

SUBSTANCE MISUSE POLICY

January 2004

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NOTE

Wherever the designation Manager/Supervisor is used throughout this policy, it is taken to mean Head of Service, Line Manager, Nominated Officer, Supervisor, Officer in Charge or anyone who has a responsibility for employees through their work.

The policy applies to all Council staff except those whose terms and conditions are governed by School Governing Bodies. Teaching staff are governed by a separate Leave of Absence policy. Non teaching school based employees are also covered by a separate Leave of Absence Policy. Catering and cleaning employees employed as part of the Catering & Cleaning Direct Service Organisation **are** covered by this policy.

1.0 SECTION 1 – POLICY STATEMENT

- 1.1 Caerphilly County Borough Council believes that its employees are its most valuable resource and as a result high attendance at work by its employees plays a key role in providing efficient and effective services.
- 1.2 High levels of attendance can contribute to increased morale and ensure maximum performance amongst its employees. Low levels of attendance produce negative effects, which result in low morale, poor service provision and excessive overhead costs.
- 1.3 The Council's aim is to manage attendance by adopting a positive, proactive approach through the monitoring and counselling of employees, ensuring that all employees are treated equitably, fairly and consistently. This policy and the accompanying procedures are designed to help Managers/Supervisors deal fairly, equitably and consistently with all their employees. The aim of the policy is corrective and supportive rather than punitive.

2.0 SCOPE OF THE POLICY

- 2.1 This procedure has been agreed with the Trade Unions and will apply to all employees except those whose terms and conditions are governed by School Governing Bodies who have not accepted the procedure. Where the School Governing Body has accepted the procedure, the provisions shall apply to those employees.
- 2.2 The effective date of the policy is 1st January 2004.

3.0 **SECTION 3 – KEY PRINCIPLES**

- 3.1. Caerphilly County Borough Council recognises that substance misuse is costly in human and economic terms and that it is an increasing problem within society. It is estimated that three million people in the UK (6% of the population) take illegal drugs and that alcohol is estimated to cause 3%-5% of all absences from work. Substance misuse may manifest itself in a number of ways. Examples of possible symptoms of substance misuse are shown below although it is not an exhaustive nor conclusive list and it must be remembered that the symptoms quoted below are **only possible indicators** of substance misuse and that one or more, or a combination of these indicators can also be symptomatic of other things, i.e. stress, family relationship breakdown, other medical conditions and illnesses such as mental health problems, eating disorders, terminal illness, etc. **Any investigation on the basis of such symptoms/indicators must therefore be dealt with sensitively and without jumping to conclusions.**

Possible symptoms of substance misuse include: -

- impaired job performance e.g. lowered quality and quantity of work
- increased short term sickness absence including pay days, Mondays and Fridays
- poor time keeping
- increased number of accidents
- lack of concentration and unexplained loss of memory
- disruptive conduct affecting morale and the productivity of others
- sudden change in behaviour pattern
- tendency to become confused
- irritability and possible violence
- abnormal mood swings and fluctuations in energy levels
- lack of interest in appearance
- loss of weight.

- 3.2 Substance misuse is defined to cover alcohol abuse, drugs misuse and the misuse of solvents.

- 3.3 This policy is designed to: -

- eliminate the incidence of substance misuse on the Council's premises
- alert all employees to the risks associated with inappropriate drinking, drug and solvent misuse
- reduce the possibility of losing good employees
- maintain good health and safety standards

- provide information, education and confidential help and support to those where substance misuse is affecting work performance or to those who are worried about their misuse
 - identify work related causes of substance misuse and abuse
 - reduce sickness absence levels. Under the Council's Managing Attendance Procedure it states that, "Where the reason for the absence is related to substance misuse issues, the Council will ensure that it assists its employees to seek appropriate help to overcome the problems they face'.
 - encourage those misusing substances to come forward for information and advice.
- 3.4 Managers/Supervisors are responsible for taking the appropriate action if an employee is identified as having a problem which may be associated with substance misuse or if an employee identifies themselves as having a substance misuse related problem.
- 3.5 Every employee shall be provided with details of the policy. Guidance on where to obtain advice on substance misuse related problems may be obtained from Directorate Personnel Units or Corporate Personnel Services.
- 3.6 This policy should be read in conjunction with other Council's policies particularly the following: -
- Managing Attendance Procedure
 - Recruitment and Selection Policy
 - Policy on the Employment of Ex-Offenders
 - Health and Safety Policies
 - Disciplinary Policy
 - Redeployment Policy
 - Capability Policy
 - Grievance Procedure
 - Whistleblowing
 - Code of Conduct
- 3.7 Advice and information is also available from the organisations whose addresses are included at Appendix A.

