



MANAGING SUBSTANCE MISUSE

GUIDANCE FOR MANAGERS

CONTENTS

Section 1: Introduction

- Purpose and Principles
- Statutory Requirements

Section 2: Procedure in Operation

- Referral Routes
 - Management Referral
 - Disciplinary Referral
 - Voluntary Referral
- Supporting provisions
- Relapse
- Dismissal Procedures
- Capability
 - Arranging the Hearing
 - The Capability Hearing
 - Matters to Consider
- Testing
- Prescribed Medication
- Education and Information
- Legal Implications

Appendices

- Appendix 1 Model Letter - Calling employee to a meeting following management referral where a substance misuse problem is identified
- Appendix 2 Model Letter – Non-compliance/partial non-compliance with treatment/support programme
- Appendix 3 Model Letter – Calling employee to a meeting following treatment/support programme
- Appendix 4 Model Letter – Confirming successful outcome following treatment/support programme
- Appendix 5 Model Letter – Confirming Unsuccessful Outcome during or at the end of treatment/support programme
- Appendix 6 Support agreement – management or disciplinary referral
- Appendix 7 Support agreement – voluntary referral
- Appendix 8 Model Letter – Calling employee to capability hearing
- Appendix 9 Model Letter – Confirming dismissal on grounds of lack of capability

Appendix 10 Model Letter – Calling employee to capability appeal hearing

Appendix 11 Model Letter – Confirming outcome of capability appeal

Appendix 12 Model letter - Testing Agreement

Appendix 13 Agreement to a programme of monitoring

Appendix 14 Guidance on sensible drinking

Appendix 15 How to Recognise substance misuse

Appendix 16 Meeting technique

Appendix 17 Sources of further advice and information

Section 1: Introduction

Purpose and Principles

These guidance notes accompany the Managing Substance Use policy/procedure and include details on the three referral routes for addressing a substance misuse problem (depending on how the matter arises), Management, Disciplinary and Voluntary; the supporting provisions available; relapse; dismissal procedures; the capability hearing and substance testing.

They also include a set of model letters; template support agreements; a template testing agreement; guidance on how to recognise substance misuse; guidance on sensible drinking and guidance on meeting technique.

The Managing Substance Misuse policy/procedure applies to all Council employees and provides a structure for a supportive and constructive approach to managing substance misuse in line with the Council's legal obligations.

The policy/procedure states that the Council will make every reasonable effort to help and support employees who are confirmed as having a substance misuse problem. In such circumstances encouragement will be given to seek appropriate treatment/support that will allow them to return to an acceptable standard of performance, behaviour or attendance. It also indicates that the Council is committed to assisting managers to recognise and effectively deal with substance misuse problems in the workplace. Confidentiality is also emphasised in the policy, being one of the core principles, to ensure that an employee's information related to a substance misuse problem is maintained and only disclosed in the context of any performance, disciplinary or attendance process which may be required.

Throughout the procedure, special allowances should be made for those employees whose first language is not English or who have difficulty expressing themselves.

Statutory Requirements

The Health & Safety at Work Act (1974) places a general duty on employers to ensure the health, safety and wellbeing of their employees. This includes providing and maintaining a safe place and safe systems of work as well as adequate supervision. Employers must ensure that employees do not constitute a danger to others or themselves. Ignoring the signs of substance misuse could be considered a breach of this duty.

The Act also places a statutory obligation on employees to take reasonable care of their own health and safety and that of others who may be affected by their actions at work. There is a duty on an employee to inform their employer if they are lawfully taking drugs on medical advice and could be at risk or pose a danger to others.

Section 2: Procedure in Operation

Referral Routes

A substance misuse problem can come to light in various ways, either through the employee raising the matter themselves, through a complaint, by line manager identification or as a result of a formal or informal disciplinary, performance or

attendance process. A substance misuse problem will be addressed as either a 'management referral', a 'disciplinary referral' or as a 'voluntary referral', depending on how the matter is identified.

