

# Management of Drug and Alcohol Misuse at Work Policy

## Contents

1.	Introduction	1
2.	Policy Statement	2
3.	Scope	3
4.	Definition of Drug and Alcohol Misuse	3
5.	Definitions	4
6.	Arrangements	5
7.	Responsibilities	5
8.	Education	11
9.	Support & Counselling	12
10.	Rehabilitation	13
11.	Disciplinary Action	13
12.	Review & Monitoring	14
13.	References	15

## 1. Introduction

- 1.1 Whilst Swansea Council (Authority) condemns alcohol or drug misuse in the work place, it believes it is essential to have a positive policy designed to encourage the early detection of such alcohol or drug related problems.
- 1.2 This policy is written with regard to the Equality Act 2010, which places a legal obligation on the employer to ensure that arrangements are in place to adequately manage, educate, support all issues with regard to potential drug and alcohol abuse.
- 1.3 This policy is designed to support the implementation of the Authority's health and safety arrangements as stipulated within the Health and Safety Policy.
- 1.4 Intoxicating substances such as alcohol may remain in the system for some time and even small amounts can impair performance and jeopardise safety. Employees are personally responsible for allowing sufficient time for the intoxicating substance to leave their system before reporting for work.
- 1.5 The emphasis of this policy will be to give constructive help and support to staff who are suffering with drug or alcohol dependency to help them overcome the problems they are experiencing.

- 1.6 The objectives of this policy are:
- To promote the general wellbeing of all employees;
  - To provide a healthy and safe working environment; and
  - To reduce the costs of absence and accidents which directly, or indirectly, result from inappropriate use of alcohol or drugs.

## 2. Policy Statement

- 2.1 In line with the Corporate Health and Safety Policy, Swansea Council (Authority) recognises and accepts its duties and responsibilities to ensure, so far as is reasonably practicable, the health, safety and wellbeing of its employees and others who may be at risk from its activities.
- 2.2 This policy is intended to be a framework, with Service Units/Schools supplementing it by having in place their own procedures and guidelines, which reflect the principles of this policy and the individual needs of their Service Units/Schools.
- 2.3 All Directorates and Services within the Authority must be able to demonstrate compliance with this policy via audit.
- 2.4 In accordance with one of the key priorities the Authority is committed to improving the health and wellbeing of its employees.
- 2.5 The Authority takes the view that being in work while under the influence of alcohol or drugs is a threat to the health, safety and wellbeing of its employees, customers, clients and visitors. It also recognises that standards of work performance and behaviour may also be affected whilst persons are under the influence of drugs or alcohol. It recognises that excessive or inappropriate use of alcohol and drugs may lead to the development of alcohol and drug related dependency problems, which may become apparent at work, including absenteeism, delayed attendance, presenteeism (working while sick e.g. hangover, the inability to function normally) lost time, accidents, impaired judgement and decision making, adverse effects on working relationships with colleagues and or service users and reduced productivity.
- 2.6 The Authority will encourage and support employees who are experiencing difficulties with the use of alcohol or drugs and will assist employees to access appropriate professional support and treatment to overcome their dependency issues. They will be treated in a fair and consistent manner and will not be discriminated against.
- 2.7 The Authority may consider any acts of misconduct arising out of inappropriate use of alcohol or drugs, failure to comply with an agreed treatment plan, which has been devised as a result of pro-active support supplied by the Authority and / or failure to implement this policy, under its disciplinary procedure depending on the individual circumstances of each case.

- 2.8 Any employee or member found to be supplying, producing, cultivating, using, or keeping substances with the purpose of utilizing for abuse (both legal and medically prescribed) on Authority premises will be committing an act of gross misconduct, and will be dealt with through the Authority's disciplinary procedures or in accordance with the Members Code of Conduct. Where the activity is criminal, the police will be informed.
- 2.9 Managers may choose to delegate their duties but cannot delegate their responsibilities.

