

**UPDATE OF THE COUNCIL'S ALCOHOL AND DRUG MISUSE  
POLICY**

**REPORT OF CORPORATE DIRECTOR RESOURCES**

**AGENDA ITEM: 4**

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**PORTFOLIO: CORPORATE SERVICES AND PERFORMANCE  
(COUNCILLOR GRAHAM HINCHEY)**

**Reason for this Report**

1. There is a need to update the Council's Alcohol and Drug Misuse Policy. The opportunity is taken to extend the policy to include the misuse of substances and in addition to clarify roles and responsibilities for employees, managers and HR People Services and emphasis the support offered to employees. The manager's guide which supports the policy has also been updated. The update is particularly timely as the Council has recently been through the Corporate Health Standard Assessment in November 2016. As part of the application the Council was required to produce an action plan which incorporates the use of alcohol, drugs and substances by employees and evidences the Council's commitment to supporting employees who may have issues related to misuse.

**Background**

2. The Council's Alcohol and Drug Misuse Policy was developed in 2004 and has not been reviewed since then. The policy needs to be updated to reflect the misuse of substances in society and to provide further advice and guidance.

**Substance Misuse**

3. Substance abuse or misuse is defined as the continued misuse of any mind altering substances that severely affects a person's physical and mental health, social situation and responsibilities. Misuse can interfere with employee's health and wellbeing and may also cause harm to colleagues, as well as affecting the quality of work and services to the citizens of Cardiff.

4. The main changes to the revised policy (attached at Appendix 1) are:
- Title change to Management of Alcohol, Drug and Substance Misuse at Work.
  - New format which include roles and responsibilities.
  - Clarification of periods when employees are to refrain from consumption of alcohol, drugs or substances
  - Responsibility to attend work free from consumption or influence is stated.
  - Requirement for employees to inform their line manager regarding any criminal offences or convictions involving drugs, alcohol or substances.
  - Clarification re use of disciplinary policy.
  - Clarification of action to be taken by a manager if an employee is under the influence of drugs, alcohol or substances, including the need to carry out a risk assessment prior to a return to the role.
  - Requirement to report illegal drug activity to the police.
  - Guidance for employees who have concerns about a colleague.
  - Guidance on the Council's liability for employees who drive whilst under the influence of drugs, alcohol or substances.
  - Inclusion of updated information on support agencies.

### **Other Changes**

5. The guidance for managers on the policy has also been updated to include substance misuse and includes more detailed information on the following areas:
- Identifying alcohol, drugs or substance misuse.
  - Recognising alcohol, drugs or substance misuse.
  - How to deal with employees suspected of possession of or being under the influence of alcohol, drugs or substances.
  - Performance or conduct issues relating to alcohol, drugs or substances.
  - Conducting the meeting and possible outcomes

### **Consultation**

6. The changes have been discussed with a group of Council managers. The draft policy has been shared with the Employee Networks and trade unions have been consulted.

### **Reasons for Recommendations**

7. To ensure that up to date advice and guidance is reflected in the policy, and to include reference to the misuse of substances.
8. To provide clarity on roles and responsibilities and the support available.
9. To reinforce the Council's commitment to the health and wellbeing of employees.

## Financial Implications

10. There are no direct financial implications arising from this report.

## Legal Implications

11. The Council has a duty under **The Health and Safety at Work etc Act 1974** to ensure, as far as is reasonable practicable, the health, safety, and welfare at work of all employees.
12. The **Management of Health and Safety at Work Regulations 1999** require employers to carry out a risk assessment to identify hazards in the workplace and to put measures in place to minimise these risks.
13. **The Misuse of Drugs Act 1971** makes it an offence for a person to knowingly allow drugs to be used, kept or supplied on his/her premises. It is also illegal to ignore such occurrences.
14. **The Road Traffic Act 1988** states that a person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through drink or drugs, shall be guilty of an offence. An offence is also committed if a person who is unfit through drink or drugs is in charge of a vehicle in the same circumstances. The drugs can include illegal drugs, prescribed medicines or solvents.
15. Under **The Equality Act 2010** some secondary illnesses arising from the misuse of alcohol or drugs may fall within the definition of 'disability' under the Act, to be considered when making allowances or adjustments.
16. Consultation has been undertaken with appropriate parties, namely managers, employee networks, and trade unions.

## HR Implications

17. The proposed changes to the policy have been discussed with managers and the Employee Networks. The new policy will need to be communicated to employees and managers, highlighting the changes made. The Trade Unions have been consulted and support the changes.

## **RECOMMENDATIONS**

Cabinet is recommended to;

1. Agree the changes to the policy and rebranding as the Management of Alcohol, Drugs and Substance Misuse at Work.
2. Agree that the revised policy be commended to School Governing Bodies for adoption.
3. Agree that the revised policy be brought to the attention of employees, managers, contractors etc. by relevant means.

**CHRISTINE SALTER**  
**Corporate Director**  
**13 January 2017**

*The following appendices are attached:*

- Appendix 1 - Management of Alcohol, Drugs and Substance Misuse at Work(1.CM.134)
- Appendix 2 - Manager's Guide on Alcohol, Drugs and Substance Misuse at Work (5.C.047)