

ALCOHOL & SUBSTANCE MISUSE POLICY

APPROVED BY HHP BOARD:

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hebridean housing
partnership

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INTRODUCTION

- 1.1 Our employees are our most valuable resource, and their Health and Safety (H&S) is of the utmost importance. Alcohol and drug misuse has the potential to damage the health and well-being of our employees and Board Members and threaten the success of our business.
- 1.2 The aim of this Policy is to protect the H&S of our employees and to help anyone who may be suffering from an alcohol or drug-related problem. The Policy sets out the principles we will follow but it is accepted that since no two cases are the same, this Policy should be regarded as laying down guidelines only and not as being of contractual effect.
- 1.3 We recognise our duty under the Health & Safety at Work Act 1974 to ensure as far as is reasonably practical the physical and psychological health, safety and wellbeing of all employees. If it is felt that an individual poses a risk to the health, safety or wellbeing of themselves or anyone else as a result of alcohol or substances, immediate action will be taken to remove the individual from the environment, most likely by sending the individual home, or seeking emergency medical assistance. If it is not safe for the individual to make their own way home alternative travel arrangements must be made.
- 1.4 All employees have a responsibility to ensure the health, safety and wellbeing of others is not put at risk. If an employee has reason to believe that a colleague is misusing alcohol or substances, they must inform their Line Manager immediately.
- 1.5 Consumption of alcohol or drugs may affect an employee's ability to properly perform his job and may endanger the H&S of others. Employees are therefore required to advise their Line Manager if they are taking prescribed drugs that may impact their work.
- 1.6 We respect an individual's right to a private life, however HHP works within the community with a purpose of improving the lives of those who live there. As a result, we will not tolerate any instances of illegal activity concerning or associated with substances. Any employee found to be involved in or connected to illegal activity will be managed under our disciplinary procedures which will likely result in dismissal.
- 1.7 Unless stated otherwise this policy relates being at work or on a HHP property.

LEGISLATION

- 2.1 The Health and Safety at Work Act 1974 requires employers to protect the health, safety and welfare of their employees and others who may be affected by their activities, as far as is reasonably practicable.
- 2.2 The Management of Health and Safety at Work Regulations 1999 requires employers to carry out a risk assessment to identify hazards in the workplace and put measures in place to minimise these risks.
- 2.3 The Misuse of Drugs Act (1971) is the main legislation covering drugs and categorises them as classes A, B and C. These drugs are called controlled substances and class A drugs are considered to be the most harmful under this act. It is illegal for anyone, whether at work or not to produce, supply or be in possession of illegal drugs. Employers may be liable if they knowingly allow dispensing, manufacturing, possession, using or selling on their premises.

GENERAL PRINCIPLES

- 3.1 We strongly discourage employees from drinking alcohol or taking drugs prior to driving or reporting to work. Employees must not attend work or perform their work duties under the influence of alcohol or drugs under any circumstance.

DEPENDENCY

- 4.1 In circumstances where an employee is suspected of having an alcohol or legal substance dependency, we will provide reasonable support. In the first instance, the Line Manager will have a meeting with the employee and make a referral to a counselling service. The Manager will then have follow-up meetings on an appropriate and regular timescale to determine the progress the individual is making.
- 4.2 Where there are performance issues relating to the dependence, appropriate performance plans will be put in place in accordance with our performance procedures. Where the improvement is not adequate or support via a counselling service is not adhered to, normal disciplinary procedures will be instigated which may result in dismissal.