### 3. Scope

- 3.1 This policy applies to all employees, volunteers, agency staff and elected members who are all required to comply.
- 3.2 When considering the terms on which work, services or supplies should be provided to the Authority, the relevant procuring officer will consider whether it is appropriate to include specific provision in the contract concerning alcohol and drug use by the contractor or its staff.
- 3.3 This policy relates solely to the work related concerns and service delivery of the Authority, and is not in any way intended to interfere with the personal lives or leisure time interests of employees.

### 4. Definition of Drug and Alcohol Misuse

- 4.1 **Alcohol misuse** is drinking more than the recommended limits of alcohol consumption. The medical definition of alcohol misuse is categorised as 3 main types:
- Hazardous
  - Harmful
  - Dependent

Outlined in the NHS website:

<https://www.nhs.uk/Conditions/Alcohol-misuse/>

- 4.2 **Drug misuse** is when a person regularly takes one or more drugs to change their mood, emotion or state of consciousness. There are two main types of drug addiction:
- Physical addiction, when there are withdrawal symptoms, such as nausea, vomiting or cramping, if the supply of the drug is suddenly withdrawn.
  - Psychological addiction, when there is a psychological compulsion or need to regularly use a drug. If the drug is withdrawn, there are no physical symptoms but there may be psychological symptoms such as depression, anxiety and irritability.

For guidance on substance specific information please refer to the following website: <http://www.talktofrank.com/>

#### 4.3 Psychoactive substances – Legal Highs.

A substance produces a psychoactive effect in a person if, by stimulating or depressing the person's central nervous system, it affects the person's mental functioning or emotional state; and references to a substance's psychoactive effects are to be read accordingly.

A person consumes a substance if the person causes or allows the substance, or fumes given off by the substance, to enter the person's body in any way.

*(Psychoactive Substances Act 2016)*

## 5. Definitions

Definitions of phrases used in this Policy are;

- 5.1 **Dependence** - a compulsion to continue taking a drug or alcohol in order to feel good or avoid feeling bad, When this is done to avoid physical discomfort or withdrawal it is known as physical dependence. When it has a psychological aspect (the need for stimulation or pleasure to escape reality) it is known as psychological dependence.
- 5.2 **Addiction** - implies that a drug or alcohol dependency has developed to such an extent that it has serious detrimental effects on the user.
- 5.3 **Recreational Drug Use** - using a controlled drug in a social way for leisure or pleasure. This implies that drug use has become part of a person's lifestyle even though they may only take drugs occasionally.
- 5.4 **Inappropriate Use** - using a drug or alcohol in a way that affects an individual's ability to do their job effectively, reporting for work, working or attempting to work whilst impaired through alcohol or drugs, dispensing, distributing, manufacturing, possessing, using, selling or offering to buy or sell a controlled drug.
- 5.5 **Problem Use** - any alcohol or substance use which interferes with a person's health and social functioning and/or work capability or conduct.
- 5.6 **Presenteeism** - being in work physically, but at the same time being unwell and where performance is reduced below an individual's usual capacity.
- 5.7 **A New Psychoactive Substances (NPS)** – often incorrectly called legal highs – contain one or more chemical substances, which produce similar effects to illegal drugs like cocaine, cannabis and ecstasy.

## 6. Arrangements

- 6.1 Employees will not consume alcohol or drugs at any time while at work including during rest or meal breaks spent at or away from work premises.

Exceptions apply to drugs prescribed for the individual or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer), and where the safety of the individual or others with whom they come into contact is not compromised. If there is any doubt the Occupational Health Adviser should be contacted by the employee or manager for confidential advice.

- 6.2 Employees will not consume intoxicating substances before coming on duty or when they may be required to attend work at short notice, for example when they are on call or stand-by.

