



CORPORATE POLICY ON THE MISUSE OF DRUGS AND SUBSTANCES

1. POLICY STATEMENT

The Council as an employer, has a general duty under the Health and Safety at Work etc Act 1974 to ensure, as far as is reasonably practicable, the health, safety and welfare at work of its employees.

This policy applies to all Council employees, except:

- School based teaching and ancillary staff employed by the School (unless the individual school chooses to adopt this Policy)

The Council, through its Chief Executive, Directors and Managers, recognises that the work environment can be put at risk by those who misuse drugs as it may affect their health, performance, conduct and relationships at work, as well as exposing colleagues and others to unnecessary risk.

The definition of 'drug misuse' refers to the **use** of illegal drugs and the **misuse**, whether deliberate or unintentional, of prescribed drugs and substances such as solvents. Drug misuse can harm the misuser both physically and mentally and, through the misusers actions, other people and the environment may also be adversely affected.

Under the Misuse of Drugs Act 1971 it is an offence to possess, supply or produce controlled drugs without authorisation.

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

2. **POLICY CONTENT**

2.1 **Manager's Responsibilities**

It will be the responsibility of Senior Managers / Supervisors to ensure, in relation to the staff for whom they are responsible that:

- a) employees do not come to work under the influence of drugs or substances:- as a result of drug misuse.
- b) employees do not bring drugs or substances into the work place unless medically prescribed for their own use;
- c) employees never knowingly drive or operate machinery if under the influence of any drugs or substances;
- d) employees are aware of where they can find information and instruction regarding the effects of drugs and substances;

Managers will be made aware of and be expected to distinguish between occasional irresponsible behaviour arising from excessive drug or substance abuse and the effects of habitual or regular drug misuse.

2.2 **Employee's Responsibilities**

Although the Chief Executive has ultimate responsibility for health and safety, all employees have an important part to play in ensuring the success of the policy.

It will be the responsibility of all employees to:

- a) take reasonable care for their own safety, and the safety of others who might be affected by their actions;
- b) assist and co-operate with their Managers in the introduction, implementation and maintenance of procedures and safe systems of work;
- c) draw their managers' attention to anyone they suspect might be under the influence of drugs or substances;

Employees should be aware of the contents of this policy to ensure they have the knowledge required to:

- d) understand the dangers associated with the effects of drugs and the policy regarding this;

- e) understand the procedures that will be adopted where there is found to be a deterioration in work performance due to drug misuse.

The policy is available on the Occupational Health and Safety Section's Intranet and employees will be made aware of the policy through the standard induction process.

2.3 **Addiction or illness related to misuse of drugs**

Where an employee is recognised by the Council's Occupational Health Service or is certified by the employee's own doctor as having a drug related illness, absence or poor performance of that employee will normally first be dealt with in terms of the Council's Management of Absence or Capability Policy. These policies will only be followed provided that the employee concerned is complying with any treatment, recommended by his doctor or by the Council's Occupational Health Service. The Council reserves the right to invoke the Disciplinary Procedure at any time, even if the employee is receiving treatment if reasonably justified on the basis of the employee's conduct.

Any employee that is absent for treatment and rehabilitation will be regarded as being on a normal sickness absence, provided that this is supported by a medical certificate. The Council recognises that relapses may occur and this policy will be monitored and reviewed regularly in consultation with workplace representatives.

Any individual who is found to be misusing drugs or substances, or refuses to accept help, or ignores the Corporate Policy on the Misuse of Drugs and Substances will be treated in accordance with the Council's Disciplinary Procedure, and, in the case of repeated offences, may face dismissal from the Council's employ, under these procedures. Action under the Disciplinary Procedure is likely particularly if the effect of drug misuse has or is likely to have posed a risk to any Council staff or member of the public's health and safety.

2.4 **Types of Drugs**

The Misuse of Drugs Act 1971 lists the drugs that are subject to control and classifies them in three categories according to their relative harmfulness when misused.

CLASS A - includes ecstasy, cocaine, heroin, LSD, mescaline, methadone, morphine, opium and injectable forms of Class B drugs.

CLASS B - includes oral preparations of amphetamines, barbiturates, Codeine, methaqualone (Mandrax) and cannabis.

CLASS C - includes most benzodiazepines (e.g. Temazepam, Valium), other less harmful drugs of the amphetamine group and anabolic steroids.

The penalties for offences involving controlled drugs depend on the classification of the drug. The Misuse of Drugs Act 1971 also distinguishes, in terms of the penalties that may be imposed, between the offences of possession and drug trafficking or supplying, with the latter attracting higher penalties. Council staff convicted of drug misuse may be subject to disciplinary action or even dismissed under the Disciplinary Procedure in particular where the conviction is likely to impact on his or her ability to carry out his or her role or the conviction is likely to bring the Council into disrepute.

2.5 **Signs of Drug Misuse**

Drugs can affect the brain and the 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. Drugs can also bring about the neglect of general health and well being.

Examples of drug misuse might include:

- a) sudden mood changes;
- b) unusual irritability or aggression;
- c) a tendency to become confused;
- d) abnormal fluctuations in concentration and energy;
- e) impaired job performance;
- f) poor time-keeping;
- g) increased short term sickness absence;
- h) a deterioration in relationships with colleagues, clients or management;
- i) dishonesty and theft (arising from the need to maintain an expensive habit).

2.6 **Staff Support**

Every effort will be made to support an employee whose work problems are related to drug and substance abuse.

Employees with a drug or substance problem have the same rights to confidentiality and support as they would if they had any other medical or psychological condition.

Any employee with a drug or substance problem will be encouraged to seek help via the following services:

- a) The Vale Alcohol and Drug Team and Community Addictions Unit based at 26 Newland Street, Barry, Vale of Glamorgan offer confidential services to alcohol and drug users. They can be contacted on **01446 700943**
- b) The Vale of Glamorgan Council offers a free counselling service to all its employees. If you feel the need to talk to an independent source, the Counselling Service may be contacted on **029 2023 5858**
- c) The National Drugs Helpline also offers a free, confidential, 24-hour service. The Helpline number is **0800 776600**.
- d) Any course of treatment should be agreed upon, after consultation with the Council's Medical Adviser, the employee and their representative.

3. **MONITORING AND REVIEW**

This policy will be monitored by the Council's Occupational Health and Safety Section to ensure consistency of application. Basic statistics will be retained for monitoring purposes.

The policy will be reviewed on every two years or in light of any developments in relevant legislation or good practice.