
Report To:	Policy & Resources Committee	Date:	14 September 2021
Report By:	Head of Organisational Development, Policy & Communications	Report No:	HR/20/21BMcQ
Contact Officer:	Barbara McQuarrie/ Margaret Watson	Contact No:	01475 712845
Subject:	Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy		

1.0 PURPOSE

- 1.1 The purpose of this report is to update the Policy & Resources Committee on the updated Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy and seek its approval to implement the attached Policy. The Policy will comply with our commitment and action plan for Healthy Working Lives.

2.0 SUMMARY

- 2.1 Inverclyde Council and HSCP hold the Healthy Working Lives Gold Award and in order to maintain this status we are required to have a Drugs and Alcohol Policy. The Policy was originally developed in 2004 and updated in 2007 to comply with Healthy Working Lives criteria. It has been updated now to reflect legislative changes, develop more supportive language, enhance management guidance and include gambling issues in the workplace.
- 2.2 Inverclyde Council is committed to providing a safe and effective working environment and to improving the health, fitness and wellbeing of its employees, ensuring effective interventions, treatment, training and support services are available for Council employees when required. It is therefore essential that we have support mechanisms in place to allow management to feel capable and confident to discuss sensitive issues with staff and to support them to get the help they need. The Policy (and Procedure with more detailed guidance which will also be issued) will ensure that employees are aware of what support is available to them, should they need it, including signposting to external professional sources of help.

3.0 RECOMMENDATIONS

- 3.1 It is recommended that The Policy & Resources Committee:
- Approves the Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy attached at Appendix 1.

Steven McNab
Head of Organisational Development,
Policy & Communications

4.0 BACKGROUND

- 4.1 Alcohol and substance use are significant concerns in Scotland and those living in the most deprived areas of Scotland are nearly three times as likely to have gambling concerns, than those living in the least deprived areas. These findings show that alcohol, substance use and gambling concerns affect more people than is commonly thought and have a detrimental effect on people's lives, families and communities. In addition, as a result of the COVID-19 pandemic and predicted economic downturn we recognise that the widespread uncertainty about people's livelihoods, increased stress and pressure, and feelings of being socially isolated as a result of the numerous lockdowns and social distancing measures has led to concern about whether people may be more likely to use alcohol, substances and gambling as a coping mechanism.
- 4.2 The addition of support for gambling concerns will ensure employees know that the Council has a positive attitude to the issue and that support will be available as required.
- 4.3 Inverclyde Council is committed to providing a safe and effective working environment and to improving the health, fitness and wellbeing of its employees, ensuring effective interventions, treatment, training and support services are available for Council employees when required.
- 4.4 The Inverclyde Council Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy aims to:
- prevent, reduce and support the incidence of alcohol, substance or gambling-related work impairment
 - alert employees to the risks associated with extensive use of alcohol and substance, or gambling and enhance the health and wellbeing of employees by promoting a zero tolerance approach to alcohol, substance use and gambling
 - support those employees with alcohol, substance or gambling concerns and help reduce the impact experienced by them, their families, friends and colleagues
 - encourage and assist employees, who suspect or know that they have an alcohol, substance or gambling related concern, to seek help voluntarily at an early stage from Counselling Agencies or via the Council's procedures
 - where, in the course of invoking the disciplinary procedures, it is suspected or known that the employee's misdemeanor is due to an alcohol, substance or gambling related concern, the Council will offer the employee referral to an appropriate Counselling Agency for diagnosis and, if necessary, treatment (however defined).
 - create a climate which removes the tendency to conceal, deny and cover up the problem and give both management and the Trade Unions confidence to deal with it.

