

## Live Active Leisure

### SUBSTANCE MISUSE POLICY

#### INTRODUCTION

Live Active Leisure is committed to providing a safe and productive work environment and to promoting the health, safety and well-being of its employees.

Many people enjoy drinking alcohol in appropriate circumstances. Nevertheless, an immediate effect of alcohol intake is to impair an individual's judgement and ability to perform tasks safely. Excessive use over a period can result in dependency and have a detrimental effect on health, family and work.

Drugs are also in common use both properly and improperly. They have all the negative potential of alcohol, and are readily available from a variety of legal and illegal sources. Prescription drugs, solvents and other substances, if misused, can be as harmful as illegal drugs, although the latter have the added complication of involving criminal acts.

For the purpose of this policy the word substance refers to drugs, alcohol and solvents.

The term 'drug' applies to drugs controlled under the Misuse of Drugs Act 1971, prescribed drugs, over-the-counter medication and solvents. All those synthetic and herbal products previously known as NPS or legal highs are included in the Psychoactive Substances Bill from May 2016.

This policy is designed to ensure that employees are:

- Aware of the health risks associated with substance misuse
- Outline the help and support available to employees and managers on these issues
- Set out the consequences for those who are found to be misusing substances at work

This policy covers the use and misuse of intoxicating substances, which include alcohol, solvents, legal and illegal drugs, prescription and over-the-counter medicines and other substances that could adversely affect work performance and/or health and safety.

The responsibility for managing and monitoring the Substance Misuse Policy lies with line managers. It is important that managers and supervisors at all levels in the Company are briefed on their obligations and responsibilities for other employees, themselves and the public in the area of substance misuse.

#### THE LEGAL POSITION

The Company has a general duty under the Health & Safety at Work etc Act 1974 (HSW Act) to ensure, as far as is reasonably practicable, the health, safety and welfare at work of our employees.

We also have a duty under the Management of Health & Safety at Work Regulations 1999, to assess the risks to the health and safety of our employees. If we knowingly allow an employee under the influence of substance misuse to continue working, and his or her behaviour places the employee or others at risk, the Company could be prosecuted. Our employees are also required to take reasonable care of themselves and others who could be affected by what they do at work.

The Road Traffic Act 1988 states that any person who, when driving or attempting to drive a motor vehicle on a road or other place is unfit through drink or drugs, shall be guilty of an offence. An offence is also committed if a person unfit through drink or drugs is in charge of a motor vehicle in the same circumstances.

The principle legislation in the UK for controlling the misuse of drugs is the Misuse of Drugs Act 1971. Nearly all drugs with misuse and/or dependence liability are covered by it. The Act makes the production, supply and possession of these controlled drugs unlawful except in certain specified circumstances (for example, when they have been prescribed by a doctor). If the Company knowingly permit the production or

supply of any controlled drugs, the smoking of cannabis or certain other activities to take place on our premises we could be committing an offence. You as an employee may also be liable face prosecution and the Company may consider disciplinary action that may result in your dismissal.

The Psychoactive Substances Act came into effect in May 2016 and banned new psychoactive substances, often referred to as 'legal highs'. It is an offence to supply, import or export (including over the internet) any psychoactive substances. A psychoactive substance is defined in the new law as a drug which is capable of affecting a person's mental functioning or emotional state, but is not currently controlled as a Class A B or C drug. Whilst the legislation does not make it illegal to possess psychoactive substances, the Company considers them to be included in the principles and aims of this policy.

## POLICY

Live Active Leisure recognises that substance misuse is an increasing problem both within the community and the workplace. Substance misuse can continue to impair performance long after consumption and where these encroach upon the workplace, undermine an individual's health and wellbeing and compromise the safety of other employees and members of the public, the Company will take appropriate action.

The Company is committed to improving the health and welfare of its employees by introducing and promoting policies to encourage healthier lifestyles. The Company accepts the need to identify substance misuse problems early and to respond constructively.

The inappropriate use of substances can damage the health and wellbeing of employees and have far reaching effects on their personal and working lives. At work substance misuse can result in reduced levels of attendance, sub-standard work performance and increased health and safety risks. Furthermore, the effects of substance misuse may be detrimental to the reputation and image of Live Active Leisure and its ability to deliver a high quality service.

This policy provides a framework for dealing positively with employees whose use of substances has a detrimental effect on their health, safety, conduct, attendance, performance or social functioning at work.

The policy applies to all employees with Full-Time, Part-Time, Fixed-Term, Temporary contracts, employees with Relief Worker and Volunteers.

## AIMS OF THE POLICY

- To provide reasonable support and practical assistance for employees with substance misuse problems and who are willing to co-operate in treatment for that problem
- To ensure that substance misuse does not compromise the safe, efficient and productive operation of the organisation
- To provide fair and consistent procedures for dealing with employees whose conduct, attendance and /or performance are adversely affected by substance misuse
- To balance a disciplinary approach to instances of misconduct with a more understanding attitude of cases of dependency but to take disciplinary action against those who allow their substance problems to persist with detrimental effects on themselves or colleagues in the workplace
- To ensure employees are aware of the Company's expectations of them and are also aware of the support available if substance misuse is identified

## ADOPTING A SENSIBLE APPROACH

Other than special circumstances set out in the following paragraph, employees are not permitted to drink alcohol or take drugs (other than prescribed medication) during working hours. Employees must also ensure that they are not under any influence of substances that may impair them when reporting for work.

## SPECIAL CIRCUMSTANCES

There may be special circumstances organised by the Company where alcohol may be consumed on sites such as special events to mark important occasions or when employees are attending hospitality events or providing hospitality to external parties, on such occasions employees should drink in moderation and ensure

that there is a or they are aware of non-alcoholic options available. After special events any employee under the influence of drink should not return to the work place so must ensure prior to the event that they have the approval of their line manager to attend and that appropriate arrangements where necessary are put in place for cover and any time off required.

Employees who are prescribed medication or over the counter drugs that may impair them in doing their daily duties as a result of potential side effects should notify their line manager in the first instance who will be required to risk assess the potential implications that this may have. This may result in temporary adjustments to duties, redeployment or determining that the employee is not fit to carry out their duties while taking the medication if the latter is identified then the employee should be managed under the sickness absence procedure.

## IDENTIFICATION OF SUBSTANCE MISUSE PROBLEMS

It is important to identify substance misuse problems as early as possible. Some possible signs which may, **but do not necessarily** indicate alcohol or drug misuse are:

- Frequent lateness and/or repeated brief periods of self-certified absence particularly related to weekends, holidays or after pay day
- Poor performance, impaired concentration and memory
- Changes in level/pattern of sickness absence
- Accidents either on or off the job
- Smelling of alcohol or appearing to be under the influence of alcohol and/or drugs during working hours
- Mood changes, irritability, lethargy
- Deterioration in relationships with fellow employees, borrowing money
- Deterioration in physical appearance
- Loss of appetite
- Hand tremors, slurred speech, facial flushing, poor personal hygiene
- Stress-related problems

Discretion and tact must be used if there is a suspicion that an employee has a substance misuse problem, certain medical conditions and prescribed medicines can give the appearance of a person being under the influence of drugs or alcohol.

## EVERYONE HAS A PART TO PLAY

The policy reminds everybody that we all have responsibilities for identifying and dealing with substance abuse.

Managers have a key role to play in identifying employees who may have substance misuse problems. As a manager you should adopt a business-like but sensitive approach. The over-riding intention in intervening should be to provide assistance to the person concerned.

Managers should;

- Make themselves familiar with the policy and ensure that their staff are aware of and understand it
- Be alert to possible substance abuse
- Take an objective and non-judgmental approach when investigating or taking action on any potential or actual case of alcohol or drug abuse
- Be aware of the support mechanisms in place within the policy and enact appropriate support accordingly

If a manager is concerned about the performance, attendance or conduct of a member of their staff and know or suspect that the cause is in any way substance related they should discuss the matter with the individual at a private and confidential meeting as soon as possible.

At the meeting the possible existence of a substance abuse problem should be explored. Managers are not required to diagnose the existence of a substance abuse problem, merely to assess whether such abuse is a possible factor.

Should the meeting lead to the conclusion that a substance abuse problem might exist, and the member of staff accepts referral, you should refer the matter to the HR & Administration Manager or Officer for further advice and support.

If the meeting does not lead to the conclusion that a substance problem exists disciplinary action should be continued, where and as the situation justifies.

Employees should:

- Be familiar with the policy and ensure performance is not impaired as a consequence of substance abuse
- Avoid covering up for or colluding with any colleague who has a substance problem
- Urge colleagues with a substance problem to seek help
- Seek help if they have problems related to substance abuse
- Advise management if they consider that a colleague's substance abuse may be endangering the safety of other employees or customers

## SUPPORT

The following counselling and referral procedures apply to all contracted Live Active Leisure employees. They are intended to reflect the differing ways in which a substance misuse problem may surface in the workplace.

At all stages throughout these procedures, any person acting on behalf of the Company will maintain confidentiality within the Company and the wider community. In order to encourage an employee with a substance misuse problem to accept support, the Company believes that, in normal circumstances, the employee should have a right to confidentiality. When a manager or supervisor feels that this is not appropriate, this must be discussed with the HR & Administration Manager.

## SELF-REFERRAL

Any employee experiencing problems resulting from the use of drugs, alcohol or solvents is strongly encouraged to seek advice, and if necessary help, from an independent specialist agency. Details of available sources of support are generally available in GP surgeries, health centres and social work offices.

This self-referral approach protects the anonymity of individual employees because it need not involve the Company in any way. In these circumstances, employees will be expected to arrange such appointments in their own time.

## VOLUNTARY REFERRAL

Employees, who acknowledge that their work performance is affected by drug, alcohol or solvent use, may approach their immediate line manager or other appropriate manager and request assistance.

As an initial stage, the manager will provide information about the availability of independent support services, and advise on reasonable paid time off to be granted under special leave arrangements after consultation with the HR & Administration Manager. Whilst the employee is in receipt of support or treatment, the manager should consider whether it is necessary to change working practices temporarily to avoid any health and safety risks associated with, for example, operating machinery or driving.

Perth & Kinross Drug and Alcohol Team, based Highland House, St Catherine's Road, Perth is a local support agency that can assist with a voluntary referral.

## IMPAIRED PERFORMANCE REFERRAL

During the course of regular employee monitoring, a manager or supervisor may observe deterioration in performance or changes in behaviour which could be for a variety of reasons. Managers are encouraged to address these issues informally with staff at an early stage as stated in the Managing Capability Procedure, at which point substance misuse may emerge as the problem, or as a contributing factor to the problem.

Should this be the case, then the manager or supervisor should respond as they would for a voluntary referral.

## DISCIPLINARY REFERRAL

Possibly the most common way in which a substance misuse problem emerges at work is in relation to disciplinary matters (which are managed under the Company's Disciplinary Procedure). Either an individual acts in a manner that subjects them to disciplinary action, or substance misuse may surface as a relevant factor if disciplinary action is initiated by other circumstances. In such cases, the employee will be advised of the support services available, encouraged to seek help and be referred to an appropriate agency.

If substance misuse is determined as a cause of the poor performance, unacceptable behaviour or conduct, the employee's willingness to seek help will be considered in reaching a final decision on the type of disciplinary action.

Where an employee is referred to an appropriate agency to discuss a possible substance misuse problem, the employee is expected to complete any approved programme. The Company will monitor and review the employee's compliance with any approved programme.

## SUPPORT AGENCY'S

In certain circumstances it may be appropriate, with the agreement of the employee concerned, to make a referral to the Company's Occupational Health Adviser, or to an independent specialist agency for an assessment of the severity of the problem and possible duration of counselling and/or treatment, particularly in relation to provision of paid time off.

### Perth & Kinross Drug & Alcohol Team

This is a local specialist agency service, which is free of charge to all who attend. The service offers a support programme to assist individuals who have or suspect they have a substance misuse problem. Scheduling of meetings can be outwith normal working hours and can include home visits. There is also support available for family members if required. The service is completely confidential.

If an employee decides to self-refer no information will be communicated to the Company regarding their individual case.

If an employee agrees to the voluntary or impaired referral routes the Company will be aware of this and a report may be requested from the service providing general information on the general progress specifically around any work related issues.