Exceptions apply to drugs prescribed for the individual or over-the-counter medicines used for their intended purpose (in accordance with the instructions given by the prescriber, pharmacist or manufacturer), and where the safety of the individual or others with whom they come into contact is not compromised. If there is any doubt, the Occupational Health Adviser should be contacted by the employee or manager for confidential advice

- 6.3 Elected members will not return to, or engage in plenary debates or formal council business following any consumption of alcohol. This excludes hospitality and Civic engagements when not returning to council business.
- 6.4 Provided there is no impairment in their ability to discharge their duties, a Councillor or employee, will be allowed special dispensation in extraordinary circumstances (such as an emergency e.g. a resilience incident) to carry out these duties. Provided suitable transport is available to them.
- 6.5 Any employee or elected member who is known to be, or strongly suspected of being under the influence of alcohol or drugs whilst at work, will be deemed to be in breach of this policy and will be asked to leave the premises by a manager and advised to go home.
- 6.6 Non-alcoholic drinks will be available at all corporate functions.

## 7. Responsibilities

### 7.1 Cabinet

7.1.1 The Cabinet will nominate one of its members as the portfolio holder for health, safety and wellbeing issues. The nominated Cabinet Member will ensure that the Cabinet will promote this policy and encourage compliance with its provisions.

## **7.2 Chief Executive**

7.2.1 With reference to the Corporate Health and Safety Policy, the Chief Executive is ultimately responsible for the health, safety and wellbeing of all employees and others who may be affected by the Authority's undertakings. They may delegate Health & Safety matters to the Deputy Chief Executive/Director of Resources as the portfolio holder, but will retain responsibility.

## **7.3 Health, Safety & Wellbeing Champion**

7.3.1 To promote a positive health, safety and wellbeing culture throughout the authority.

7.3.2 To discuss and monitor issues placed in the corporate risk log and other high risk incidents with the Corporate Health, Safety, Emergency Management and Wellbeing Manager, the relevant Director and the Chief Executive as appropriate.

7.3.3 Attend mandatory health, safety and wellbeing training identified for the job role and training identified through training needs analysis

## **7.4 Directors/Chief Officers**

7.4.1 Ensure Heads of Service deliver in-line with their responsibilities under this policy and report any failings or barriers that may affect compliance to the Corporate Management Team (CMT).

7.4.2 Ensure that the Heads of Service and all managers comply with the appropriate procurement procedures for relevant support services being engaged to assist staff as and when required.

7.4.3 Establish a Directorate Safety Committee system. The frequency of the meetings to be determined by the health and safety risks presented, but no less than twice a year. Where relevant staff welfare issues must be discussed at the meetings when the situation requires.

7.4.4 Attend mandatory health, safety and wellbeing training identified for the job role and training identified through training needs analysis.

## **7.5 Corporate Management Team (CMT)**

7.5.1 The CMT will be collectively responsible for the drug and alcohol management strategy and for ensuring that consultation with key stake holders is completed.

7.5.2 Ensure that this policy is applied uniformly across all directorates to

Corporate Health, Safety, Emergency Management & Wellbeing Service  
ensure compliance with the Equalities Act 2010.

7.5.3 Attend mandatory health, safety and wellbeing training identified for the job role and training identified through training needs analysis

## **7.6 Head of Service**

7.6.1 Ensure that suitable and sufficient arrangements, funds and resources are in place to manage drug and alcohol issues within their Service Unit.

7.6.2 Ensure that risk assessments are undertaken and risks are minimised in those areas of work, or circumstance where a predictable risk of drug or alcohol misuse exists (e.g. driving at work, use of machinery or the supervision of venerable persons).

7.6.3 Ensure that adequate monitoring systems are in place to evaluate the effectiveness of local arrangements to minimise the risks relating to drugs and alcohol.

7.6.4 Identify key health and safety risks from drugs and alcohol, and specify in the Service business plan, and ensure control measures are implemented to reduce the risk.

7.6.5 Ensure managers have sufficient knowledge to recognise the signs and symptoms of drug and alcohol use by employees and that they are fully aware of the correct support processes and actions, which will enable them to take appropriate action in accordance with this policy.