5.0 IMPLICATIONS

Finance

- 5.1 N/A

Financial Implications:

One off Costs

Cost Centre	Budget Heading	Budget Years	Proposed Spend this Report £000	Virement From	Other Comments
N/A					

Annually Recurring Costs/ (Savings)

Cost Centre	Budget Heading	With Effect from	Annual Net Impact £000	Virement From (If Applicable)	Other Comments
N/A					

Legal

5.2 Legislation

As an employer the Council has a statutory duty under the following legislation:

- **Health and Safety at Work Act 1974 - section 2** - places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees.
- **Management of Health and Safety at Work Regulations 1999** - places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or substances and their behaviour places the employee themselves or others at risk.
- **Misuse of Drugs Act 1971** - makes it an offence for someone to knowingly permit the production, supply or use of controlled substances on their premises except in specified circumstances (for example medication prescribed by a doctor).
- **Psychoactive Substances Act 2016 (PSA)** - The (PSA) came into force on 26 May 2016 and created a blanket ban on the production, distribution, sale and supply of psychoactive substances in the United Kingdom for human consumption. Psychoactive substances (legal highs), together with 'new psychoactive substances' or 'NPS' are any substance which is capable of producing a psychoactive effect in a person who consumes it, and is not an exempted substance.
- **Road Traffic Act 1988** - states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through alcohol or substances shall be guilty of an offence.
- **Equality Act 2010** – Alcohol and substance misuse or abuse does not fall within the Equality Act 2010. However, medical conditions resulting from alcohol or substance misuse or abuse may be covered by the Equality Act 2010.

Human Resources

5.3 As outlined in the Report and Policy.

Equalities

5.4 Has an Equality Impact Assessment been carried out?

NO

Repopulation

5.5 N/A.

6.0 CONSULTATIONS

6.1 The Trade Union Liaison Committee, Workforce Planning & Development Group and Scottish Drugs Forum have been consulted in the development, and amendment, of the Policy (and Procedure).

7.0 LIST OF BACKGROUND PAPERS

7.1 Appendix 1 – Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy

Inverclyde Council Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy



**INVERCLYDE COUNCIL IS AN EQUAL OPPORTUNITIES EMPLOYER
THIS POLICY BOOKLET IS AVAILABLE ON REQUEST, IN LARGE PRINT,
BRAILLE, ON AUDIOTAPE, OR CD.**

DOCUMENT CONTROL

Document Responsibility		
Name	Title	Service
Mary Bannon	HR Advisor	Human Resources
Margaret Watson	HR Advisor	Human Resources

Change History		
Version	Date	Comments
0.1	November 2004	
0.2	January 2007	Updated to comply with Healthy Working Lives criteria
0.3	April 2008	Changed to new layout - no change to content.
0.4	June 2011	Updated to refer to the Health & Safety at Work Act 1974 at Section 8
0.5	July 2021	Changed to include gambling concerns and general update

Distribution		
Name	Title	Location
All Directors & Heads Of Service		

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INTRODUCTION

1.1 General

- 1.1.1 The Council believes that it is essential to have a positive policy designed to encourage early identification of alcohol, substance use or gambling concerns in the workplace, thus providing the Council with a constructive and preventive strategy to support alcohol, substance use and gambling concerns in its workforce.
- 1.1.2 The *Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy* is designed to ensure that employees are aware of the risks associated with, and the damage which alcohol, substance use and gambling concerns does to the health of both the user and to those who are exposed to the persons' habit, including the legal consequences of their actions. Accordingly, Inverclyde Council recognises that employees with such concerns may require help and treatment, there may be occasions when colleagues need to be supportive and sympathetic during the course of treatment and rehabilitation or recovery of a fellow employee with an alcohol, substance use or gambling concern. The Council is, therefore, prepared to take appropriate measures to safeguard the interest and welfare of such employees.
- 1.1.3 The Policy, along with the *Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Procedure* (which should be read along with this document and can be found on ICON), aims to set out clear information for Managers and employees that explain the duties and responsibilities of all concerned and the procedures to be followed to identify and resolve concerns at the earliest opportunity.
- 1.1.4 The Policy does not annul the Council's legal obligations under the *Misuse of Substances Act 1971*, e.g. trafficking. The trafficking and/or supplying of illegal substances for financial gain or otherwise will be dealt with under the Council's agreed disciplinary procedures.
- 1.1.5 The confidential nature of any records of employees or clients with alcohol, substance use; or gambling concerns will be strictly preserved. GDPR requirements will be maintained.
- 1.1.6 Notwithstanding the above, if information comes to light which raises concerns about the welfare of a child or vulnerable adult, the Council has a legal obligation under the Children Scotland Act 1995 to report these concerns to the appropriate authorities. Please refer to Appendix 1 for further details.