1. Management Referral

Where an employee's work performance, attendance or behaviour is regarded as unsatisfactory by their manager and the manager's belief is that a substance misuse problem may be the cause or a contributing factor, the following should be applied:-

- The manager will arrange an informal meeting with the employee concerned in order to discuss their concerns and identify the specific work-related problems that have arisen. At the meeting the manager will seek to identify whether the employee has a substance misuse or any other problem that has contributed to their unsatisfactory performance, attendance or behaviour.
- The meeting will be held in a private location and there should be no interruptions. It is important that the employee feels that the matter is being treated confidentially. The manager should adopt a sensitive approach at the meeting giving the employee every opportunity to provide a response to the issue(s) raised.
- If, in the course of the discussion, the employee acknowledges that they have (or may have) a substance misuse problem, then the employee will be referred to occupational health for assessment. The manager should ask the employee whether they have sought any treatment or support through their GP or other agency and should provide the employee with details of the Council's confidential counselling service. Where no substance misuse problem is identified from the discussion the manager should proceed to address the performance, attendance or behaviour issue through the appropriate Council procedure.
- On receipt of the occupational health report the manager will meet formally with the employee to discuss the contents of the report and how matters will be taken forward. The employee may be accompanied at the meeting by a trade union representative or work colleague. A model letter for calling the employee to the meeting is attached at appendix 1. Where a substance misuse problem has been identified, any appropriate treatment/support programme will be discussed. A treatment/support programme can be identified through an employee's GP or other agency. Occupational health may also provide relevant substance testing (including obtaining employee consent) and will produce a report on this to the manager. If following the occupational health referral, it is established that the employee does not have a substance misuse problem (or a substance misuse problem is identified but the employee does not agree to seek and undergo treatment/support); the manager will take steps to address the matter of substandard work performance, attendance or behaviour through the appropriate procedure.
- To continue to be supported under the 'Managing Substance Misuse Policy and Procedure', the employee is required to sign an agreement outlining their commitment to undergoing and adhering to any identified treatment/support programme. A template agreement is attached at appendix 6. This agreement will confirm what is expected of them and detail the likely consequences, if the programme is not commenced or adhered to, i.e. they could be subject to the Council's work performance, discipline or attendance procedure, as appropriate. It

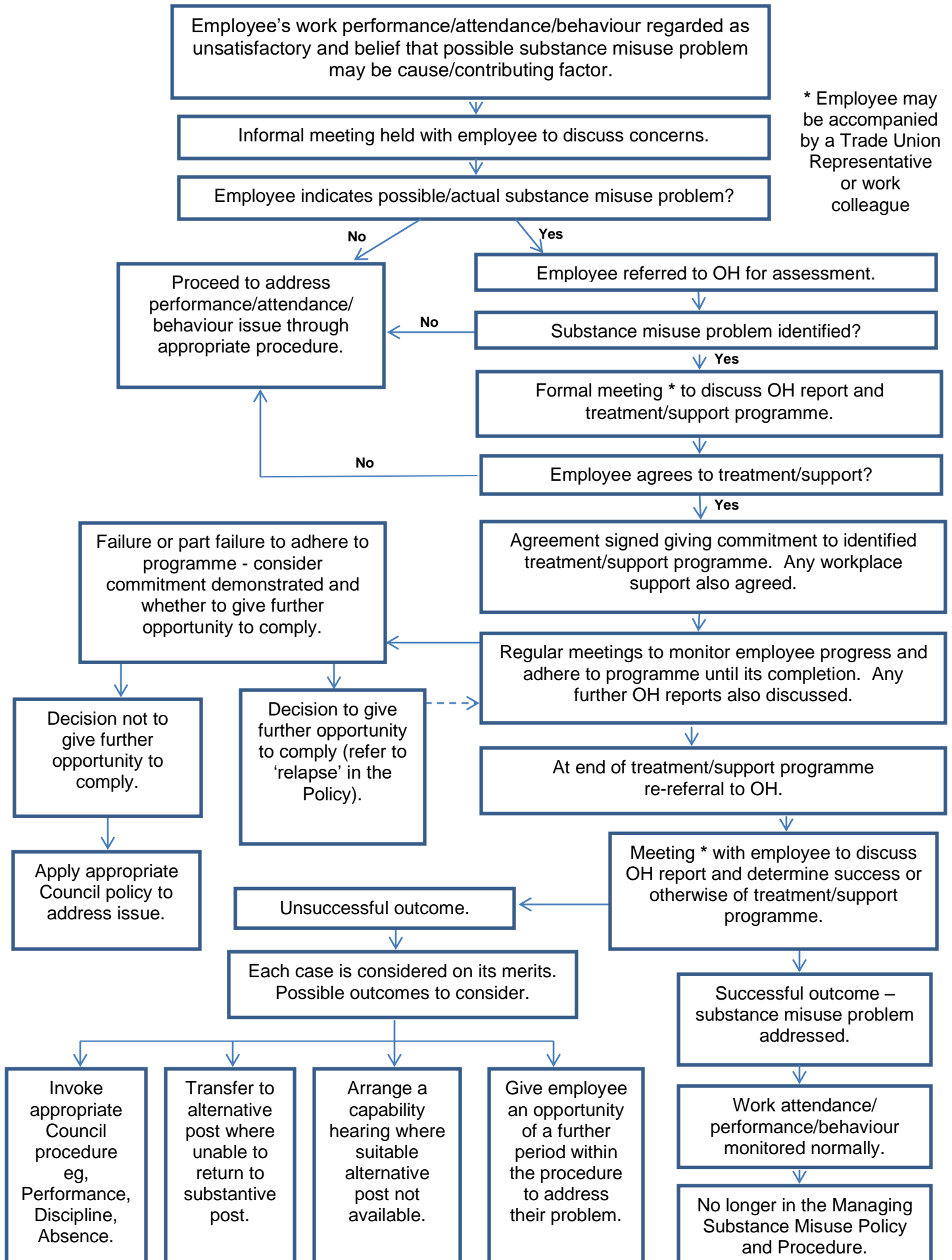
will also detail the agreed supporting provisions. Where an employee is co-operating, and adhering to their treatment/support programme, any absences attributable to their substance misuse problem will not normally count towards trigger levels under the attendance policy/procedure. Such absences will, however, require to be monitored and managed.