DRIVING AT WORK

- 5.1 Drinking alcohol or taking substances can affect people in different ways. Should an employee drink alcohol or take a substance (legal or illegal) which impairs their ability to drive and then undertakes any occupational driving this will be deemed as breach of contract and will be dealt with under our Disciplinary procedure. This will also be reported to the Police.
- 5.2 All authorised car users must complete BCARM Driving Safety module annually and drive in accordance with recommendations, which include carrying out a visual assessment.
- 5.3 Before any driving at work takes place, a risk assessment should be conducted. This should be completed by the driver and should include any alcohol or substance consumption. This is particularly relevant 'the morning after the night before'. If an employee is in any doubt as to whether they are safe to drive they should not do so.
- 5.4 If an employee suspects another staff member has consumed alcohol or substances or they have reason to believe the person may not be safe to drive, has driven or is intending to drive they have a responsibility to report this immediately to a Manager. The Manager will deal with the situation appropriately, which may include informing the Police. Should malicious allegations be made this will be treated very seriously and will be subject to formal disciplinary action.

MANAGING ALCOHOL MISUSE

- 6.1 We will manage alcohol misuse depending on its nature. Alcohol misuse will be dealt with under the following categories:
 - 1) Alcohol overindulgence
 - 2) Alcohol dependence
- 6.2 Where concern arises regarding alcohol overindulgence that results in socially unacceptable or dangerous behaviour but which is not related to a physical or psychological dependence, this will be treated as a conduct issue and will be dealt with under the organisation's disciplinary procedures.
- 6.3 Where concern arises regarding alcohol dependency and interferes with an employee's ability to carry out their duties, this will initially be considered as an ill-health issue and managed in accordance with the appropriate procedures.

- 6.4 We will ensure that there are confidential means for employees to seek assistance and advice for any alcohol or drug problem, whether by self-referral or at our request.
- 6.5 Where appropriate, we will provide support internally and/or through external agencies to employees who seek help for an alcohol or drug problem.

Absence

- 6.6 If any employee with an alcohol or drug problem fails to comply with the recommendations of the agreed programme of treatment, disciplinary action will be taken.
- 6.7 Employees enrolled on a rehabilitation programme will usually be subject to normal sickness/absence rules.

Testing

- 6.8 Where behaviour gives cause for concern we reserve the right to conduct or require an alcohol and drug screen on any employee whilst at work or on HHP property. Such screening will only be carried out with the employee's consent. However, refusal to provide appropriate samples may lead us to draw our own inferences against the employee.
- 6.9 Employees should recognise that it is their responsibility and in their best interests to seek help at the earliest possible stage when treatment may be easier and before the problem affects work and becomes a disciplinary matter.

LEGAL SUBSTANCES

- 7.1 Where concern arises regarding over indulgence in legally obtained substances which results in socially unacceptable or dangerous behaviour will be treated as a conduct issue and will be dealt with under the organisation's disciplinary procedures. This also relates to prescription medication, whether required short or long term.
- 7.2 Where an issue arises concerning legal substance dependency which has been obtained legally and interferes with an employee's work, this will initially be managed as an ill-health issue and managed in accordance with the appropriate procedures. However, where there is no improvement, support is not accepted, programme completed, or no dependence is diagnosed we will instigate the disciplinary procedure.

Illegal Substance Misuse

- 7.3 We will not tolerate the consumption or possession of illegal substances in any circumstances. This will always be considered to be gross misconduct.

Illegally Obtained Legal Substances

- 7.4 We will not tolerate illegal activity concerning legal substances. Any employee who is suspected of being involved in any such activity will be dealt with in accordance with our disciplinary procedures as gross misconduct.

General Illegal Activity

- 7.5 The use, possession, distribution, purchase, sale or being under the influence of alcohol (except on authorised occasions) or any controlled drugs whilst at work or on HHP property is prohibited and may be viewed as gross misconduct.
- 7.6 Any employee suspected to be involved in illegal activity concerning substances will also be reported to the police.
- 7.7 Employees should be aware that the Misuse of Drugs Act 1971 makes it a criminal offence for HHP to knowingly allow the production or supply on its premises of any controlled drugs, and for any individual who allows such activities by his neglect or connivance. We will press for the prosecution of any employee found breaking these laws on its premises.
- 7.8 Breach of this Policy by an employee will be fully investigated and normally be dealt with under our disciplinary procedure. Depending on the nature of the conduct, the employee may be dismissed without notice.