1.2 Equal Opportunities Commitment

- 1.2.1 Under this policy, the Council will ensure that everyone receives equal consideration by the Council and that the needs of all are taken into account irrespective of gender, gender reassignment, race, colour, nationality, ethnic or national origins, religion or belief, marital status/civil partnership, disability, sexuality or sexual orientation, age, pregnancy/maternity or economic status.

2 AIMS & PRINCIPLES

2.1 Aims

2.1.1 The aims of the *Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Policy and Procedure* are:

- To prevent and reduce and support the incidence of alcohol, substance or gambling-related work concerns/impairment
- To alert employees to the risks associated with extensive use of alcohol and/or substance, or gambling and enhance the health and wellbeing of employees by promoting a zero tolerance approach to alcohol, substance use and gambling
- To support those employees with alcohol, substance or gambling concerns and help reduce the impact experienced by them, their families, friends and colleagues
- To encourage and assist employees, who suspect or know that they have an alcohol, substance or gambling related concern, to seek help voluntarily at an early stage from Counselling Agencies or via the Council's procedures
- Where, in the course of invoking the disciplinary procedures, it is suspected or known that the employee's misdemeanor is due to an alcohol, substance or gambling related concern, the Council will offer the employee referral to an appropriate Counselling Agency for diagnosis and, if necessary, treatment (however defined).
- Create a climate which removes the tendency to conceal, deny and cover up the concern and give both management and the Trade Unions confidence to deal with it.

2.2 Principles

2.2.1 The principles of this policy are to:

- Provide a safe and effective working environment and to improve the health, fitness and wellbeing of staff.
- To assist employees who have a serious long-term alcohol, substance or gambling related concern, and/or whose difficulties are relatively less serious and/or short-term.
- To engage in preventive action and support a range of referral options which depend partly upon the employee's alcohol, substance or gambling concern and his/her work difficulty.
- To raise awareness of the risks associated with extensive alcohol and/or substance misuse and gambling and the consequences, including the legal consequences, of their actions.

2.2.2 In the context of the workplace, use of alcohol can be defined as any alcohol use which directly interferes with a person's health and social functioning and/or any work capability or conduct. Substance use refers to the use of illegal substances and the use, whether deliberate or unintentional of prescribed Substances, 'over the counter' Substances, and substances, such as solvents and psychoactive substances (legal highs).

Gambling refers to an individual who has developed a physical and psychological dependence which interferes with their health and social functioning and/or work capability or conduct.

2.2.3 As an employer the Council has a statutory duty under the following legislation:

- **Health and Safety at Work Act 1974 - section 2** - places a duty on an employer to ensure, as far as is reasonably practicable, the health, safety and welfare at work of their employees.
- **Management of Health and Safety at Work Regulations 1999** - places a duty on an employer to assess the risks to the health and safety of employees. This means an employer can be prosecuted if they knowingly allow an employee to continue working while under the influence of alcohol or substances and their behaviour places the employee themselves or others at risk.
- **Misuse of Drugs Act 1971** - makes it an offence for someone to knowingly permit the production, supply or use of controlled substances on their premises except in specified circumstances (for example medication prescribed by a doctor).
- **Psychoactive Substances Act 2016 (PSA)** - The (PSA) came into force on 26 May 2016 and created a blanket ban on the production, distribution, sale and supply of psychoactive substances in the United Kingdom for human consumption. Psychoactive substances (legal highs), together with 'new psychoactive substances' or 'NPS' are any substance which is capable of producing a psychoactive effect in a person who consumes it, and is not an exempted substance.
- **Road Traffic Act 1988** - states that any person who, when driving or attempting to drive a motor vehicle on a road or other public place, is unfit to drive through alcohol or substances shall be guilty of an offence.
- **Equality Act 2010** – Alcohol and substance use does not fall within the Equality Act 2010. However, medical conditions resulting from alcohol or substance use may be covered by the Equality Act 2010.

