



Drugs and Alcohol Policy

This policy is intended as practical guidance for management and employees concerning managing alcohol and drug issues in the workplace.

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If you have any questions about this policy or require any further support, please contact the HR team by emailing hr@southkesteven.gov.uk

For independent support, our Employee Assistant Support service offer a completely confidential helpline for employees. Call 0800 716 017 to receive support for mental health, legal signposting, practical help, manager coaching and much more.

1.0 Introduction

South Kesteven District Council (“SKDC”) is aware of its specific statutory responsibilities towards its employees, the public and the employees of other organisations working on SKDC’s premises or properties. It is also conscious of its obligations under the Health and Safety at Work Act 1974, the Management of Health and Safety at Work Regulations 1992 and the Misuse of Drugs Act 1971.

SKDC considers the consumption of alcohol or illegal drugs during working hours or attending work under the influence of alcohol or illegal drugs to be gross misconduct offences.

SKDC when made aware of an employee's dependency on alcohol or drugs will consider this as a treatable illness or disorder and will encourage individuals with a problem to seek voluntary advice and assistance. SKDC is concerned with the general welfare and health of its employees and is committed to ensuring the highest possible safety standards in all of its businesses. This policy is intended as practical guidance for management and employees concerning managing alcohol and drug issues in the workplace.

The policy also applies to contractors, agency staff and consultants.

In particular it covers:

- The objectives/key principles of this policy
- SKDC's rules relating to alcohol and drugs
- A description of the symptoms of alcohol and drug related conditions
- An outline of SKDC's responsibilities
- An outline of manager and employee responsibilities
- Practical advice for managers and employees
- Alcohol and drug testing
- Dealing with alcohol and drug related issues
- Resources available to support employees with alcohol or drug dependency

2.0 Objectives/Key Principles

This policy aims to:

- Make clear that the misuse of alcohol and drugs is considered incompatible with acceptable employment performance and behaviour within SKDC
- Help managers identify alcohol or drug related problems and associated risks
- Encourage staff to inform SKDC if they believe a colleague may be misusing alcohol and/or drugs and to support their colleague in receiving help
- Improve the health of the workforce
- Encourage employees with alcohol or drug problems to seek help
- Decrease the risk of accidents and associated adverse damage caused by misuse of alcohol or drugs
- Support employees with genuine dependency issues, but to distinguish between alcohol or drug related incidents where there is no underlying medical dependency (which would be treated under

SKDC's disciplinary procedure) and genuine medical dependency issues (which will be treated under the capability procedure)

- Where an employee is being supported because of a medically determined dependency issue and the employee fails to cooperate with SKDC's requirements/ or assistance provided, SKDC may revert to treating the matter as a disciplinary issue
- Protect SKDC's reputation and its relationship with other organisations and local communities
- Protect all employees, SKDC guests and members of the public

3.0 General Rules

All SKDC employees should know and adhere to these basic rules concerning the use of alcohol and/or drugs during working hours, off-duty and on SKDC property.

Any breach of the rules may be treated as gross misconduct under SKDC's Disciplinary Procedure and this may result in the termination of employment.

- No employee may carry out their duties or enter SKDC premises, while under the influence of alcohol or illegal drugs
- No alcohol or illegal drugs should be consumed during the working day
- No employee should drive or operate vehicles if they have taken alcohol or illegal drugs or have reason to believe that they may be under the effect of alcohol or illegal drugs
- Possession, supply or production of illegal drugs is forbidden on SKDC premises
- Tampering or attempted tampering of any sample, or screening process will be considered as a disciplinary offence
- A non-negative or positive sample taken during working hours may lead to disciplinary action regardless of when alcohol or drugs were consumed

This list is illustrative only and should not be regarded as exclusive or exhaustive.

4.0 Drugs prescribed by a medical practitioner or over the counter:

The policy does not apply to the taking of drugs prescribed to the employee by a registered medical practitioner or where over-the-counter medicines are being used for the intended purpose and the safety of the employee or others with whom they come into contact is not compromised.

