

Policy and Sustainability Committee

23rd May 2023, 10:00am

Alcohol & Drugs Policy

Item number
Routine
Wards
Council Commitments

1. Recommendations

- 1.1 To approve the new Alcohol and Drugs Policy.
- 1.2 To note that this policy has been reviewed and revised to address the recommendations agreed following the Independent Inquiry and Whistleblowing Culture Review by Susan Tanner QC, with Pinsent Mason in 2021.

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Alcohol and Drugs Policy

2. Executive Summary

- 2.1 As part of the findings from the Independent Inquiry and Whistleblowing Culture Review in 2021, a number of employment policy recommendations were made including the recommendation to review conduct related employment policies and, where appropriate to revise.
- 2.2 This report focuses on the refreshed policy of Alcohol and Drugs.
- 2.3 The Alcohol and Drugs Policy sets out our approach to providing guidance, tools, and support for both employees and managers that will raise awareness and understanding of dependency and wellbeing initiatives. It sets out how the Council will promote colleague wellbeing as well as prevent, reduce, and supportively manage alcohol and drug dependency in and outside the workplace. The focus of this Policy is aligned with both the organisation's colleague Wellbeing Strategy and broader People Strategy.
- 2.4 The Alcohol and Drugs Policy replaces our current Alcohol, Drugs and Substance Misuse Policy which was approved at Committee on 9 August 2011.

3. Background

- 3.1 This updated policy will action some of the policy-related recommendations of the Inquiry and Review which focus on conduct related policies, guidance and associated learning and systems.
- 3.2 In addition to the recommendations, we also sought feedback on the application and effectiveness of the existing policies through engagement with Trade Unions, line managers and Human Resources colleagues who are regularly involved in supporting the business through the relevant policy. Revisions have been made to the policy and supporting documentation accordingly.

4. Main report

- 4.1 While the underlying principles of the existing Alcohol, Drugs and Substance Misuse Policy remained fit for purpose, as good practice and due to the age of the

policy, we undertook to review it through the lens of the Inquiry and Review recommendations.

- 4.2 Following a benchmarking exercise, review, and qualitative stakeholder feedback of the policy, it was felt that no significant amendments to existing procedures were necessary in relation to the management of such cases. However, it was agreed that amendments to style, tone and language were required, in line with current approach to policy development within the Council. In addition to this, to better support the colleague experience, it will be aligned with our Wellbeing Strategy in which we promote employee wellbeing initiatives as well as measures to prevent, reduce and supportively manage problems such as alcohol or drug dependency. This intention has been adopted into the policy where we encourage managers to interact and signpost colleagues to a variety of supportive agencies.
- 4.3 The policy and supporting documentation have been redesigned so that the structure is more concise and clearer for colleagues and managers to follow. The policy sets out the guiding principles for handling dependency concerns, while the user guide outlines in detail the procedural guidance for both managers and colleagues.
- 4.4 The new Policy acknowledges the role of the manager in supporting colleagues who are experiencing dependency problems; however, it also places an emphasis on colleagues to investigate wellbeing opportunities to enable them to look after their own mental and physical health.
- 4.5 This Policy sets out a commitment to provide support and raise awareness of the signs of dependency issues with a view to highlighting the importance of being a supportive employer. This Policy is aimed at promoting a culture where the approach is preventative, where open and honest conversations are encouraged so that the signs can be identified, and dependency problems can be effectively mitigated against as much as possible.
- 4.6 As part of this policy review, we also considered the introduction of testing of all colleagues in the workplace, this could include 'with cause' and random testing. It should be noted that in 2017, Committee decided not to proceed with the implementation of testing the workforce. However, as part of good due diligence within the policy review, we revisited the possibility of the introduction of testing again.
- 4.7 Throughout our engagement and benchmarking in relation to the revised policy, feedback received was that testing for substances at this stage may be too premature. Rather focus should first be on providing additional guidance and training to support managers in having these types of conversations with colleagues and managing these situations in the first instance from a wellbeing perspective. As a result, we are recommending the status quo at this stage and to review the introduction of testing again at the appropriate time. It should also be noted that any proposal to introduce a testing regime is unlikely to be supported by trade unions at this stage.

- 4.8 The revised Policy does however highlight that where breaches occur, these will be taken seriously and will be managed in line with the Council's Disciplinary Policy.
- 4.9 Throughout the policy review project, we have worked with Learning and Development colleagues to ensure all learning resources and training modules and materials are aligned to the new policy, with a focus on effective management conversations. As a result, a short video has been developed raising awareness for managers as well as scenarios on alcohol and drugs dependency being built into new learning for managers on how to have real and challenging conversations.

5. Next Steps

- 5.1 An implementation plan, including communications, will be put into effect to relaunch the refreshed policy and associated e-learning to raise awareness with colleagues and line managers.
- 5.2 It is hoped that we will be able to link the Policy launch with aligned national wellbeing initiatives such as Alcohol Awareness Week from 3-9 July 2023, with follow ups for teaching colleagues after the summer break.