2.3 In relation to gambling concerns the Acceptable Use of Information Systems, Code of Conduct, covers the use of the Council's company ICT systems for internet access by employees.

2.4 The provision of a Policy which supports alcohol, substance use and gambling concerns is consistent with meeting these obligations.

3 APPLICATION & SCOPE

3.1 This policy and associated procedure covers all persons using Council premises. For the avoidance of doubt this includes all employees. The principles of this will apply to contractors, visitors, customers, clients and Elected Members. Each Service should have their own guidance in how to deal with visitors/clients who present themselves under the influence of alcohol and/or substances.

4 RESPONSIBILITIES

- 4.1 In order to deal effectively with alcohol, substance and gambling concerns, it is necessary to accept responsibility on an individual basis for the policy and to assist in intervention. Every employee, from the Chief Executive downwards, must take some responsibility for making the policy work. General responsibilities are as follows:
- 4.2 **Management**
It is the role of management to set a good example; to be familiar with the policy and procedure; to ensure that the policy is understood; to monitor changes in work performance, timekeeping, attendance, sickness and absence patterns; to intervene when concerns occur, to refer employees for assistance where appropriate; and to identify aspects of the working environment which may contribute to the concern. It is not the role of the manager to assess whether a particular employee has an alcohol, substance use or gambling concern, that is the role of the counselling agency. Nor should it be assumed that management involvement ends with the referral for counselling.
- 4.3 **OD, Policy & Communication Services**
It is the role of the Head of OD, Policy & Communications to have responsibility for the implementation and co-ordination of the policy and procedure; to promote awareness; to co-ordinate referrals; to monitor progress; and to ensure that adequate training is provided to relevant staff on the policy. Further information can be found in the *Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Procedure*.
- 4.4 **Trade Union Representatives**
It is the role of the representatives to take part in discussions about the policy; to help inform the workforce; to encourage members to seek help voluntarily; to assist members in their rehabilitation where appropriate; and to represent members where appropriate.
- 4.5 **Employees**
All employees are encouraged to be supportive of colleagues who may have alcohol, substance use or gambling concerns and to urge colleagues to seek assistance; and operate in a manner consistent with the policy.

5 POLICY AND CONCERN IDENTIFICATION

5.1 *Use of Alcohol/Substances/participating in Gambling During and Around the Working Day*

- 5.1.1 Events involving clients – It is accepted that social events with clients can be important to enhance the therapeutic culture in which clients in areas of e.g. day care are involved. If alcohol is to be available, then such events must be properly planned/risk assessed and effectively supervised with the prior consent of a senior manager. Employees must not consume alcohol provided at such events.

- 5.1.2 Employees attending conferences/external events during working hours are considered to be at work and are therefore not permitted to consume alcohol. For events outwith normal working hours e.g. evenings, employees must be aware that they may only consume alcohol if there is no risk of them attending the workplace and they are attending the event in their own time. employees should not be using their own smart phones etc. to gamble in workplace
- 5.1.3 Social events organised through the workplace – employees should ensure that they comply with the Code of Conduct.
- 5.1.4 During the Covid-19 pandemic, a large number of staff have been required to work from home and therefore home is essentially your workplace. Employees should be aware that they are expected to behave sensibly and reasonably at all times (including online meetings) and that they are representing the Council. The principles of this policy apply to those who cannot work from home but are at home self isolating or cannot come into council buildings/normal workplace.