However, drugs prescribed by a medical practitioner, or purchased over the counter can also be a cause for concern because they may impair mental or physical performance whilst driving or at work. Employees who have been prescribed drugs should keep them in the original container where reasonably practicable, which identifies drug dosage, date of prescription and dispensing medical practitioner, chemist or hospital.

Any employee taking medication, which may adversely affect work performance, must notify their line manager prior to starting work. Any restrictions regarding work will be discussed with their line manager. Where appropriate a referral may be made to Occupational Health for assessment.

If an employee does not feel able to discuss prescribed medication usage with their line manager, they can request to speak to a member of the HR team. For safety purposes the HR team may be required to inform the employee's line manager of the use of medication and any potential impact on the employee's ability to carry out their role.

5.0 Symptoms of Alcohol and Drug Related Conditions

- Periods of unexplained absence, including failure to return to work during afternoons
- Lateness
- Behavioural changes
- Sudden mood changes
- Deterioration of relationships with colleagues or clients
- Reduced job performance/productivity
- Dishonesty/theft in order to fund habit
- Smelling of alcohol
- Slurring of words
- Confusion
- Blurred vision
- Vomiting

6.0 SKDC Responsibilities

It is SKDC's responsibility to provide information, guidance and support to line managers and employees on handling such issues, through:

- Communication of its alcohol and drug policy
- Raising awareness in the workplace
- Ensuring managers are aware of their responsibilities
- Providing adequate support for the rehabilitation of employees, where medically, an employee is diagnosed with an alcohol or drug dependency issue

7.0 Director/Manager Responsibility

Directors/Managers must:

- Lead by example and ensure that the SKDC image and reputation are upheld at all times
- Maintain confidentiality in dealing with alcohol and drug issues
- Identify any work practices that could lead to alcohol or drug problems and seek to improve them
- Identify any alcohol or drug misuse at work and seek immediate guidance from the HR team
- Ensure that other employees and those in their charge are not put at risk or adversely affected as a result of the use of alcohol or drugs by SKDC employees

- Be aware of the difference between a medically diagnosed dependency issue and a non-dependency issue and the different approaches to be adopted, i.e. capability v disciplinary
- Discuss the issue with the relevant employee in line with guidance offered by the HR team
- Ensure staff are aware of the policy

8.0 Employee Responsibilities

Employees must:

- Communicate immediately to the HR team and their line manager if they feel they are suffering from an alcohol or drug dependency issue
- Familiarise themselves with the policy, its aims and their responsibilities in relation to alcohol and/or drug misuse at work
- Encourage colleagues who may have an alcohol or drug problem to proactively seek help - if this approach is not effective, the matter should be raised in confidence with the line manager
- Avoid covering up or colluding with colleagues where an alcohol or drug problem is affecting work - if employees are found to be covering up an alcohol or drug problem this may result in disciplinary action up to and including gross misconduct
- Proactively report any concerns to their line manager or the HR team.

Employees who drive for work must:

- Never drive while under the influence of alcohol, drugs or medicines that state the medication affects their driving
- Be aware that they may still be over the legal limits, or affected by alcohol and/or drugs the morning after they have been drinking or taking drugs
- Be aware that prescription drugs or over-the-counter medicines can affect driving and can cause sleepiness
- Report alcohol and/or drug problems, including cautions, summons or convictions for alcohol or drug related offences, to their line manager, immediately

Failure to comply with any of the above may result in disciplinary action up to and including gross misconduct.

9.0 Legal Background

The Health and Safety at Work Act 1974 protects the health, safety and welfare of employees at work.

The Road Traffic Act 1988 states that any person whom, when driving or attempting to drive a motor vehicle is unfit to drive through drink or drugs will be guilty of an offence. Specific driving limits apply for both alcohol and drugs.

[Changes to drug driving law - GOV.UK](#)

[The drink drive limit - GOV.UK](#)

The Misuse of Drugs Act 1971 is the principal legislation in the UK for controlling the misuse of drugs. The Act makes the production, supply and possession of controlled drugs unlawful.

