

CLYDESDALE HOUSING ASSOCIATION LIMITED

Policy: **Alcohol and Drug Misuse Policy**

Date: **7 December 2022**

Lead Officer: **Management Team**

Review Date: **26/04/2025**

Standard 5 The RSL conducts its affairs with honesty and integrity.

Guidance 5.1 The RSL conducts its affairs with honesty and integrity and, through the actions of the governing body and staff, upholds the good reputation of the RSL and the sector.

5.2 The RSL upholds and promotes the standards of behaviour and conduct it expects of governing body members and staff through an appropriate code of conduct. It manages governing body members' performance, ensures compliance and has a robust system to deal with any breach of the code.

5.3 The RSL pays due regard to the need to eliminate discrimination, advance equality and human rights, and foster good relations across the range of protected characteristics in all areas of its work, including its governance arrangements.

5.4 Governing body members and staff declare and manage openly and appropriately any conflicts of interest and ensure they do not benefit improperly from their position.

5.5 The governing body is responsible for the management, support, remuneration and appraisal of the RSL's senior officer and obtains independent, professional advice on matters where it would be inappropriate for the senior officer to provide advice.

5.6 There are clear procedures for employees and governing body members to raise concerns or whistleblow if they believe there has been fraud, corruption or other wrongdoing within the RSL.

5.7 Severance payments are only made in accordance with a clear policy which is approved by the governing body, is consistently applied and is in accordance with contractual obligations. Such payments are monitored by the governing body to ensure the payment represents value for money. The RSL has considered alternatives to severance, including redeployment.

5.8 Where a severance payment is accompanied by a settlement agreement the RSL does not use this to limit public accountability or whistleblowing. The RSL has taken professional legal advice before entering into a settlement agreement.

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1. Introduction

This policy has been devised to assist Clydesdale Housing Association in managing situations of alcohol and substance misuse affecting the employee's ability to carry out their duties. Clydesdale Housing Association has a duty to provide high service standards at all times and it is acknowledged that alcohol and substance misuse is likely to have an adverse effect on this.

This policy will set out Clydesdale Housing Association's standards and expectations in relation to alcohol and substance misuse and the level of support that will be offered should such a situation arise.

This Policy is part of a number of Human Resource Policies to protect the health and welfare of our employees.

2. Policy Aims:

- Clarify Clydesdale Housing Association's position on ongoing alcohol and/or substances misuse at work whilst on duty
- Explain Clydesdale Housing Association's position on illegal activity concerning alcohol and substance misuse.
- Provide guidance and boundaries on appropriate assistance and support to employees being affected by alcohol or substance misuse.
- Adhere to the legal obligations of Clydesdale Housing Association as set out under Health & Safety legislation.
- Clarify the circumstances in which disciplinary procedures will be instigated.
- Provide guidance for managers to manage alcohol and substance misuse.
- Clarify the distinction between dependent and non-dependent misuse of alcohol or substances.

3. Definitions

For the purposes of this policy the following definitions apply:

- Alcohol Misuse: when a person drinks in a way that is harmful, or they are dependent on alcohol. (www.nhs.uk)
- Substance Misuse: Intoxication by/or regular excessive consumption of and/or dependence on psychoactive substances, leading to social, psychological, physical or legal problems. It includes problematic use of both legal and illegal drugs (including alcohol when used in combination with other substances)
www.nice.org.uk

4. Equal Opportunities

As an employer, Clydesdale Housing Association encourages equality of opportunity. In particular the observance of equal opportunity requirements as specified in the Equality Act 2010.

We do not discriminate against any member of staff in any way either directly, indirectly or by association because of their age, disability, gender identify (reassignment), marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

5. Disciplinary Procedures

In circumstances where Clydesdale Housing Association's disciplinary procedures are instigated in relation to this policy, the outcome may include dismissal.

Legal Framework

- Health & Safety at Work Act 1974
- Misuse of Drugs Act 1971

Health and Safety

Clydesdale Housing Association recognises its duty under the Health & Safety at Work Act 1974 to ensure as far as is reasonably practical the physical and psychological health, safety and wellbeing of all employees. If it is felt that an individual poses a risk to the health, safety or wellbeing of themselves or anyone else as a result of alcohol or substances, immediate action will be taken to remove the individual from the environment, most likely by sending the individual home, or seek emergency medical assistance. If it is not safe for the individual to make their own way home alternative travel arrangements must be made.

All employees have a responsibility to ensure the health, safety and wellbeing of others is not put at risk. If an employee has reason to believe that a colleague is misusing alcohol or substances, they must inform their line manager immediately.

Illegal Activity

Clydesdale Housing Association respects an individual's right to a private life, however Clydesdale Housing Association works within the community with a purpose of improving the lives of those who live there. As a result, Clydesdale Housing Association will not tolerate any instances of illegal activity concerning or associated with substances. Any employee found to be involved or connected to illegal activity will be managed under Clydesdale Housing Association's disciplinary procedure which will likely result in dismissal.

