

# Appendix I1 - Policy on substance misuse

**(including alcohol, drugs and other substances)**

## Introduction

Use of substances is a personal matter which only concerns Leicester City Council if it has a bearing on the employee's performance, conduct or health. The aim of this policy is to motivate employees whose activities are causing problems at the workplace, to accept the appropriate counselling and treatment by identifying them at an early stage and providing the correct atmosphere to assist their full recovery, including complete confidentiality.

## Principles

1. The Council recognises that misuse of certain substances has physical and mental symptoms which may manifest in misconduct, poor performance and ill-health. Absence from work on sick leave may therefore be necessary where an employee is referred for treatment to a specialist agency.
2. If poor performance or misconduct is considered to result from misuse of substances and the employee undertakes a course of treatment they will retain all rights to sick leave and sick pay, subject to 5 below.
3. An employee's initial voluntary decision to seek assistance with this condition will in no way affect their security of employment; subject to 5 below.
4. Strict confidence will be maintained throughout the period where an employee is seeking help. Any sharing of information between the Occupational Health Provider and external agencies will only take place with the employee's express consent.
5. By the very nature of the condition, people trying to cope with misuse of substances can, on occasions, suffer a relapse. If such a relapse affects their performance or conduct, the position will be sympathetically reviewed in the light of all the circumstances and the decision about whether to continue supporting the employee or to take disciplinary action will be taken after the professional advice from Occupational Health has been sought. Human Resources will be

involved in all cases other than voluntary referrals where they will be available to assist if required by either the manager or the individual employee.

## Procedure

Voluntary Referral (This part of the procedure will be used when an employee wishes to seek help or when their manager, in consultation with that individual, refers them for help and the disciplinary procedure is not involved).

1.1 Any employee experiencing problems with substance misuse who wishes to seek help should, in the first instance, contact Human Resources for a confidential consultation.

1.2 Human Resources will see the employee and may advise them or, if he/she feels it appropriate, refer to the Occupational Health Provider who may in turn, refer them to a specialist agency. In either case an assessment of the nature and extent of the problem will be made and further action identified if appropriate.

1.3 If the programme requires absence from work or if the co-operation of the employee's manager is required, e.g. change of duties, the employee's consent to contact their management will be secured before these requirements are discussed with their manager. This is to ensure that adequate support is provided by the Council. Reasonable absence with pay will be allowed for the employee to attend for treatment.

## Referral by Management (Where disciplinary procedure is involved).

Where it appears that an employee's substance use has interfered with job performance or conduct and where disciplinary measures are indicated, the following procedure shall apply:-

2.1 The Manager, as part of the Council's disciplinary procedure, will carry out a full investigation which will include interviewing the employee in the presence of their representative.

2.2 If appropriate, the employee shall be offered the opportunity of being referred to the Occupational Health Provider. Depending on the degree of severity of the incident the disciplinary procedure may be put in abeyance if the employee is willing to be assessed by Occupational Health. There may be circumstances where, even if the employee does co-operate with O.H, they may be incapable of performing their current duties. In these circumstances the

Council reserves the right either to re-deploy, or suspend on medical grounds. Either of these decisions will be subject to periodic reviews.

2.3 If the employee accepts the offer of a referral, the Manager shall arrange an interview with the Occupational Health Provider. The decision on whether or not to accept advice and follow a course of treatment is the personal choice of an individual employee. Reasonable absence with pay will be allowed for the employee to attend for treatment.

2.4 If an employee chooses not to accept the help offered, the Occupational Health Provider will inform management; the disciplinary procedure for the matter which initially drew attention to their problem will then be continued.

2.5 If an employee chooses to accept the help offered, an Occupational Health Adviser will speak to the employee and may arrange an appointment with an appropriate external agency as appropriate **(see 1.2 and 1.3 above)**.

2.6 If no substance misuse related condition is identified the Disciplinary Procedure will take its normal course, unless some other relevant health problem is discovered, in which case Occupational Health will advise on the appropriateness of continuing disciplinary action or supporting the employee with other specialised help/treatment.

2.7 If a problem is identified and the employee accepts the help provided and returns to an acceptable level of performance and/or conduct the problem will be deemed to be resolved and no action will be taken under the Disciplinary Procedure. However, if it is felt that every effort is not being made by the employee to improve their performance or conduct, the manager will then decide whether they feel able to continue to provide support or revert to the Disciplinary Procedure, having consulted the Occupational Health Provider.

It must be stressed that even following this procedure, employees remain responsible for their own actions at all times.