10.0 Alcohol Guidance

The Government has provided guidelines on sensible drinking and the following information dispels some of the myths associated with alcohol as well as highlighting some of the long-term effects of alcohol consumption.

- Alcohol is absorbed into the bloodstream within a few minutes of being drunk and is carried to all parts of the body, including the brain
- The concentration of alcohol in the body depends on many factors, but principally how much has been eaten, body size and weight, and the length of time an individual has been drinking
- It takes a healthy liver about one hour to break down and remove one unit of alcohol - a unit is equivalent to 10 ml of pure alcohol
- If an individual drinks two pints of ordinary strength beer at lunchtime or half a bottle of wine, they will still have alcohol in their blood stream three hours later - if an individual drinks heavily in the evening, they may still be over the legal limit the following morning
- Black coffee, cold showers and fresh air won't sober you up - only time can remove alcohol from the bloodstream
- Alcohol reduces physical co-ordination and reaction speeds - it affects thinking, judgement and mood
- Large amounts of alcohol put strain on the liver and other major organs - regular drinking raises blood pressure and increases the risk of liver damage, cirrhosis of the liver, coronary heart disease, strokes and cancers of the mouth and throat - it can also lead to psychological and emotional problems
- The UK Chief Medical Officers' guideline for both men and women is that to keep health risks from alcohol to a low level it is safest not to drink more than 14 units a week on a regular basis

Types of drink	Number of units
One pint of ordinary strength beer e.g. Carling or John Smiths	Around 2.5 units
One pint of strong beer e.g. Stella or Youngs Special	Around 3 units
Red or White wine (175ml) glass	Around 2.5 units
1 pub measure of spirit	1 unit
Alcopops e.g. Smirnoff Ice or Bacardi Breezer	Around 1.5 units

11.0 Drug Guidance

Drugs can affect the brain and body in a number of ways. They can alter the way a person thinks, perceives and feels and this can lead to impaired judgement or concentration. Drug misuse can also

affect an individual's general health and wellbeing. This can adversely influence performance at work even when the misuse takes place outside the workplace.

According to the Misuse of Drugs Act 1971 there are three categories of drugs that have been identified. They range from prescription drugs to illegal drugs as follows:

- **Class A** includes ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium
- **Class B** includes barbiturates, amphetamines, cannabis, cannabis resin and codeine
- **Class C** includes other less harmful drugs of the amphetamine group and anabolic steroids - it includes benzodiazepines (e.g. temazepam and Valium)

Prescription drugs if taken to excess can also cause adverse problems for individuals. Managers have the right to ask if employees are taking medication for certain conditions and what the effects of the medication could have on the employee within the working environment.

12.0 Screening For Alcohol and/or Drugs

Alcohol and/or drug screening is the process whereby employees would undergo an alcohol or drug test for analysis, this might include but is not restricted to hair/saliva/observed urine sample/breath tests for analysis with the specific aim of determining whether any alcohol and/or drug is present in their body.

Alcohol and/or drug screening may occur on the following occasions:

- Random and unannounced occasions
- Post Accident or incident at work
- For cause
- Pre-employment
- Assurance as part of re-introduction to workplace plan

Random and unannounced screening

SKDC retains the right to carry out random and unannounced screening tests across the organisation, including roles that are considered safety critical. Safety critical roles may include but are not restricted to, working with machinery, working in potentially hazardous environments and driving. Employees to be screened will be chosen at random. Employees who are suspected of abusing alcohol or drugs may be sent for random screening.

New starters in safety critical roles will be required to take part in alcohol and drug screening either prior to or within three months of their start date.

The line manager or a representative of the HR team will inform the chosen employee that they are required to undertake the alcohol and/or drug screening procedure and will have explained to them the process taken for selection for the random test (selection will generally be made by random selection of employee payroll numbers). The employee has the right to be accompanied during the testing process by a union representative or work colleague.

