

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.
- 1.2 It can in turn threaten the success of our business and can affect our organisational reputation.
- 1.3 The aim of this policy is therefore to protect the H&S of our employees and to help anyone who may be suffering from an alcohol or drug-related problem.
- 1.4 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 a framework for guidance only and not as being of contractual effect.

GENERAL PRINCIPLES

- 2.1 We strongly discourage employees from drinking alcohol or taking drugs prior to driving or reporting to work.
- 2.2 Employees must not attend work or perform their work duties under the influence of alcohol or drugs under any circumstance.
- 2.3 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.
- 2.4 Consumption of alcohol or drugs may affect an employee's ability to properly perform their 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.
- 2.5 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.

REGULATORY REQUIREMENTS

- 3.1 Under the Scottish Housing Regulator's Regulatory Standards of Governance and Financial Management, the Partnership is tasked with:
- protecting organisational reputation;
 - ensuring effective control of risk;
 - treating staff fairly and consistently;
 - supporting a safe working environment;
 - ensuring policies are kept up to date.

LEGISLATION

- 4.1 The Partnership is also governed by:
- The Health and Safety at Work Act 1974;
 - The Management of Health and Safety at Work Regulations 1999;
 - The Misuse of Drugs Act 1971;
 - The Equality Act 2010;
 - The UK GDPR / Data Protection Act 2018;
 - The Road Traffic Act 1988 and relevant drink/drug driving requirements;
 - The Human Rights Act 1998; and
 - The Employment Rights Act 1996 / ACAS principles

IDENTIFYING ALCOHOL OR OTHER SUBSTANCE MISUSE

- 5.1 In circumstances where an employee is suspected of having an alcohol or legal substance dependency, we will provide reasonable support. In the first instance.
- 5.2 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.
- 5.3 If however, the concern directly involves the Line Manager, employees must bypass them. In the first instance this should be made to the next-level Manager/Director.
- 5.4 Alternatively, employees may contact the Human Resources directly.
- 5.5 For serious or unresolved concerns, reports can be escalated directly to the Chief Executive.

- 5.6 Whistleblowing protection: If the situation presents a serious health and safety risk, employees may utilise HHP's Whistleblowing Policy. The company guarantees protection from detriment or victimisation for any employee raising a good-faith concern.
- 5.7 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
- 5.8 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.
- 5.9 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.
- 5.10 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.

TESTING

- 5.12 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.
- 5.13 Any testing undertaken will be:
- justified by reasonable cause;
 - proportionate;
 - carried out by a competent independent provider;
 - subject to informed written consent;
 - handled confidentially;
 - supported by clear data protection safeguards;

- applied consistently and without discrimination.
- 5.14 While any testing would only be carried out with the employee's consent, refusal to provide appropriate samples may lead us to draw our own inferences against the employee.
- 5.15 Appendix 1 provides further detail and guidance on the use and mis-use of alcohol and drugs.

MANAGING ALCOHOL OR LEGAL SUBSTANCE MISUSE

- 6.1 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. substance
- 6.2 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.
- 6.3 Where appropriate, we will provide support internally and/or through external agencies to employees who seek help for an alcohol or drug problem.

ABSENCE

- 6.4 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.
- 6.5 Employees enrolled on a rehabilitation programme will usually be subject to normal sickness/absence rules.

IMPLEMENTING THE POLICY

- 7.1 The Chief Executive has overall responsibility for the implementation of this policy.
- 7.2 Procedures relating to the implementation, monitoring and enforcement of this policy will be maintained by the Health & Safety Committee and updated as required.
- 7.3 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.
- 7.4 Employees with alcohol or drug problems who are referred for treatment, whether voluntarily or mandatory will be dealt with in the strictest confidence.

GROSS MISCONDUCT

- 8.1 Any gross misconduct process will be undertaken with impartiality, underpinned by a fair investigation, and in line with the other discretionary and safeguards identified in the policy.

COMMUNICATING THE POLICY

- 9.1 We will inform our employees, about the Alcohol and Substance Misuse Policy. Managers responsible for implementing and operating the policy will receive regular training. All employees will be trained on alcohol and drug awareness.
- 9.2 All new employees will be given a copy of the Alcohol and Substance Misuse Policy (e.g. at induction).
- 9.3 A copy of the policy will be posted on our online HR system and online employee handbook.

EQUALITIES MONITORING

- 10.1 HHP is committed to applying this policy fairly, consistently and without discrimination. In implementing this policy, HHP will have regard to its responsibilities under the Equality Act 2010 and will ensure that no employee, Board Member or other individual is treated less favourably because of a protected characteristic.
- 10.2 HHP recognises that alcohol or substance misuse may, in some circumstances, be linked to underlying health conditions, disability, mental health, trauma or other personal circumstances.
- 10.3 Where appropriate, HHP will consider reasonable adjustments, occupational health advice and supportive interventions, while maintaining its duty to protect the health, safety and wellbeing of employees, Board Members, tenants, service users and the wider community.
- 10.4 Any action taken under this policy will be proportionate, evidence-based and applied consistently. Confidentiality will be maintained wherever possible, and personal information will be handled in accordance with data protection requirements.

CONFIDENTIALITY & GENERAL DATA PROTECTION REGULATIONS

- 11.1 Employees with alcohol or substance misuse problems who are referred for support, whether voluntarily or mandatory will be dealt with in the strictest confidence.
- 11.2 This information will be handled in line with our obligations under UK GDPR and Data Protection Act 2018; 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 Executive Office.

MONITORING & REVIEWING THE POLICY

- 12.1 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.

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.
References to any gender in this policy include all individuals, regardless of gender.	



HHP is a registered society under the Co-operative and Community Benefit Societies Act 2014, Registered Number: 2644R(S), Registered Office: Creed Court, Gleann Seileach Business Park, Willowglen Road, Stornoway, Isle of Lewis HS1 2QP. It is a charity registered in Scotland, Charity Number: SCO35767, registered as Registered Social Landlord with the Scottish Housing Regulator, Registration Number: 359 and registered as a Property Factor, Registration Number PF000183

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APPENDIX 1 – MISUSE TYPES AND INSTANCES

ALCOHOL AND LEGAL SUBSTANCES

- 1.1 Where concern arises regarding over indulgence in legally obtained substances which results in socially unacceptable or dangerous behaviour this 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.
- 1.2 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.

DRIVING AT WORK

- 2.1 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.
- 2.2 All authorised car users must complete agreed On line Training Modules annually and drive in accordance with recommendations, which include carrying out a visual assessment.
- 2.3 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.
- 2.4 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.

ILLEGAL SUBSTANCE MISUSE

- 3.1 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

- 4.1 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

- 5.1 The use, possession, distribution, purchase, sale or being under the influence of alcohol or any controlled drugs whilst at work or on HHP property is prohibited and may be viewed as gross misconduct.
- 5.2 Any employee suspected to be involved in illegal activity concerning substances will also be reported to the police.
- 5.3 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 their neglect or connivance. We will press for the prosecution of any employee found breaking these laws on its premises.
- 5.4 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

- 6.1 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

- 7.1 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.