6. Financial impact

- 6.1 There is no material impact arising from this report.

7. Stakeholder/Community Impact

- 7.1 This policy meets our legal obligations in relation to formal consultation. The trade unions have been engaged on the new policy and are content with the proposed changes.
- 7.2 In addition to formal consultation, this policy has been assessed for possible impacts on vulnerable groups, people with protected characteristics, equality and human rights and economic factors as part of our integrated impact assessment.

8. Background reading/external references

- 8.1 N/A

9. Appendices

- 9.1 Alcohol and Drugs Policy.

Alcohol and Drug Policy

The Council (we) are a responsible employer and have a legal duty to protect the health, safety and wellbeing of our workforce and the public who come into contact with us. We aim to support those working for us to carry out their duties safely and free from the influence of alcohol or drugs. The approach in this policy aligns with our behaviours of Respect, Integrity, and Flexibility.

Alcohol and drug use and misuse can have an adverse effect not just on individuals but on their colleagues, on customers, and on the public. We will support colleagues who are negatively affected by alcohol and drugs in a fair and respectful way. Having a safe working environment, providing excellent customer service by maintaining positive standards of behaviour, productivity and avoiding days being lost to illness are all critical to our ability to deliver services.

We are committed to improving the health, safety, and wellbeing of colleagues by encouraging healthier lifestyles and by recognising that alcohol and drug misuse are primarily matters of health and social concern. This policy therefore makes provision for appropriate support mechanisms, both in and out with the workplace, and specialised professional help to be made available to colleagues who disclose an alcohol or drug misuse issue.

We strive toward a supportive approach for colleagues with alcohol and drug problems. To achieve this requires open conversations with colleagues, thus we reassure all colleagues that these matters are dealt with confidentially and with due sensitivity.

We do require all colleagues to comply with this alcohol and drug policy. We endeavour to support those that disclose problems with alcohol and drug misuse, however breaches of the policy will be taken very seriously and may be dealt with under the Council's disciplinary policy.

Author

Employee Relations & Policy, Human Resources, Corporate Services.

Scope

This policy applies to all Council colleagues.

Purpose

The purpose of this policy is to provide direction and support about the use and misuse of alcohol and drugs while working for or representing the Council.

Review

The policy will be reviewed as and when a change to the existing policy deems this necessary, primarily as a result of changes to legislation or statute; agreement of new national terms and conditions of service or Government Policy; organisational change; or resulting from changes agreed through Trade Union Consultation.

Local Agreement

This policy is a local collective agreement between the Council and our recognised Trade Unions. We will make every effort to ensure that it is maintained as a local collective agreement. Any changes will be made by agreement. If we cannot agree, either party can end the local collective agreement by giving four months' notice in writing, with the policy ceasing to apply to staff at the end of that period.

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1. Policy Aims

The policy is designed to:

- support colleagues who are affected by alcohol and drugs.
- support managers to provide an effective response to any concerns raised about alcohol or drugs.
- provide a framework of support to colleagues who have alcohol and drug concerns while maintaining a safe, positive, and respectful work environment.

This policy and associated user guide should be used where a colleague reports concerns related to alcohol or drugs and where a concern is expressed about a colleagues' potential misuse of alcohol and drugs. This policy relates to matters of conduct, wellbeing, and behaviour.

2. Expectations

To ensure a safe work environment colleagues must not drink alcohol or take drugs during working time or be under the influence of alcohol or drugs. Working time is any time between when you report for work and the time you finish work and includes breaks. It includes any period of call out whilst on standby duty or overtime working.

If your performance is impaired, or your behaviour or attendance is negatively affected, because of drugs or alcohol, and you have not first raised this with us with a view to seeking help, then we may take action under our Performance Improvement Policy, Sickness Absence Policy, or Disciplinary Policy. This could lead to you being dismissed.

The use, possession, storage, transportation, promotion and/or sale of drugs or drug equipment is forbidden during working time, whether in the workplace or at another location where you are working. If you feel pressured to bring drugs or drug equipment into the workplace or to your work location, you should reach out to your manager or contact askHR.

Drugs

When we talk about 'drugs' under this policy, we mean illegal drugs, psychoactive substances ('legal highs'), and prescription or non-prescription drugs which may affect your ability to carry out your duties fully and safely.

You must not be in possession of illegal drugs or psychoactive substances (except for legitimate substances including food, tobacco, nicotine, caffeine and medical products) at any time while working for or representing the Council.

We want to protect your health, wellbeing, and safety, as well as that of your colleagues and the public, so if you have any drug-related impairment you must tell us straightaway.

Alcohol

You must not be under the influence of alcohol while you are working for, or otherwise representing us. This applies equally to a situation where you may have drunk alcohol before coming to work, or the day before, if you are still affected by it.