In the case of a positive or non-negative initial result for alcohol and/or drugs the employee may be suspended on full pay pending possible disciplinary action. In the case of agency staff or contractors producing a positive test they will be removed from site and their employer informed of the result. The use of random and unannounced screening tests will be reviewed periodically by SKDC.

Accident or incident at work

SKDC may require a sample test to be taken where an employee is connected to any accident at work that results in physical injury to themselves or to other persons or damage to property.

A sample may be required where a near miss incident has occurred which may potentially have resulted in a physical injury or damage to property.

For cause

SKDC will require a screening test to be taken where a manager has reasonable grounds to believe that the use of alcohol and/or drugs may be affecting an employee's behaviour or ability to carry out their work. Reasonable grounds for such a belief will be deemed to exist but are not limited to the following examples where:

- The employee is observed using alcohol or illegal drugs
- The employee, during working hours, is observed to be mentally or physically impaired and is deemed to be unable to perform work in a safe or productive manner
- The employee displays aggressive or unusual behaviour (that could on the balance of probability be alcohol or drug related), uses threatening language or is asleep at work
- An employee's line manager has reason to believe alcohol and/or drug misuse may be responsible for unsatisfactory work performance, including time keeping and attendance
- The evidence of alcohol and/or drugs is detected on SKDC premises - this may include substances, or the equipment associated with them, i.e. syringes, silver foil, and is either found on the employee or can be linked to a specific employee
- An employee is suspected of dealing or selling drugs

Reasonable cause cannot be established on the basis of unsatisfactory performance or attendance alone.

13.0 Screening Procedures

The line manager or a representative of the HR team will inform the chosen employee that they are required to undertake the alcohol and/or drug screening procedure and will explain the reason for the test. The employee has the right to be accompanied during the testing process by a union representative or work colleague.

The screening procedures will follow recognised testing protocol and will be undertaken by a trained person who is fully conversant with this protocol. In order to provide a timely specimen/result a third-party organisation with accredited facilities may be used to carry out screening and testing.

The employee will be informed of the screening and testing process at the time of the testing.

Where an employee is reluctant to undertake an alcohol and/or drug test, they will be advised by their line manager as to the consequences of refusing to undertake the test. The employee will be given a

short period of time to consider their position before being formally warned about their continued refusal.

Where, following a warning, the employee withholds their consent to undertake an alcohol and/or drug test deemed necessary under this policy, such refusal will lead to action under the Disciplinary Procedures, which may result in disciplinary action up to and including dismissal.

Modern laboratories and up-to-date technology provide a screening process known as the 'Chain of Custody'. The 'Chain of Custody' ensures that the positive sample travels in an intact and secure manner from the employee to the laboratory and all the way through the analytical process up to, and including, the reporting of laboratory results and medical review. The collection will be carried out sensitively and properly so that the donor is fully aware of what is going on. Only suitably trained personnel from a third-party organisation will undertake the collection. In order to provide a timely specimen/result the facilities of other organisations may be used that can provide testing facilities which are accredited.

The trained personnel will prepare the collection area for the saliva, hair, urine and/or breath sample taking all precautions to minimise the risks of sample adulteration, contamination or substitution of samples, and to supervise the sample collection ensuring that the formal process and/or 'Chain of Custody' procedures are strictly adhered to.

All paperwork is to be completed in the donor's presence.

The results of the test are passed to the HR team and the sample retained should the donor wish to challenge the result. These stages may be subject to change.

In the case of a non-negative or positive initial result for alcohol and/or drugs the employee may be suspended on full pay pending possible disciplinary action up to and including dismissal. In the case of agency staff or contractors producing a positive test they will be removed from site.

13.1 Reporting of results

The results of a screening test will be reported confidentially by the testing organisation to employee and the HR team. If appropriate the matter will be dealt with under SKDC's Disciplinary Policy and may result in the termination of employment on grounds of gross misconduct.

14.0 Summary of Penalties

Consumption of alcohol during working hours and working under the influence of alcohol.

Working under the influence of alcohol is completely unacceptable and is considered a gross misconduct offence. Subject to the outcome of the disciplinary process, this may result in the termination of employment on grounds of gross misconduct.