4.0 SECTION 4 - CONFIDENTIALITY

- 4.1 Confidentiality will be maintained at all stages of the procedure and anyone who misuses information which comes into their possession will be subject to the Council's disciplinary procedure.

5.0 SECTION 5 - LEGAL ISSUES

- 5.1 Under section 2 of the Health and Safety At Work Act 1974, the Council has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all its employees. Employees also have a legal duty under section 7 of the Act to act responsibly in respect of their own safety and that of others. Anyone who is under the influence of alcohol, drugs or solvents may put either themselves, their colleagues or others at risk. If an employee knows that another employee is under the influence of drugs and suspect they may cause harm to themselves or their colleagues, they have a duty to draw their Manager/Supervisor's attention to this matter. There is also a need to draw the Manager/Supervisor's attention to any evidence of drug use identified within Council premises.
- 5.2 Under the above Act, the Council may be committing an offence if they fail to address any substance misuse. It is to this end, and the reasons outlined above, that the Council has introduced this policy.
- 5.3 Except where drugs are medically prescribed, under the Misuse of Drugs Act 1971, it is also an offence for the Council knowingly to allow drugs to be used, kept or supplied on its premises. It is also illegal to ignore such occurrences. See Appendix B. It is an offence to allow anyone on Council premises to produce, give away or sell illegal drugs. Any employee found to be supplying drugs on Council premises will be subject to disciplinary action. Any member of the public found to be supplying drugs on Council premises will be reported to the Police.

6.0 SECTION 6 - ALCOHOL

- 6.1 No alcohol is to be consumed on Council premises without the express authorisation of the appropriate Manager/Supervisor. Authorisation will only be given for special events e.g. retirement parties, etc.
- 6.2 The consumption of alcohol during working hours, whether on or off Council premises must not affect work activity/performance. Similarly the consumption of alcohol outside of working hours must not affect subsequent work activity/performance e.g. 'the morning after effect.'
- 6.3 Employees' attention is drawn to the fact that alcohol can be the catalyst for unwanted behaviour at events outside of working hours but which may be work related i.e. evening social events, Christmas parties, etc. For the purposes of this policy such events are deemed to be covered by the Council's disciplinary procedure.
- 6.4 Any employee who must drive as part of their employment and is convicted of a drink driving offence may be subject to disciplinary action after all the circumstances of the case have been investigated including how any driving ban will affect the employee's ability to undertake their job. Similar action may be taken in respect of an employee who is required to drive who arrives at work incapable of legally driving.
- 6.5 Depending on the results of the investigation appropriate action may include: -
 - (i) action under this policy (see Section 9)
 - (ii) action under the Council's disciplinary procedure
 - (iii) a combination of (i) and (ii).

7.0 SECTION 7 - DRUGS (including Solvents)

- 7.1 For the purposes of this policy the term drugs refers to any chemical substance (excluding alcohol and tobacco) that is taken to achieve, through physiological modification, a psychological and/or behavioural effect. Many drugs produce dependence and may lead to harmful physical or behavioural changes constituting public health and social problems. Drug misuse is drug taking which is unsanctioned by professional and cultural standards and which may be hazardous or harmful, and a problem drug taker is any person who experiences social, psychological, physical or legal problems related to intoxication and/or regular excessive consumption and/or dependence as a consequence of their use of drugs or other chemical substances. Solvent misuse is not just associated with glue, but with many other solvents such as paints, nail varnish removers, cleaning fluids, aerosols, fire extinguishers, lighter fuel, etc
- 7.2 Drug misuse therefore includes the excessive use of prescribed drugs, as well as the use of illicit substances.
- 7.3 Employees who are aware that prescribed drugs may affect their performance should inform their Manager/Supervisor.
- 7.4 The Council reserves the right to search Council property, including lockers/desks, etc where there is justifiable reason to suspect that there may be illegal drugs present. Such searches will require the permission of the employee(s) concerned and should be carried out in their presence. Searches will only be carried out in the presence of the searching officers and the employee concerned. If it is not possible for the employee to be notified of the search, the employee's representative, if known, will be notified of the search and the requirement to attend. If permission to search is refused, the Police will carry out the search. Any employee unreasonably refusing permission to search may be subject to disciplinary action. Personal searches of an employee's person will only be carried out by the Police.
- 7.5 If a Manager/Supervisor has reason to suspect that drugs are being kept on Council premises and a search is required, it will be carried out by the Manager/Supervisor and another Senior Officer from Internal Audit who will record the following details: -
- the date of the find
 - the location of the find
 - the amount and a description of the suspected illegal substance found
 - who is thought to own the suspected illegal substance.