7.6.6 Ensure that there is effective consultation, and communication between management, trade unions and employees to address risks, and raise awareness of risks e.g. SMT, Team Briefs.

7.6.7 Attend mandatory health, safety and wellbeing training identified for the job role and training identified through training needs analysis

## **7.7 Managers / Head Teacher** *(as defined by the Corporate Health and Safety Policy)*

7.7.1 Managers are responsible for ensuring that suitable and sufficient arrangements are in place to implement this policy within their sphere of responsibility.

7.7.2 Will ensure that all new and existing employees are fully conversant with the Management of Drug and Alcohol Misuse at Work Policy and the disciplinary rules.

7.7.3 Will be aware of the effects of alcohol and drug misuse, attend training provided and be alert to potential problems.

7.7.4 Will approach the issue sensitively with employees, and not to make moral judgements on employees who may have a dependency problem.

- 7.7.5 Accept that employees with a potential dependency problem will not always be ready, or willing to disclose the problem.
- 7.7.6 Will set a good example through responsible use of alcohol.
- 7.7.7 Will refer employees for assistance as appropriate, refer staff to the Occupational Health Unit in the first instance.
- 7.7.8 Will take action if an employee or councillor is known to be, or strongly suspected of being at work while under the influence of alcohol or drugs.
- 7.7.9 In consultation with HR, will take action if an employee is identified as having a work problem, which may be associated with alcohol or misuse of drugs consumption, or if an employee identifies himself or herself as having an alcohol or drugs related problem.
- 7.7.10 In consultation with HR, will ensure that information on specialist agencies that may be able to help an individual with an alcohol or drug related problem is available to employees as appropriate.
- 7.7.11 Will not permit employees to drive council owned vehicles or use work equipment and machinery or undertake any work related activity, which is likely to place themselves or others at risk of injury. In certain circumstances where intoxication from drugs or alcohol appears to be severe, arrangements should be made send the employee home from work to recover.
- 7.7.12 Will attend mandatory health, safety and wellbeing training identified for the job role and training identified through training needs analysis, including the Supporting Employees Health & Wellbeing training.

## **7.8 Human Resources Operations**

- 7.8.1 To support and advise managers, employees and trade Unions on the application of the Management of Drug and Alcohol Misuse at Work Policy.
- 7.8.2 To provide training and/or assist with training as appropriate in line with this policy.
- 7.8.3 Will refer employees for assistance when appropriate.
- 7.8.4 Will advise managers on the approach to a specific problem and on the use of the Disciplinary Policy where necessary.
- 7.8.5 Will attend mandatory health, safety and wellbeing training identified for the job role and training identified through training needs analysis

## 7.9 Employees

- 7.9.1 Comply with requirements set out in this policy.
- 7.9.2 Will co-operate fully with professional help and support once commitment to engage in a course of support and treatment has been agreed and has started. Once the treatment programme has started, employees must commit to completing the treatment programme.  
  
In the event that there is a failure to complete the treatment program, the employee must report the situation to his / her line manager and the Occupational Health Unit as soon as possible, in order for other additional support measures to be identified and put into place, so ultimately the treatment program may be re-started. Failure to do so, may invoke the disciplinary procedure.
- 7.9.3 Will pay heed to the information provided on alcohol and its effects on work, and to act accordingly. Recognise the danger of alcohol and drug misuse during work times.
- 7.9.4 Will seek help if they have a problem, or potential problem. Avoid covering up, or colluding with colleagues over their own, or other employee's alcohol or drug dependency or misuse problems should they arise. Employees are entitled to self-refer to the Occupational Health Unit for assistance if so desired.
- 7.9.5 To urge colleagues who they believe to have a problem with their alcohol or drug dependency misuse to seek help if they can. If employees would prefer, seek initial advice and support from the Trade Union who will assist in accessing the support service provided by the Authority.
- 7.9.6 Will consider the adverse impression caused by the smell of alcohol and illegal substances on the breath where the job involves direct dealings with the public - and therefore, to consider avoiding alcohol when due to work.
- 7.9.7 Will conduct work in a manner, which is safe for themselves, their colleagues and members of the public, who may be affected by the employee's acts or omissions.
- 7.9.8 Will not drive council owned vehicles or use work equipment and machinery or undertake any work related activity, which is likely to place themselves or others at risk of injury. Where intoxication from drugs or alcohol appears to be severe, they will accept any arrangements made to send them home from work to recover.