The consumption of alcohol whilst actually at work is prohibited; with the exception of officially sanctioned work events where alcohol is provided or is available. Employees must appreciate that if alcohol is consumed during sanctioned events and results in an unacceptable effect on behaviour or work performance, this may lead to disciplinary action. Subject to the outcome of a disciplinary investigation, this may result in the termination of employment on grounds of gross misconduct.

15.0 Positive test results for alcohol and illegal drugs

For the purposes of this policy a ‘positive’ or ‘non-negative’ result will be:

- Where the sample shows a level above the current statutory drink drive limit.

Positive test results above the statutory drink drive limit are considered a gross misconduct offence.

- The sample showing use of a drug i.e. the presence of a drug not explained by the use of legitimate medication. Where an initial sample indicates a non-negative drugs result, a sample will be sent for laboratory testing. Any laboratory test results reported to be above the cut off concentration levels for the relevant specimen type e.g. saliva, blood or urine will be considered a gross misconduct offence.

Subject to the outcome of a disciplinary investigation, these may result in the termination of employment on grounds of gross misconduct.

16.0 Refusal To Submit to Testing

Refusal to provide a sample for testing is considered a gross misconduct offence. Subject to the outcome of a disciplinary investigation, this may result in the termination of employment on grounds of gross misconduct.

17.0 Adulteration Or Tampering with Samples

Adulteration or attempted adulteration and tampering of any sample will be considered as gross misconduct. Subject to the outcome of a disciplinary investigation, this may result in termination of employment on grounds of gross misconduct.

18.0 Possession, Supply or Production of Illegal Drugs

The possession, supply or production of illegal drugs and the selling of prescription medication unlawfully either on SKDC premises or outside of work will not be tolerated.

Any employee found in possession, found supplying or found producing illegal drugs will be subject to a disciplinary investigation for a gross misconduct offence. Subject to the outcome of the investigation, this may result in termination of employment on grounds of gross misconduct.

The offence will also be reported to the police.

19.0 Malicious/Vexatious Allegations

Making malicious or vexatious allegations that a colleague is misusing intoxicating substances will not be tolerated and may lead to disciplinary action being taken.

This list is illustrative only and should not be regarded as exclusive or exhaustive.

20.0 Complaints

If an employee has a complaint about the way in which an alcohol and/or drug test has been conducted, they can raise this informally with their line manager. If an employee exhausts the informal route without satisfactory results they may follow SKDC's grievance procedure.

21.0 Support For Individuals

Where an employee proactively, i.e. before an accident, incident or a random test makes SKDC aware of an alcohol and/or drug related problem, support may be given to:

- Assist the employee to access the Employee Assistance Programme
- Allow the employee reasonable unpaid time off for counselling or other sanctioned treatment
- Redeploy the employee if current duties and responsibilities are seen to be an obstacle to their treatment and/or recovery
- Assist the employee to access a rehabilitation programme

The following external resources are also available.

ALCOHOL:

ALCOHOLICS ANONYMOUS

0800 917 7650

www.Alcoholics-anonymous.org.uk

Email: help@aamail.org

Lincolnshire Recovery Partnership

0800 304 7021

Open 9am - 5pm, Monday - Friday

A free and confidential service for people in Lincolnshire who would like support with their drug and alcohol use.

www.turning-point.co.uk/services/lincolnshire-recovery-partnership

Email: lincs.info@lincsrecoverypartnership.co.uk

DRINKLINE

0300 123 1110

A confidential helpline you can call if you're worried about your drinking

www.drinkaware.co.uk

DRUGS:

Talk to Frank

0300 123 6600 / www.talktofrank.com

Narcotics Anonymous

0300 999 1212 / www.ukna.org

For further information about this policy, please contact the HR Team at hr@southkesteven.gov.uk.

- This policy applies to all employees within South Kesteven District Council unless stated otherwise within the policy.
- This policy does not form part of contracts of employment.
- The Council reserves the right to amend this policy from time to time.