5.2 Possession on Site

- 5.2.1 Alcohol
Employees are strictly prohibited from having an open or partially used container of alcohol within the workplace. This is a matter of health & safety and to ensure that the individual does not inadvertently find themselves in a position which might be misconstrued.
- 5.2.2 Illegal drugs
Employees are not permitted to have in their possession within the workplace, or store within the workplace, (unless they are required to handle or store them in pursuance of their duties) illegal drugs for which they could be liable to criminal prosecution. In the event that any employee is found to be in possession of such drugs on Inverclyde Council premises, Inverclyde Council may inform Police Scotland and will co-operate in any investigation they undertake. In addition the incident will be investigated under the Council's Disciplinary Policy and Procedures. As a consequence of any finding of such misconduct employees may have their registration/professional body notified.
- 5.2.3 Over the counter medication and prescription drugs
The Policy also recognises the legitimate use of over the counter and prescribed medication which may impair performance. Where employees have been prescribed substances in relation to a diagnosed medical condition which may affect their behaviour and/or ability to carry out their work, they must inform their line manager. The line manager must carry out a risk assessment to ensure that the employee, colleagues or members of the public are not put at risk. A referral to Occupational Health may be made if appropriate.
- 5.2.4 Gambling
Employees are not permitted to participate in any form of gambling online (using Council equipment; or personal smart phone/equipment) nor are they permitted to gamble outwith the premises during a break in the working day, particularly if there is a possibility they have a gambling concern and by doing so would impact on their ability to carry out their role i.e. lateness, unauthorised breaks.

6 RELATED PROCEDURES AND TRAINING

6.1 Disciplinary Procedures

6.1.1 In accordance with the terms of the Council's *Disciplinary Policy and Procedures*, when an employee is required to attend a formal Disciplinary Hearing and, at any point in the process, indicates that they may have an alcohol, substance use or gambling concern, the Hearing should be conducted as normal. Support will be offered but is on a voluntary basis. Where an employee agrees to support through the relevant alcohol, substance or gambling services, they will be required to sign a mandate which will confirm that they agree to be tested for alcohol or substance use during the referral and support period and comply with the requirements of the gambling support service.

Further advice on dealing with alcohol, substance and gambling related concerns can be found within the *Disciplinary Policy and Procedures* and the *Supporting Alcohol, Substance Use and Gambling Concerns in the Workplace Procedure* document.

6.2 Management Guidelines

6.2.1 Guidance on this policy is covered in the *Supporting Alcohol, Substance Use and Gambling Concerns Procedure* to assist supervisors and managers develop early recognition techniques for identifying any employee who may have an alcohol, substance use or gambling concern.

6.3 Trade Unions

The Council welcomes the support of the Trade Unions in the implementation of this Policy. Full consultation has taken place with the Trade Union Liaison Group and the Workforce Planning & Development Group regarding the development of this policy.

6.4 Policy Development

The Policy and Procedure will be monitored annually and reviewed every three years or in line with any new initiatives, changes in the legal position or good practice. Any concerns identified with this policy should be reported to the OD and HR Service Manager. These will be considered in line with review procedures.

7 APPENDIX 1 - PROTECTING CHILDREN & VULNERABLE ADULTS - STATUTORY DUTIES

1. While it is important to emphasise the supportive role given to employees and their families who find themselves experiencing difficulties, it should also be noted that there is a statutory requirement for the Council, and by implication, its, employees, to protect children and vulnerable adults
2. If any Council employee hears information or directly sees things which makes them worried about a child or adult being ill-treated, exploited, neglected or abused, all employees are responsible for taking at least one of the following actions:
 - o Speak promptly with your line manager or another manager and talk through your concern.
 - o You or your line manager should then contact: Social Work: Request for Assistance based in Hector McNeil House (for children) or Information Worker (for vulnerable adults) Tel: 01475 714100 in office hours; or Glasgow and Partners Emergency Social Work (Standby) Service Tel: 0141 305 6930; Fax No: 0141 334 8577 / 0141 357 4309; Email: standby@glasgow.gov.uk or your nearest police office.
3. It is essential that concerns are passed to the appropriate agencies who will have staff qualified to make assessments and decisions about what action, if any, might be needed to protect the child or adult and assist the family while they are addressing their difficulties.
4. When contacting the appropriate agency employees should give as much information as possible about the child or adult and his or her family. Employees must not delay in taking action or passing on information as it could ensure the safety of a vulnerable child or adult.
5. Employees must be aware we are all responsible for the care of the vulnerable in our society.