## **7.10 Corporate Health and Wellbeing Working Group**

- 7.10.1 To promote the provisions of this policy throughout the Authority.
- 7.10.2 To make recommendations to Executive Board on the review and modification of this policy in light of the experience of its operation.

## **7.11 Corporate Health, Safety, Emergency Management & Wellbeing Manager**

- 7.11.1 To develop, manage and implement a programme of education to help managers and employees to understand alcohol and drug misuse, the symptoms and the effects.
- 7.11.2 To arrange promotional events, and the distribution of literature, so as to raise awareness of "safe drinking" limits, the effects of alcohol and drugs on health, and to emphasise the connection between alcohol, drugs and accidents.
- 7.11.3 To deliver an effective counselling and support service for employees requiring assistance by drug and alcohol trained Counsellors.

## **7.12 Stress Management and Counselling (SMAC)**

- 7.12.1 SMAC provides Council employees with a confidential safe environment to receive counselling and support for any alcohol or drug difficulties they may be experiencing.
- 7.12.2 The service employs specialist drug and alcohol counsellors that can offer one to one counselling sessions and/or signposting to other specialist Swansea agencies including AADAS (Abertawe Alcohol and Drug Assessment Service) for assessment.
- 7.12.3 Employees can self-refer to the service or be referred by their manager, Occupational Health Advisor or Human Resources Officer.

Telephone: 01792 635820

E-mail: [confidentialcounselling@swansea.gov.uk](mailto:confidentialcounselling@swansea.gov.uk)

Staff net: [Swansea Staffnet - Stress management and counselling service](#)

## **7.13 Helping Hands Service**

The Helping Hands Volunteer Service is an independent confidential and informal telephone support service provided by staff for staff. It is coordinated and delivered by a team of trained staff volunteers managed and supervised by the Stress Management and Counselling Service.

Employees can call the Helping Hands support line to receive support, advice and/or guidance on any difficult issues they may be experiencing; including drug and alcohol difficulties.

Telephone: 07833095477 - Mon-Fri 9am-3pm.

## **7.14 Occupational Health and Wellbeing Unit**

7.14.1 Occupational health and wellbeing is a branch of medicine, which focuses on the health and wellbeing relationship between health and work. The objective is to ensure that an employee's health is not diversely affected by their work activity and ensure all employees are supported to work to their full potential. Health is a state of complete physical, mental and social wellbeing and not merely the absence of disease or infirmity.

7.14.2 Alcohol and illicit drug use is associated with a range of physical, psychological and social harms. Medical professionals within the Occupational Health Service, are well placed to offer assessments for Fitness to Work advice, temporary adjustments to duties guidance, sickness absence referrals, manager advice and self-referrals from employees for advice.

7.14.3 Alcohol and illicit drug problems should be considered health problems and are dealt with strict confidentiality.

7.14.4 Strategies used include a brief intervention approach involving a personal assessment of an individual's drinking rates and related problems, as well as feedback about health risks, signposting and referral on to appropriate services.

7.14.5 Alcohol and illicit drug use are significant contributory factors in serious and fatal road traffic crashes. Workers with illicit drug or alcohol problems who drive (or their doctors, occupational health service) have a duty to declare these to the DVLA.

## **8. Education**

8.1 The Authority is committed to making available education to all its employees about the harmful health impacts of the use of drugs and alcohol and where to get help and support. Further information can be obtained from the following sources;

- Occupational Health and Wellbeing Unit
- Trade Union
- Abertawe Alcohol & Drug Assessment Service
- <https://www.nhs.uk/conditions/alcohol-misuse/>
- [www.alcoholconcern.org.uk](http://www.alcoholconcern.org.uk)
- <http://www.drugwise.org.uk/>

## 9. Support and Counselling

- 9.1 This policy recognises that alcohol and drug related problems are primarily matters of health and social concern, and that the people affected require help, support and treatment.
- 9.2 The Authority is supportive of employees with alcohol and drug dependency related problems. The Authority seeks to develop an approach that will enable it to deal with alcohol and drug related problems sympathetically, fairly, and consistently, with the objective of restoring an employee to full efficiency to the benefit of both the employee and the Authority.
- 9.3 Such a supportive approach may be considered as an alternative to potential disciplinary action or dismissal. In return, the employee affected is encouraged to participate in a programme of Treatment counselling and make a specific commitment to rehabilitation a change in behaviour. This approach will include counselling, referral to appropriate agencies, and the consideration of appropriate time off away from work to undergo support and treatment.
- 9.4 The following principles apply-
- The recognition that alcohol or drug misuse can be perceived as an addictive illness;
  - The provision of support mechanisms for those requiring help;
  - Counselling is provided confidentially in line with the provisions of the Occupational Health Confidentiality Policy;
  - A 'no blame' approach is used;
  - Employees should be encouraged to seek help;
  - The provision of support including referral to appropriate agencies, etc;
  - Rehabilitation and re-integration into the workplace.
- 9.5 The Authority seeks to create a climate in which employees with a problem, or potential problem, will not be inhibited from seeking help and support.
- 9.6 All employees are encouraged to maintain a supportive and non-judgemental approach to help their colleagues. If they are aware of an alcohol and drug related problem, to urge colleagues who they believe to have a problem with their alcohol or drug dependency misuse to continue to seek help and support.
- 9.7 Every attempt will be made to engage substance misuse counselling. Counselling with specialist organisations, if appropriate, may be sought for further support/treatment.
- 9.8 Initial referral of employees to these specialist counsellors will usually be via Service Unit Human Resource Officers, who will have been contacted by the

Corporate Health, Safety, Emergency Management & Wellbeing Service employee's manager, but there may be instances where the employee with an alcohol or substance misuse problem will want to contact specialist counsellors direct. In these cases, confidentiality will be maintained and the employee encouraged to seek treatment through their own G.P or by referral to appropriate specialist organisations.

- 9.9 Where treatment is accepted, the employee's progress will be monitored by the Occupational Health and Wellbeing Unit and managers will receive updates updated medical reports in relation to any adjustments required for the employees work duties. Help, support and guidance will be given at the workplace as deemed appropriate, with the ultimate aim of complete rehabilitation.
- 9.10 In circumstances whereby work performance is affected, or where colleagues and/or members of the public are at risk, it may be necessary for the employee to accept treatment/support as a condition of continued employment.
- 9.11 If after the treatment plan and all other support initiatives have been completed, which in turn have not been affective, and the problem still remains and treatment is not effective, termination of employment or disciplinary action may be necessary.

## **10. Rehabilitation**

- 10.1 The Authority recognises that it may take an employee a period of time to re-adjust during treatment or rehabilitation. During this period, the manager and employee should must work closely together, during which time the manager and or line managers will ensure that full support will be given to the employee without prejudice.
- 10.2 If further problems arise during the process of rehabilitation, or there is evidence of a relapse, each case will be considered on individual circumstances, with involvement from the Occupational Health and Wellbeing Unit and Human Resources, in an attempt to ascertain how much more treatment/rehabilitation time is likely to be required for full recovery. At the Authority's discretion, consideration of appropriate time off for further treatment or rehabilitation may be given in order to help the employee recover fully.
- 10.3 The Authority will, where appropriate to do so, adopt a constructive and supportive approach when dealing with employees who may be experiencing drug or alcohol dependency/addiction. Any employees seeking support and assistance for a substance misuse problem will not have their employment terminated, but will be supported through a rehabilitation programme simply because of their dependence/addiction.