Work-related events like staff parties that involve alcohol are an exception. Colleagues at these events are permitted to drink alcohol but must not allow themselves to surpass reasonable levels, become intoxicated or allow their judgement to become impaired. We expect you to behave professionally, with integrity and in line with our Positive Behaviours at such events. We may take disciplinary action against you if you breach our rules or policies, for example in relation to Health and Safety, Bullying and Harassment or Equal Opportunities, or if your conduct or behaviour otherwise falls below our expected standards.

3. Medication

Prescribed medication / over the counter medication / legal herbal remedies

If you need medication for a medical condition while working, you should only bring in enough for your own use. It should be kept safely, in accordance with instructions and out of the view of other people. If your medication needs to be stored in a fridge, you must use a clearly labelled, sealed container.

Medication can have side-effects that affect performance. If you are experiencing side effects, or are taking new medication and concerned you may, please raise with your manager so that we can take medical advice if necessary and consider any adjustments that we might need to make.

The policy does not stop you from using prescribed medication, over-the-counter medication, or legal herbal remedies. Medication such as tranquillisers, sleeping pills, painkillers, decongestants, cough suppressants, antihistamines (for treatment of hay fever or other allergies) and antidepressants can make people feel drowsy and may affect their work performance or the safety of themselves or others. If you are taking any medication, you should:

- check the possible side effects with your doctor or pharmacist and
- let your manager know, in confidence, if you are taking any medication and the possible side effects, where it impacts your performance. Your manager will, if necessary, make alternative arrangements for you.

4. Roles and Responsibilities

Managers and colleagues have responsibilities to create a safe and positive working environment.

All employees are responsible for:

- Being able to fully and safely perform your duties when you are working for or representing us.
- Not driving or operating machinery if your performance or judgment is impaired through the use or misuse of drugs or alcohol. This includes any drugs prescribed for you.
- If you are taking prescribed medication, over the counter medication or legal herbal remedies it is your responsibility to seek advice from a doctor or pharmacist about the possible effects of your medication on your fitness to do your job. If the medication has an effect on your ability to do your job, you should notify your manager or contact askHR as soon as possible.
- Disclose to your line manager if you think you have an alcohol or drug misuse problem and seek support and assistance as appropriate.
- If you know or suspect that a colleague is or has been misusing alcohol or drugs, you should raise this in confidence with your manager or contact askHR. It is important that we find out about any issues so that we can help as best we can. We will also want to make sure we are meeting our health and safety responsibilities to all colleagues and the wider public.

All managers are responsible for:

- Ensuring colleagues are aware of the policy, how to reach out for support, and the consequences of being under the influence of alcohol or drugs while working for or representing the Council.
- Ensuring a proactive and supportive approach when a colleague is suspected of, or admits to, an alcohol or drug problem.
- Recognising alcohol and drug problems and addressing these in a prompt, supportive and consistent manner.

Colleagues and managers should read this policy in conjunction with other Council policies including but not limited to:

- Domestic Abuse Policy
- Sickness Absence Policy
- Disciplinary Policy
- Performance Management Policy.

These policies are available on the Orb along with supporting guidance. Colleagues who don't have access to the Orb can access them on the external website, or request copies from their manager, askHR, or their trade union representative if they are a member.

5. Assistance with Alcohol or Drug Dependency

We encourage colleagues to behave with integrity and to be open and honest about any concerns related to alcohol or drug use or misuse. Any colleagues suffering from alcohol and drug misuse, or related problems, will be supported using a flexible approach to best meet individual needs.

If you think you have an alcohol or drug dependency, we encourage you to make us aware and to seek medical help. If you raise this with us, we will do our best to put you in touch with people and organisations specialising in alcohol and drug issues, and we will support you in your recovery process. Any discussions will be held in the strictest of confidence. If you seek treatment, we may decide to pause or stop any disciplinary or other process that has been started, until the outcome of that treatment is known. However, this decision will be taken by the appropriate manager overseeing the case and, in some cases, depending on the allegations and/or information available decide to proceed with the process.

If you think you have a dependency, and may be violating this policy as a result, we strongly encourage coming forward and seeking help. We will be sympathetic and ensure you receive the help and support you need, which may include direction to external specialists. If you volunteer information that you have an alcohol or drug dependency you will be supported and treated with integrity and respect at all times.

We recognise you may continue to struggle with alcohol or drug dependency even after seeking and receiving assistance. We will provide ongoing support to you.

Further information on where you can access support can be found in the alcohol and drug policy User Guide.

6. Further Information and Support

PAM Assist: Our Employee Assistance Programme (EAP) offers PAM Assist which is a free confidential life management and personal support telephone service that is available to all colleagues. No matter when or how often you need to contact them, they are there to help 24/7, 365 days a year. Telephone: 0800 882 4102.

Edinburgh Alcohol and Drug Partnership is a partnership between the City of Edinburgh Council, NHS Lothian, Police Scotland, the third sector and those with lived experience of addiction and recovery. You can access support [on the Edinburgh Alcohol and Drug Partnership website](#).

Further information on external specialist organisations can be found in the User Guide.