POLICE INVOLVEMENT

- 8.1 In circumstances where the police are involved in an investigation concerning any employee, we will continue with our own investigation and act on this accordingly regardless.

WORK EVENTS

- 9.1 Some employees will, in the course of their duties, attend events with clients for the purpose of building and maintaining client relationships. It may be that, during some

of these events, alcohol will be readily available. Employees at these events are permitted to drink alcohol but must not allow themselves to surpass reasonable levels, become intoxicated or allow their judgment to become impaired. This includes ceasing to drink alcohol when asked to by a manager where that manager reasonably believes that the employee is at risk of causing offence or harm to others, harm to themselves, reputational damage to the organisation and/or behaving in an unprofessional manner.

IMPLEMENTING THE POLICY

- 10.1 The Chief Executive has overall responsibility for the implementation of this Policy.
- 10.2 Procedures relating to the implementation, monitoring and enforcement of this Policy will be developed and maintained by the Health & Safety Committee and updated as required.
- 10.3 Day-to-day responsibility for the implementation of this Policy lies with Line Managers but all employees are obliged to adhere to and facilitate the implementation of the Policy in the workplace.
- 10.4 Employees with alcohol or drug problems who are referred for treatment, whether voluntarily or mandatory will be dealt with in the strictest confidence.

COMMUNICATING THE POLICY

- 11.1 We will inform our employees, and other agencies and companies who operate from our offices and stores about the Alcohol and Substance Misuse Policy. Managers responsible for implementing and operating the Policy will receive regular training. All employees will be trained in the operation of the Policy and alcohol and drug awareness.
- 11.2 All new employees will be given a copy of the Alcohol and Drugs Policy (e.g. at induction).
- 11.3 A copy of the Policy will be posted on our intranet.

CONFIDENTIALITY & GENERAL DATA PROTECTION REGULATIONS

- 12.1 Employees with alcohol or substance misuse problems who are referred for support, whether voluntarily or mandatory will be dealt with in the strictest confidence.
- 12.2 This information will be handled in line with our obligations under the current Data Protection Regulations and our own Openness and Confidentiality Policy. Information

regarding how your data will be stored can be obtained by contacting the Governance Officer or the Head of Executive Office.

MONITORING & REVIEWING THE POLICY

- 13.1 This Policy will be reviewed every three years. More frequent reviews will be considered if, for example, there is a need to respond to new legislation/policy guidance.

APPENDIX 1 - HHP PROCEDURES RELATING TO THE ALCOHOL AND DRUGS POLICY

PREVENTION AND REHABILITATION

- 1.1 The primary objectives of this Policy are the prevention of the adverse effects of alcohol and drugs in the workplace and the early diagnosis, treatment and rehabilitation of employees who have alcohol or drug-related problems.
- 1.2 We will ensure there are confidential means for employees to seek assistance and advice for any alcohol problem, whether by self-referral or at the Partnership's request.
- 1.3 Employees should recognise it is their responsibility and in their best interests to seek help at the earliest possible stage as treatment may be easier and before the problem affects work sufficiently to become a disciplinary matter.
- 1.4 To avoid the need for disciplinary action being taken, employees with an alcohol or drug problem must comply with the recommendations of the agreed programme of treatment.
- 1.5 Employees enrolled on a rehabilitation programme will usually be subject to normal sickness/absence rules.