- During the period of rehabilitation/recovery, the manager will meet regularly with the employee to monitor their progress and examine and discuss the content of any further occupational health medical reports. The employee's adherence to any identified treatment/support programme will be monitored as well as their work performance, attendance or behaviour. Any other reasonable support for the employee will also be discussed and considered at these meetings. The manager will keep a record of these review meetings which will continue until the employee has completed the recommended course of treatment/support as specified in the support agreement.
- Where an employee fails either partly or completely to adhere to their identified treatment/support programme, the manager will review their case. Consideration will be given to the level of commitment they have demonstrated to the treatment/support arrangements when deciding whether to give the employee a further opportunity to comply, recognising that relapse can be a feature of substance misuse problems, or whether to follow another course of action, which could include applying the work performance, discipline or attendance procedure (see model outcome letter at appendix 2). Details on relapse are covered later in these guidance notes and in the policy/procedure.
- At the end of any identified treatment/support programme, the employee should be re-referred to occupational health. The manager will then arrange a meeting with the employee to discuss the contents of the occupational health report and the outcome of any treatment/support programme, to determine its success. A model letter is attached at appendix 3. The employee may be accompanied at the meeting by a trade union representative or work colleague.
- Where the treatment/support programme has been successful, with the employee having addressed their substance misuse problem, their work performance, behaviour or attendance will be monitored in the normal way thereafter and they will no longer be considered under the 'Managing Substance Misuse Policy and Procedure'. A model letter to confirm a successful outcome is attached at appendix 4.
- Where the treatment/support programme has been unsuccessful or only partially successful in addressing the employee's substance misuse problem, then each case will be considered on its merits, with consideration given as to whether the work performance, discipline or attendance policy/procedure requires to be invoked (or whether a further period is given in the Managing Substance Misuse policy/procedure for the employee to address their problem). Where the employee is deemed unable to continue in their substantive post but could be considered for suitable alternative work, reasonable efforts should be made in consultation with the employee and, where relevant, their trade union representative, to identify an alternative post where appropriate and feasible. If a suitable alternative post is not available and all reasonable efforts to rehabilitate the employee have proved unsuccessful with their standard of work performance, attendance or behaviour remaining a concern, the matter may move to

a Capability Hearing. A model unsuccessful outcome letter is attached at appendix 5.

The flow chart below shows the Management Referral route.