Disciplinary referrals may require a more detailed referral and progress reports which the employee will have to agree to in advance of the referral.

## REMOVAL FROM THE WORKPLACE/SUSPENSION

In the interests of safety and efficiency, a line manager has the authority to send home any employee, who is considered to be under the influence of alcohol or drugs, pending an investigatory interview at the start of the next working day.

In such cases, employees should be strongly cautioned not to drive and, where necessary, arrangements should be made for them to be transported home or collected by a friend or relative.

As a result of the investigatory interview held at the start of the next working day it may be considered appropriate to suspend the employee on full pay on safety grounds and/or pending further investigation. Suspension is a neutral action and implies no judgement or censure.

## DRUG TESTING

The Company does not apply substance testing pre-employment or during employment as part of contractual arrangements. There may be occasions under the referral processes that random testing will be put in place for a period of time with agreement by the employee. The testing will be carried out by a recognised agency qualified to undertake such tests.

## EXCLUSIONS

There are few specific circumstances where operation of the Policy would be inappropriate. In these cases, employees whose standards of conduct, work performance or safety are unacceptable will be subject to normal disciplinary proceedings.

- Refusal to recognise a substance misuse problem and rejection of any counselling/treatment offered
- One off indulgence in alcohol/drugs where there is no evidence to confirm that a dependency problem exists
- Possession of illegal drugs or dealing/supplying in drugs within the workplace. Such offences are subject to possible summary dismissal and the Company would also take disciplinary action, where appropriate, in respect of offences outwith the workplace

## SUMMARY

This Policy provides support to employees and managers to provide a sympathetic response to substance related problems without undermining the need for performance management or disciplinary action as required.

All employees have a responsibility for ensuring that they do not put themselves, other people or the Company at risk by taking any substance that will affect their ability to undertake their duties and responsibilities.

Similarly, all managers have a responsibility for ensuring that matters relating to substance misuse are handled promptly and fairly in accordance with the Company's procedure.

The HR & Administration Manager will provide advice and assistance to managers and monitor and review the Policy as necessary.

## MONITORING & REVIEW

Line Managers are encouraged to periodically review any substance misuse issues during individual update or team meetings, providing employees with an opportunity to discuss and raise any concerns.

Through the Healthy Working Lives working group positive awareness of Health issues around substance misuse will be communicated to all employees.

The HR & Administration Manager will be responsible for ensuring that the policy is implemented and monitored and will evaluate the effectiveness of its policies and practices on wellbeing on an annual basis. This may be earlier if there are statutory or legislative influences prior to the planned review.

The Company welcomes constructive comment on this, or any other of its policies. Such comment should be communicated in writing to the HR & Administration Manager.

**Implementation Date** – Mar/April 2014 (revised to meet HWL criteria)

## EMPLOYEE CONCERNS

Any concerns or issues employees may have in relation to this policy and its application should be communicated to their line manager in the first instance.

## CONSULTATION PROCESS

Healthy Working Lives Group  
Senior Management Team  
Operational Management Team  
Duty Leisure Management Team  
Joint Review Committee – HR  
Board of Directors  
Unison – Member of JRC

## USEFUL ORGANISATIONS

Alcoholics Anonymous – National helpline: 0800 9177 650  
Support to recover from alcohol use  
Narcotics Anonymous – Helpline: 0300 999 1212  
Support to recover from drug use  
Cocaine Anonymous – Scotland helpline: 0141 959 6363  
Support to recover from cocaine use

Drug & Alcohol Team  
Perth & Kinross Council  
Highland House  
St Catherine's Road  
Perth  
PH1 5YA Telephone 01738 474455

Assessment, advice and support

NHS Tayside Substance Misuse Services  
Highland House  
St Catherine's Road  
Perth  
PH1 5YA Telephone 01738 474455

Assessment, treatment and support

The Scottish Drugs Forum  
91 Mitchell Street  
Glasgow  
G1 3LN Telephone 0141 221 1175

The SDF can provide advice on drug agencies and local drug services in Scotland and details of your nearest Drug Action Team

Know the Score - Drugs Info and Advice Scotland - Telephone 0800 587 587 9