SCREENING WHEN ALCOHOL OR DRUGS ABUSE IS SUSPECTED

- 2.1 Where Line Managers observe unusual behaviour or unacceptable performance by an employee at work such that they have reasonable cause to believe that the employee is suffering the effects of alcohol or drugs, the Line Managers will initiate the following procedure:
 - a) they will ask the employee to explain his behaviour. They will then ask the employee to accept a referral to the Occupational Nurse¹, for a medical review. In all cases a medical review will take place to ensure that there is no underlying medical reason for the unusual behaviour or unacceptable performance and that the employee receives the appropriate and confidential care;
 - b) it is anticipated most cases will not proceed to an alcohol and drugs screen but will be handled using normal line management practices. However, in the absence of a satisfactory alternative explanation for the behaviour or performance, and

¹ , See Glossary definition on Page 13

where the employee is suspected of, or admits to, being in breach of this policy, an alcohol and drug screen will be performed;

- c) the procedure for screening is held by the Occupational Nurse. The consent form will be prepared by the Occupational Nurse and signed by the employee and the Occupational Nurse taking the samples. Upon completion of the screen, the employee may be suspended on full pay for as short a time as possible until the results of the test are known; and
- d) if an employee refuses to co-operate with the screening or to allow the Partnership access to the results, the consent form will be completed accordingly. The employee will be suspended immediately on full pay and our Disciplinary Policy will be instigated. The behaviour that gave rise to the suspicion may also be grounds for disciplinary action. Failure to follow or co-operate with procedures laid down to safeguard the H&S of employees will be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal.

DEALING WITH THE RESULTS

- 3.1 Employees will be told the results of the screen as soon as practicable.
- 3.2 If the result of the screen is negative the employee's behaviour will continue to be investigated and in appropriate cases our Disciplinary Procedure will be instigated.
- 3.3 If the result is positive, the Line Manager will continue the investigation and medical advice will be sought.
- 3.4 If no alcohol or drug dependency is found or admitted, our Disciplinary Procedure will be instigated and, depending on the seriousness of the conduct that gave rise to the investigation, we may dismiss the employee.
- 3.5 We may alternatively, at our absolute discretion, treat the employee's alcohol or drug dependency as an illness. Where appropriate the employee will be offered support and access to treatment for rehabilitation. A formal rehabilitation plan will be agreed. Any time off to attend rehabilitation will be treated as sickness absence but the employee will receive payment over and above statutory sick pay only at our discretion.
- 3.6 The Occupational Nurse will review the employee's fitness for work and liaise with external agencies (if applicable) to ensure that the employee is co-operating with the rehabilitation programme.

- 3.7 It is anticipated most employees will complete rehabilitation successfully. However, if the employee fails to complete the rehabilitation programme (or fails any screening tests), the matter will be dealt with in accordance with our Disciplinary procedure. Failure to complete rehabilitation successfully will be regarded as gross misconduct and may lead to disciplinary action up to and including dismissal.

INTERPRETATIONS & ABBREVIATIONS

The following interpretation and abbreviations are used in this policy:

WORD	INTERPRETATION
<i>HHP or Partnership</i>	Hebridean Housing Partnership
<i>Board</i>	Means the Board of the Hebridean Housing Partnership
<i>Board Members</i>	All Members of the Board including co-opted Members
<i>Alcohol Misuse</i>	Refers to an alcohol related problem which is defined as any drinking, either intermittent or continual, which interferes with a person's health and social functioning and/or work capability or conduct.
<i>Drug</i>	Refers to any psychoactive drug whether illegal, over the counter from pharmacies and other retail outlets, or legal substances such as solvents. In the case of prescribed, their possession and proper use is acknowledged as legitimate.
<i>Drug Misuse</i>	Refers to use of illegal drugs and the misuse whether deliberate or unintentional of prescribed medicines or solvents.
<i>Premises</i>	HHP's Business Offices, Stores, Garages, Caravans, Houses, Flats, Vehicles or any other property used by HHP in the course of its business.
<i>Occupational Nurse</i>	Occupational nurses work to prevent, investigate, and treat workplace related illnesses and injuries. We could however call on any other appropriate independent medical practitioner appointed by HHP, as circumstances dictate. The term 'Occupational Nurse' is used in this document for consistency. Such a service would be sourced outwith HHP.
All references to the masculine gender in this policy shall read as equally applicable to the feminine gender	