Both the Manager/Supervisor and the Senior Member of staff from Internal Audit will countersign this record. The record and the suspected illegal substance will then be taken to the Police. Doing this will protect the Council from prosecution under the Misuse of Drugs Act 1971. A search record form is included at Appendix C.

8.0 SECTION 8 - THE PROCEDURE FOR DEALING WITH EMPLOYEES SUFFERING FROM SUBSTANCE MISUSE

8.1 GENERAL PRINCIPLES

- 8.1.1 The procedure that follows recognises that where a substance misuse problem is identified or suspected employees are given every encouragement to seek help voluntarily. Some key support agencies are detailed in Appendix A, or employees may also seek help through their General Practitioner. The services of the Council's counselling service are also available to employees, including those affected by someone else's substance misuse problem. In deciding what course of action to follow the Manager/Supervisor should be aware that sometimes prescribed medication may affect an employee.
- 8.1.2 Anyone who is thought to be unfit for work due to substance misuse will be asked to leave the premises immediately, unless their condition is such that they require medical attention. The Council has a duty to prevent anyone from committing an offence, such as drink driving, so when this action is necessary, it should be carried out by the immediate line Manager/Supervisor who should be mindful of how the employee is going to get home. The course of action will vary according to the circumstances of the case but may involve sending the employee home by taxi, the employee being accompanied by another employee or sending for a family member or friend to come and pick the person up. Such circumstances can be difficult and will need to be handled in a discreet and tactful manner. **When deciding which course of action to follow, the Manager/Supervisor should undertake a risk assessment. In undertaking this risk assessment, they must ensure that no other employee is put at risk as a result of the action taken.**
- 8.1.3 When the employee next reports for work, the appropriate officer will carry out a review. This review should consider all the circumstances surrounding the incident.

8.2 PROCEDURE

- 8.2.1 Substance misuse if proven will be dealt with under one or more of the following procedures: -
- (i) Managing Attendance Procedure
 - (ii) Counselling and/or other treatment options
 - (iii) Disciplinary procedure.
- 8.2.2 In deciding which procedure to follow Managers/Supervisors must first investigate all the circumstances surrounding the case. Each case must be decided on its merits and take into account whether or not the employee is currently receiving professional help for a substance misuse problem and/or is suspected of dependency on any chemical substance/alcohol. If such problems are identified it will be more likely that the Managing Attendance Procedure will be appropriate. Once the Manager/Supervisor has made the decision which procedure to follow, they will document which policy/procedure is to be used and the reasons for following the chosen one. A copy of this document will be placed on the employee's personal file.
- 8.2.3 Where it is determined or suspected that an employee is suffering from a substance misuse problem they will be treated in accordance with the Council's Managing Attendance Procedure taking account of the following: -
- (i) employees should be encouraged to seek help and/or treatment options voluntarily and be made aware of the Council's counselling service and/or the other treatment

options available. Under the Managing Attendance Procedure a Manager/Supervisor may refer the employee to Occupational Health for medical advice.