## **11. Disciplinary Action**

- 11.1 Should employees fail to attend rehabilitation sessions or completed the treatment programme, or If performance, attendance, risk management or

Corporate Health, Safety, Emergency Management & Wellbeing Service behaviour is unacceptable, despite any support and assistance that can be offered, ultimately disciplinary action may potentially be unavoidable.

- 11.2 There may be circumstances where breaches of the policy, whether dependency-related or not, will be treated as a disciplinary matter and may result in the summary dismissal of the employee. Examples of issues that will be subject to disciplinary action, including the possibility of dismissal are:
- Deliberate disregard for personal safety and that of others associated with the use of intoxicating substances
  - Unacceptable behaviour in the workplace associated with the use of intoxicating substances including possessing or dealing alcohol or inappropriate drugs at work
  - Being found incapable of performing normal duties satisfactorily and safely as a result of consuming alcohol or taking drugs
  - Being intoxicated or under the influence of drugs whilst in charge of a vehicle or machinery
  - Being abusive to members of the public/service users as a consequence of intoxication
  - Deliberate flouting of legitimate instructions not to consume alcohol or drugs at work.
- 11.3 In all cases where the Authority's disciplinary/sickness or capability procedure is used in relation with alcohol or drug misuse, the employee concerned will be offered appropriate help at each stage.
- 11.4 Provided work performance is satisfactory employees will not be subject to disciplinary action solely on the grounds that they had declined the offer of help or have withdrawn from the help offered.
- 11.5 Employees who misuse alcohol or drugs will comply with the accepted standards of conduct and safety of the workforce. Any employee who behaves contrary to these standards will be dealt with under the Disciplinary Procedure.
- 11.6 Employment may be terminated in cases of alcohol or drug misuse where the subsequent action taken leads to loss of qualification required for the job e.g. professional registration, driving licence. All cases are to be considered on individual circumstances.

## **12. Review & Monitoring**

- 12.1 The requirements of this policy will be monitored by way of a risk-prioritised process of auditing. All Service Units within the Authority must be able to demonstrate compliance with this policy.
- 12.2 The training and responsibilities of individuals will be monitored by the Authority through its management and appraisal processes.

Corporate Health, Safety, Emergency Management & Wellbeing Service  
Where necessary the Authority will take appropriate action to ensure that this policy is upheld.

12.4 This policy will be reviewed by the Corporate Health Safety Emergency Management & Wellbeing Manager every 3 years or if:

- New legislation is published or existing legislation is updated.
- New guidance is published or existing guidance is updated.
- Research, monitoring or auditing suggests that a review may be required.
- Incident investigation suggests that a review may be required.

## 13. Reference

- 13.1 Under Section 2 of ***The Health & Safety at Work Act 1974*** the Authority has a duty to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all employees. Under Section 7 of the Act, employees are also required to take reasonable care of themselves and others who could be affected by what they do. Consequently, an employee may be subject to criminal prosecution if their drug or alcohol abuse results in an increased risk.
- 13.2 ***The Management of Health and Safety at Work Regulations 1999*** requires employers to carry out a risk assessment to identify hazards in the workplace and put measures in place to minimise these risks.
- 13.3 ***The Road Traffic Act 1972*** states that it is an offence to be in charge of a motor vehicle whilst 'unfit to drive through drink or drugs'. The drugs can include illegal drugs, prescribed medicines or solvents.
- 13.4 The ***Misuse of Drugs Act 1971*** & the ***Drugs Act 2005*** makes it an offence for a person knowingly to allow drugs to be used, kept or supplied on his/her premises. It is also illegal to ignore such occurrences.
- 13.5 ***The Equality Act 2010*** - some secondary illnesses arising from the misuse of alcohol or drugs may fall within the definition of 'disability' in accordance with the Act, to be considered when making allowances and adjustments in these cases.