SUBSTANCE ABUSE

1. Policy Statement

1.1 The County Council and trade unions recognise that work-related problems caused by substance abuse will in many instances be best resolved through appropriate counselling and advice.

1.2 The County Council undertakes to initiate this approach in appropriate cases.

1.3 The procedure is only for application to those employees who are suspected of having a substance abuse related problem. It shall remain open to the County Council to invoke disciplinary procedures where this is considered appropriate either in the first instance or subsequently where counselling and advice do not resolve the problem at the work place.

1.4 Chief Officers are responsible for the operation of this problem but may delegate responsibility to officers in their department who would normally deal with disciplinary matters involving the particular individual. Education Personnel should be consulted in appropriate cases.

2. What is Substance Abuse?

2.1 Substance abuse can be best defined as the "problematic use of alcohol drugs and other substances". Problematic use covers three main areas:

- inappropriate use where taking substances may aggravate an existing conditions or situation that they were intended to alleviate.
- habitual use where an individual become so dependant on the effect of a drug (including alcohol) that the desire for these effects becomes a central and overriding concern of daily life and has adverse occupational and social consequences.
- excessive use which may lead to physical and psychological illness and could be fatal.

3. Legal Aspects (Misuse of Drugs)

3.1 It is a serious offence under the Misuse of Drugs Act to allow premises to be used to produce or supply illegal drugs – it is an offence even if there is only an offer to supply drugs. For individuals it is an offence both to possess and to supply controlled drugs.

3.2 In accordance with the Misuse of Drugs Act, the police will be informed where an employee is found to be in possession of or to be producing/supplying.

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4. Identification of Substance Abuse

4.1 An employee's efficient and safe performance of work and the maintenance of satisfactory relations with working colleagues is a constant matter of concern for management.

4.2 The earlier the individuals with difficulties are identified the greater is the likely success of any proffered assistance. Managers should therefore monitor their subordinates' work for erratic attendance patterns, low performance standards, inter-personal problems deteriorating appearance, behavioural changes, and significant errors/and misjudgement.

4.3 There may be a need to seek medical confirmation that an employee has a substance abuse related problem.

5. Procedure for dealing with substance abuse related problems

5.1 The initiative for an approach to an employee with a suspected substance abuse related problem lies with the responsible manager.

5.2 In appropriate case the employee will be counselled about the deficiencies of his/her performance or relationships, and encouraged to seek assistance in resolving the substance abuse problem.

5.3 The employee will be advised that a failure to control the problem will lead to disciplinary action which may mean dismissal.

5.4 A period of time will be agreed during which the employee will be actively encouraged to seek assistance through an appropriate agency. This contract will be recorded in writing to avoid future misunderstanding. The manager will require the employee to co-operate by producing satisfactory evidence that this assistance has been sought.

5.5 The performance of the employee will be continuously monitored throughout this period.

5.6 Authorised time off with pay may be granted for an employee seeking assistance.

5.7 If the employee refuses to seek assistance or fails to co-operate with any treatment, disciplinary action may follow.

5.8 Consideration will be given to:

- the redeployment of an employee if the effect of the substance abuse problem render him/her unfit for that particular job, or;

- to a period of absence with pay (if certified sick leave is not available) provided (s)he contracts to undergo treatment.

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5.9 Should an employee relapse and substance abuse related problems re-appear at work, advice and help having previously been received, the case ought to be sympathetically considered in the light of appropriate advice and, although not guaranteeing this, consideration may be given to providing opportunity for further treatment.

5.10 If at the end of the period the performance of the employee has not improved to a sufficient level, the manager will need to consider taking disciplinary action.

6. General Guidelines

6.1 Confidentiality will be respected at all times and such information and records as are needed to resolve the problem will only be seen by those required to assist. Records will be stored on the personal file to which the normal rules of access will apply including the Access to Medial Reports Act 1988.

Particular note is taken of the right of a doctor to withhold sections of a report if it is considered an employee would be harmed by seeing it.