- (ii) employees receiving help will be entitled to reasonable paid time off for any treatment or counselling required
- (iii) employees absent from work will be treated no differently to any other employee who is sick
- (iv) if an employee accepts referral and a substance misuse or other personal problem is not confirmed, they will be referred back to the original officer dealing with the performance issue
- (v) if after a reasonable period of rehabilitation an employee's substance misuse problem/difficulty continues, then a medical opinion will be sought before any further action is taken. This opinion will be sought after discussion with the employee and their representative. If it becomes necessary for an employee to be retired on the grounds of ill health because of a substance misuse related problem/difficulty, then the Council's Managing Attendance Procedure will be followed.
- (vi) if after a reasonable time span or after treatment, the employee's unacceptable work performance or behaviour continues, then the Manager/Supervisor may invoke the disciplinary procedure depending on the circumstances of the case. Any employee who accepts referral will be provided with as much help as is appropriate.
- (vii) employees who undergo rehabilitation will be asked to satisfy the Council that they are keeping their appointments and co-operating with the appropriate treatment programme. This will be done by way of an appointment card or checking with the rehabilitation provider that employees are attending.
- (viii) employees undergoing rehabilitation will have regular meetings with their Manager/Supervisor to discuss progress and a return to work, which may be on a phased basis if appropriate. It is recognised that relapses may occur during the rehabilitation process. In these cases the Manager/Supervisor should investigate the relapses, the causes, its consequences, etc before taking any further action.

8.2.4 For the purposes of the disciplinary procedure, examples of Gross Misconduct will be deemed to include: -

- wilful destruction of the Council's property whilst under the influence of one or more of the substances covered by this policy
- assault upon another employee, client, pupil, member of the public, etc whilst under the influence of one or more of the substances covered by this policy

These examples are neither exclusive nor exhaustive.

8.2.5 In all cases the Manager/Supervisor should agree a course of action for improvement with the employee. This will be in written format and signed by both the Manager/Supervisor and the employee. This will need to take account of any rehabilitation programme that the employee is following. Where the agreed improvement is not forthcoming, the disciplinary procedure may be invoked. However, disciplinary action must be seen as a last resort and only invoked after the above procedure has been exhausted. Whilst every effort will be made to

encourage employees during a period of rehabilitation, if the rehabilitation is unsuccessful then the Council may terminate their employment under the appropriate policy/procedure.

- 8.2.6 There are areas of work where particular problems might occur if an employee has a substance misuse related problem and in such cases the Council may have to make arrangements to ensure that employees do not put themselves, the Council or other people at risk. In such cases, it may be necessary to transfer the employee to another area of work. This will only take place after full consultation with the employee and/or their representative. Any transfer, which may be of a permanent or temporary nature, must take into account the requirements of the Disability Discrimination Act 1995 and the Council's agreed policies.
- 8.2.7 Once an employee has been rehabilitated, their promotion prospects, etc will not be affected by their earlier problem.
- 8.2.8 A diagrammatic representation of the above procedure can be found at Appendix D.

9.0 SECTION 9 - TRAINING

- 9.1 Training will be provided to Managers/Supervisors on substance misuse issues, how to deal with employees at risk, identification of drugs, when to seek help and where to refer them for professional advice.

10.0 SECTION 10 - REVIEW OF POLICY

- 10.1 The content of this policy will be reviewed every two years. January 2004.

**EXTERNAL AGENCIES THAT ARE ABLE TO PROVIDE SPECIALIST HELP FOR PEOPLE WITH
SUBSTANCE MISUSE RELATED PROBLEMS.**

ALCOHOL AND DRUG RELATED PROBLEMS

Caerphilly Social Services Substance Misuse Service,
Drug and Alcohol Team,
Picadilly Offices,
Caerphilly.

Drugaid,
16, Clive Street,
CAERPHILLY.
CF83 1GE

Telephone: 02920 887827

Telephone: 029 20881000

Gwent Substance Misuse Advisory Regional Team,
Welsh Assembly Government,
Brecon House,
Mamhilad,
Pontypool.
NP4 0YP

Telephone: 01495 767984

ALCOHOL RELATED PROBLEMS

Alcoholics Anonymous,
200 Seagrove Road,
LONDON
SW10 9BQ

Alcoholics Anonymous,
P.O. Box 13,
PENARTH

Telephone: 0845 7697555

Telephone: 0845 7697555

Alcoholics Anonymous,
P.O. Box 26,
PONTYPRIDD

Islwyn Drug And Alcohol Project,
Markham Miners Welfare Society,
Bryn Road,
Markham,
BLACKWOOD
NP2 0QE

Telephone: 01685 875070

Telephone: 01495 229299

Gwent Alcohol Project (GAP),
1, Palmyra Place,
NEWPORT
NP20 4EJ

Telephone: 01633 252045

GAP offers free and confidential counselling for people concerned about their own drinking or that of a friend or relative. Counselling is offered on an appointment basis. Self referrals and professional referrals are welcomed - simply ring during normal office hours.

