

Totton & Eling Town Council

Drugs Policy

June 2023

Introduction

Totton and Eling Town Council are responsible employers and we take our obligations to our employees very seriously. This is why we have set out this policy to help us ensure the health, safety and welfare of our employees and to help us comply with our legal duties.

- Section 2(2)(e) of the Health and Safety at Work Act 1974 places a duty on employers to provide a safe and healthy working environment.
- It is an offence to supply, produce, offer to supply or produce controlled drugs.
- The Misuse of Drugs Act 1971 makes it an offence for the occupier of premises to permit knowingly the production or supply of any controlled drugs or allow the smoking of cannabis or opium on those premises.
- It is also an offence to aid or abet any of these offences.

This policy covers all employees, contractors, volunteers and agency workers.

All managers have a specific responsibility to operate within the boundaries of this policy, to ensure that all staff understand the standards of behaviour expected of them and to take action when behaviour falls below its requirements.

Any reference in this Policy to a non-prescription drug refers only to controlled or illegal substances and does not refer to medicines, supplements and similar substances that are legally and commercially available in the United Kingdom.

Aims of the Policy

This Policy aims to:

- Comply with the Council's legal obligations to provide a safe and healthy working environment for all staff;
- Comply with all of the requirements imposed by law;
- Raise awareness of the effects of drug misuse and its likely symptoms;
- Ensure that employees are aware of their responsibilities regarding drug misuse and related problems; and
- Ensure that employees who have a drug-related problem affecting their work are dealt with sympathetically, fairly and consistently.

Health and Safety

Misuse of drugs can lead to reduced levels of attendance, reduced efficiency and performance, along with impaired judgement and decision-making. Employees should be aware that anyone under the influence of controlled drugs is a risk to everyone around them and should be alert to possible signs of drugs abuse. Such indicators commonly include:

- Sudden changes in behaviour;
- Confusion;
- Irritability;
- Fluctuations in mood and energy;
- Impairment of performance; and
- Increase in short term sickness absence.

If employees notice a colleague displaying any or all of these symptoms, employees should

encourage them seek assistance through their manager or the HR Officer. If they will not seek help themselves, employees should draw the matter to the attention of their manager. Employees should not, under any circumstances, discuss their concerns with any other colleagues.

If employees are prescribed medication, they must seek advice from their GP about the effect on their ability to carry out their job and whether duties should be modified. If so, employees should advise their line Manager immediately.

Searches

The Council reserves the right to conduct searches for drugs on Council premises including searches of lockers, filing Cabinets, Council owned vehicles, Council owned bags etc.

Prohibition

- Employees are expected to arrive at work fit to carry out their job and to be able to perform their duties safely without limitations due to the use or after-effects of drugs. The use of drugs also includes the use of substances formerly known as “legal highs” or psychoactive drugs, which are legal substances which have the effect of illegal drugs.
- No non-prescription drugs can be consumed in, or brought onto, Council premises, land or vehicles at any time by any person irrespective of their status in, or business with, the Council.
- The prohibition of non-prescription drugs extends to all activities carried out by staff whilst they are at work. These activities include, but are not restricted to, driving on Council business, when on call or standby duties or when on trips for Council business, training or social events.

Disciplinary Action

A breach of these rules will be defined as gross misconduct and it is likely that the employee in question will face summary dismissal. If, however, an employee agrees to undertake appropriate treatment and/or rehabilitation for an acknowledged drug-related problem, the Council may decide to suspend any ongoing disciplinary action for related misconduct or poor performance pending the outcome of the treatment.

Principles

- All information relating to an employee’s health including, but not limited to, matters involving drugs, will be collected, held, and processed in accordance with the Council’s Data Protection Policy.
- If an employee is diagnosed as having a drug-related problem the Council will treat it as a health matter. This does not however excuse the employee from any of the disciplinary matters that may fall within the scope of the Council’s disciplinary policy.
- Drug-related problems may develop for a variety of reasons and over a long period of time. All drug-related issues will be dealt with, as far as possible, in a constructive and sympathetic manner. The person responsible for all such issues in the Council is the HR Officer who will also provide employees with the details of where to seek further information and help.

- All requests for help will be treated in the strictest confidence and all information gathered as a result will be held in accordance with the Council's Data Protection Policy. However, it must be recognised that, in supporting staff, some degree of information-sharing is likely to be necessary.
- The Council reserves the right to give affected employees lighter duties at the same rate of pay or require them to take paid leave if it is deemed appropriate by the Council
- Following effective treatment and in the absence of any disciplinary action the Council will endeavour to return an affected employee to the same role previously fulfilled by the employee, or where this is not possible to a suitable alternative.
- In the event that an employee following successful treatment for a drug related problem suffers a relapse the Council is under no obligation to make provision for any further treatment and the employee in question may face summary dismissal.
- If it is considered that the working environment or culture is the cause or a contributor to a drug related problem, the Council will take all reasonably practicable steps to ensure a reduction of such problems.

This policy has been approved & authorised by:

Name: Susan Cutler

Position: Town Clerk & Chief Executive

Date:

Signature: