and co-operating with the appropriate treatment programme.

The manager/headteacher should agree a course of action for improvement with the employee, taking in to account the process of any rehabilitation program, in order to achieve satisfactory work performance. It is important to reiterate that every effort will be made to ensure that the employee recovers. Should it become apparent that the employee will not achieve the required improvement within a reasonable amount of time, the situation will be dealt with under the Wellness @ Work procedure and treated as a capability issue which may result in employment being terminated under the provisions of the Capability Policy.

STEP FOUR – Completion of rehabilitation programme.

When the employee completes the rehabilitation programme the manager/Headteacher (or nominated representative) should arrange a meeting with the employee. The meeting should include reviews of the employee's recovery and performance so far, reaffirming the standards of performance expected and confirming details of on-going reviews and action to be taken where a relapse occurs.

As part of the Authorities commitment to supporting employees, all employees participating in a rehabilitation program may be required to undergo further drug or alcohol testing. This testing will serve as a supportive measure to monitor progress and ensure compliance with the rehabilitation program. Having accepted the help and resolved the problem(s), the employee's normal promotional prospects will.

not normally be impaired and records will be retained under the same confidential cover as any other health records. All notes of the meetings, reviews and performance assessments should be retained on their ESS account via a Wellbeing Check-in.

Action where employee rejects assistance and/or terminates recovery programme prematurely.

Should the employee reject the offers of assistance or refuses to seek assistance the manager/Headteacher should meet with the employee to discuss the situation, making efforts to persuade the employee to accept the support available. The employee should be referred to for a Wellbeing discussion to determine the most appropriate course of action and whether the normal disciplinary or capability procedure should be applied.

If an employee terminates the rehabilitation programme before its conclusion the manager/head teacher should meet with the employee to gain up to date information ahead of deciding the most appropriate procedure to follow.

FURTHER INFORMATION

Drink Wise Wales

Visit this website for more information on recommended alcohol guidelines and how to calculate units.

Gwent Drug and Alcohol Services (GDAS)

01633 811 950

(AA) Alcoholics Anonymous

0845 769 7555

DAN 24/7 (All Wales Drugs and Alcohol Helpline)

0800 633 5588

In addition, employees should be encouraged to seek advice and support from their own GP which can underpin further assistance and on-going rehabilitation

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Document Control

Version	Date	Author	Notes/Changes
1.0	07/04/2011	HR Officer	Policy created.
1.1	22/11/2013	HR Officer	Added reference to schools' processes and also amended general policy process.
1.2	01/03/2013	Sharon Lindsey	Re-established links within document.
2.0	01/03/2013	Sharon Lindsey	Full Review.
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2.2	23/07/2019	Luke Butcher	Amended NDAS to GDAS and subsequent contact details. Changed to new police template.
2.3	17/02/2021	Human Resources	Re-establish links
2.4	07/12/2021	Human Resources	Re-establishment of links and brought in line with new 2022 Wellness at Work policy.
3.0	04/10/2022	Jason Taylor	Update contact details for Gwent Drug & Alcohol Service from Newport Drug & Alcohol Service.
3.1	Click to enter date.	Kirsty Plant	Review/Name Change/Inclusion of Testing reference
3.2	01/04/2024	Kirsty Plant	To review