6. Alcohol and the Workplace

The consumption of alcohol at work is not normally permitted. However, at special events, where the employee is not driving and only with the approval of the Governing Body alcohol may be permitted.

Driving at Work

Drinking alcohol or taking substances can affect people in different ways. Should an employee drink alcohol or take a substance (legal or illegal) which impairs their ability to drive and then undertake any occupational driving this will be deemed as breach of

conduct and will be dealt with under our Disciplinary Policy. This will also be reported to the police.

Before any driving at work takes place, a dynamic risk assessment should be conducted. This should be completed by the driver and should include any alcohol or substance consumption. This is particularly relevant 'the morning after the night before'. If an employee is in any doubt as to whether they are safe to drive they should not do so.

If an employee suspects another staff member has consumed alcohol or substances or they have reason to believe the person may not be safe to drive, they have a responsibility to report this immediately to a manager. The manager will deal with the situation appropriately which will include informing the police. Should malicious allegations be made this will be treated very seriously and will be subject to formal disciplinary action.

Managing Alcohol Misuse

Clydesdale Housing Association will manage alcohol misuse depending on its nature. Alcohol misuse will be dealt with under the following categories:

- Alcohol overindulgence
- Alcohol dependence

Where concern arises regarding alcohol overindulgence that results in socially unacceptable or dangerous behaviour but which is not related to a physical or psychological dependence, this will be treated as a conduct issue and will be dealt with under the organisation's disciplinary procedures.

Where concern arises regarding alcohol dependency and interferes with an employee's ability to carry out their duties, this will initially be considered as an ill-health issue and managed in accordance with the appropriate procedures. However, where there is no improvement, support is not accepted, programme not completed, or no dependence is diagnosed Clydesdale Housing Association will instigate the disciplinary procedure.

Managing Substance Misuse:

Employees using prescription or over-the-counter (OTC) drugs, which may affect their behaviour and/or work, have a responsibility to inform their line manager.

Legal Substances

Where concern arises regarding over indulgence in legally obtained substances which results in socially unacceptable or dangerous behaviour. This also relates to prescription medication, whether required short or long term. Such situations will be treated as a conduct issue and will be dealt with under the organisation's disciplinary procedures.

Where an issue arises concerning legal substance dependency which has been obtained legally and interferes with an employee's work, this will initially be managed as an ill-health issue and managed in accordance with the appropriate procedures.

However, where there is no improvement, support is not accepted, programme completed or no dependence is diagnosed Clydesdale Housing Association will instigate the disciplinary procedure.

Illegal Substance Misuse

Clydesdale Housing Association will not tolerate the consumption or possession of illegal substances in any circumstances. This will always be considered to be gross misconduct.

Illegally Obtained Legal Substances

Clydesdale Housing Association will not tolerate illegal activity concerning legal substances. Any employee who is suspected of being involved in any such activity will be dealt with in accordance with Clydesdale Housing Association's disciplinary procedures as gross misconduct.

General Illegal Activity

Any employee suspected to be involved in illegal activity concerning substances will also be reported to the police.

Police Involvement

In circumstances where the police are involved in an investigation concerning any employee, Clydesdale Housing Association will continue with their own investigation and act on this accordingly regardless.

Dependency

In circumstances where an employee is suspected of having an alcohol or legal substance dependency Clydesdale Housing Association will provide reasonable support. In the first instance the line manager will have a meeting with the employee and make a referral to a counselling service. The manager will then have follow-up meetings on an appropriate and regular timescale to determine the progress the individual is making.

Where there are performance issues relating to the dependence appropriate performance plans will be put in place in accordance with Clydesdale Housing Association's Performance Management Policy. Where the improvement is not adequate or support via a counselling service is not adhered to, normal disciplinary procedures will be instigated which may result in dismissal.

7. Confidentiality & General Data Protection Regulations

Any information that we hold regarding an individual must be treated lawfully and correctly in line with the safeguards outlined in the General Data Protection Regulation 2016 (GDPR) which requires data to be:

- lawfully, fairly and transparently processed
- processed for limited purposes

- adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed
- accurate and kept up to date
- kept no longer than the period necessary and
- kept securely against unauthorised or unlawful processing and protected against accidental loss, destruction or damage.

The processing will be carried out in a way that ensures compliance with the rights of data subjects, including:

- the right to be informed
- the right of access
- the right to rectification
- the right to erasure (so far as applicable)
- the right to restrict processing
- the right to data portability (so far as applicable)
- the right to object to processing (including profiling); and
- the right not be subject to fully automated decision-making including profiling.

Further information is available by viewing the Association's Privacy Policy.

8. Review Period

We will review the Policy every three years or sooner if required by statutory, regulatory or best practice requirements.

Approved by the Committee of Management on: 7 December 2-022	
Signed: Secretary/Chairperson	Signed: Staff Member