Gwent Specialist Substance Misuse Service runs clinics at the following locations. Attendees must be referred to the Service, as it is not a drop in service.

Bryn Golau,
Aberbargoed Hospital,
ABERBARGOED

Denscombe Clinic,
Denscombe,
CAERPHILLY

Telephone: 01443 811377

Telephone: 01443 811377

DRUG RELATED PROBLEMS

NATIONAL DRUGS HELPLINE 0800 776600

Gwent Specialist Substance Misuse Service (GSSMS),
North Gwent Drugs Project,
17, Church Street,
EBBW VALE
NP23 6BE

Gwent Specialist Substance
Misuse Service (GSSMS),
139, Lower Dock Street,
NEWPORT

Telephone: 01495 308009

Telephone: 01633 216777

Islwyn Drug and Alcohol Project,
Markham Miners Welfare Society,
Bryn Road,
Markham
BLACKWOOD
NP2 0QE

Telephone: 01495 229299

Gwent Specialist Substance Misuse Service runs clinics at the following locations. Attendees must be referred to the Service, as it is not a drop in service.

Bryn Golau,
Aberbargoed Hospital,
ABERBARGOED

Denscombe Clinic,
Denscombe,
CAERPHILLY

Telephone: 01443 811377

Telephone: 01443 811377

SOLVENT RELATED PROBLEMS

Re-Solv (The Society For The Prevention Of Solvent And Volatile Substance Abuse)
30a High Street,
STONE,
ST15 8AW

Telephone: 01785 817885

THE LAW ON DRUGS

It is an offence under the Misuse of Drugs Act 1971:

- (i) to supply or offer to supply a controlled drug to another in contravention of the Act;
- (ii) to be in possession of, or to possess with intent to supply to another, a controlled drug in contravention of the Act. It is a defence to the offence of possession that, knowing or suspecting it to be a controlled drug, the accused took possession of it for the purpose of preventing another from committing or continuing to commit an offence and that as soon as possible after taking possession of it he took all such steps as were reasonably open to him to destroy the drug or to deliver it into the custody of a person lawfully entitled to take custody of it.
- (iii) for the occupier or someone concerned in the management of premises knowingly to permit or suffer on those premises the smoking of cannabis or opium, or the production, attempted production, supplying, attempting to supply or offering to supply controlled drugs to take on those premises.

The Act lists the drugs that are subject to control and classifies them in three categories according to their relative harmfulness when abused.

CLASS A

This class of drugs includes ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of Class B drugs.

CLASS B

This class of drugs includes oral prescriptions of amphetamines, barbiturates, codeine and methaqualone (Mandrax).

Class C

This class of drugs includes cannabis, cannabis resin, most benzodiazepines (sleeping tablets, tranquillisers, for example Valium), the less harmful amphetamines and anabolic steroids.

Intoxicating Substances (Supply) Act 1985

It is an offence under the above Act for a person to supply or offer to supply a substance other than a controlled drug to a person under the age of 18 if he knows, or has reasonable cause to believe, that the substance is, or its fumes are likely to be inhaled by the person under the age of 18 for the purpose of causing intoxication (for example this applies to the sale of glue, solvents, gases, etc. to young people).



RECORD OF SEARCH OF COUNCIL PROPERTY WHERE
SUBSTANCE MISUSE IS SUSPECTED

Name of Employee Thought To Use The Property:

Location of Property:

Reason for Suspicion of Substance Misuse:

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Employee's Permission For Search Give:

YES ☐

NO ☐

If NO, have the Police been requested
to undertake the search

YES ☐

NO ☐

Employee present during the search

YES ☐

NO ☐

Result of the search:

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Date of Search:/...../.....

Time of Search:

Persons witnessing the search:

Name: **Job Title:**
(please print)

Name: **Job Title:**
(please print)

Name: **Job Title:**
(please print)

Name: **Job Title:**
(please print)

Name: **Job Title:**
(please print)

ANY FURTHER ACTION TAKEN:

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COPY TO BE RETAINED ON EMPLOYEE'S PERSONAL FILE

MANAGER/SUPERVISOR : POSSIBLE COURSES OF ACTION