Management Referral



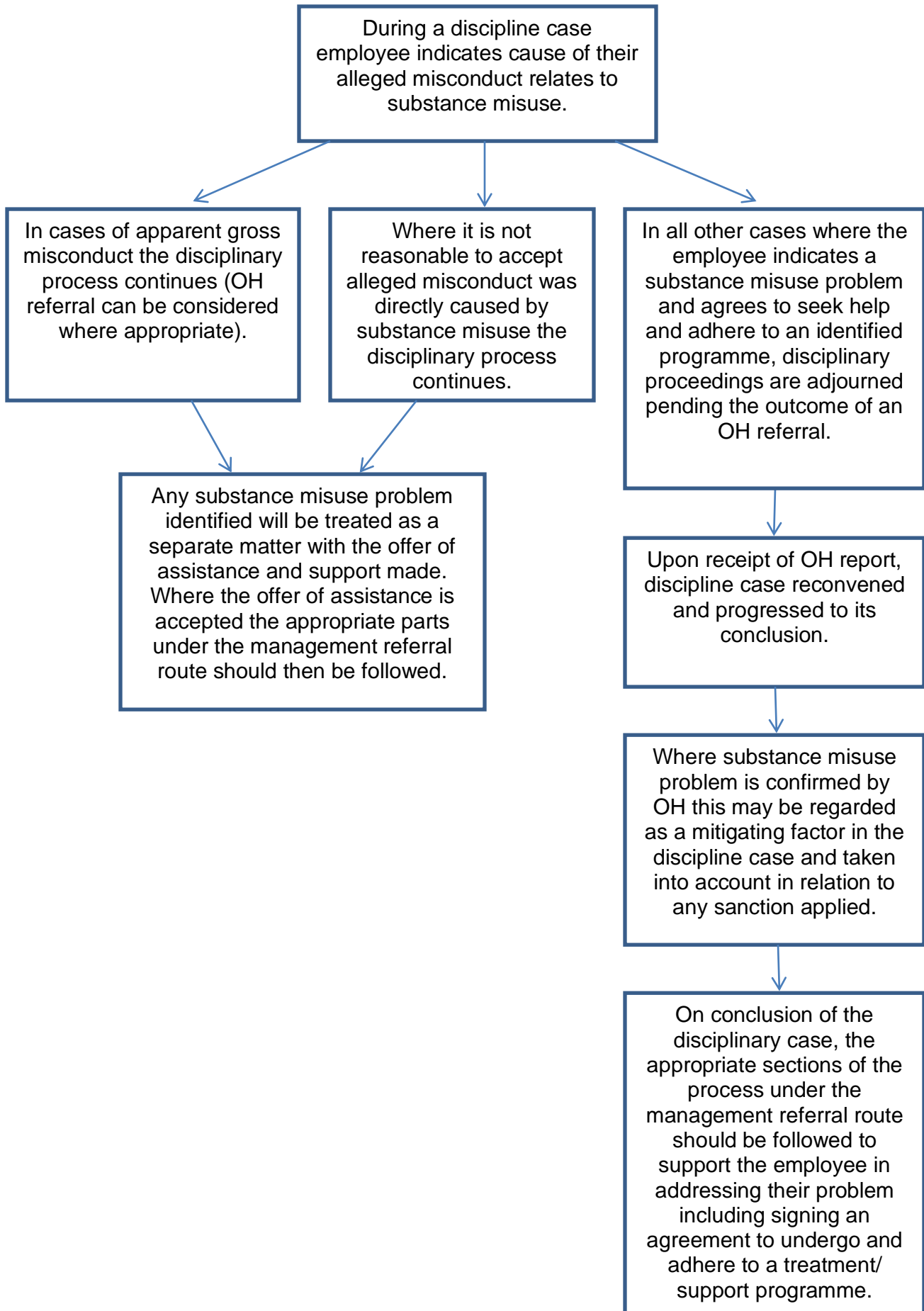
2. Disciplinary Referral

If, during the course of a discipline case, the employee indicates that the underlying cause of their conduct/behaviour is related to substance misuse, the following should be applied:-

- In cases of alleged potential gross misconduct, the disciplinary process will continue regardless of whether the employee's apparent actions may be attributed to substance misuse (although a referral to occupational health can be considered where appropriate). Also, there is no need to defer disciplinary proceedings if it is not reasonable to accept that the employee's conduct was directly caused by substance misuse. In each of these situations any substance misuse problem identified will be treated as a separate matter with the offer of assistance and support still being made. Where the offer is accepted the appropriate parts under the management referral route should be followed.
- In all other cases, where an employee indicates that they have a substance misuse problem and agrees to seek help and adhere to any identified treatment/support programme, the manager undertaking the discipline case will adjourn the disciplinary proceedings to allow for referral of the employee to occupational health for assessment.
- In cases where a disciplinary case has been adjourned to allow for referral to occupational health, upon receipt of the occupational health assessment the discipline case should be reconvened and progressed to its conclusion.
- Where an employee has had their substance misuse problem confirmed following occupational health assessment, the employee's substance misuse problem may be regarded as a mitigating factor in the discipline case. As such, it may be taken into account when deciding whether to apply a disciplinary sanction against the employee and, if so, the level of sanction, where a case is found against the employee.
- Thereafter, the process detailed under the Management Referral route under 1 above (4th bullet point onwards) should be followed, to support the employee to address their substance misuse problem. This includes the requirement for the employee to sign an agreement outlining their commitment to undergoing and adhering to any identified treatment/support programme, with the template agreement attached at appendix 6. Details of the Council's confidential counselling service should also be provided to the employee.

The flow chart below shows the Disciplinary Referral route.

Disciplinary Referral



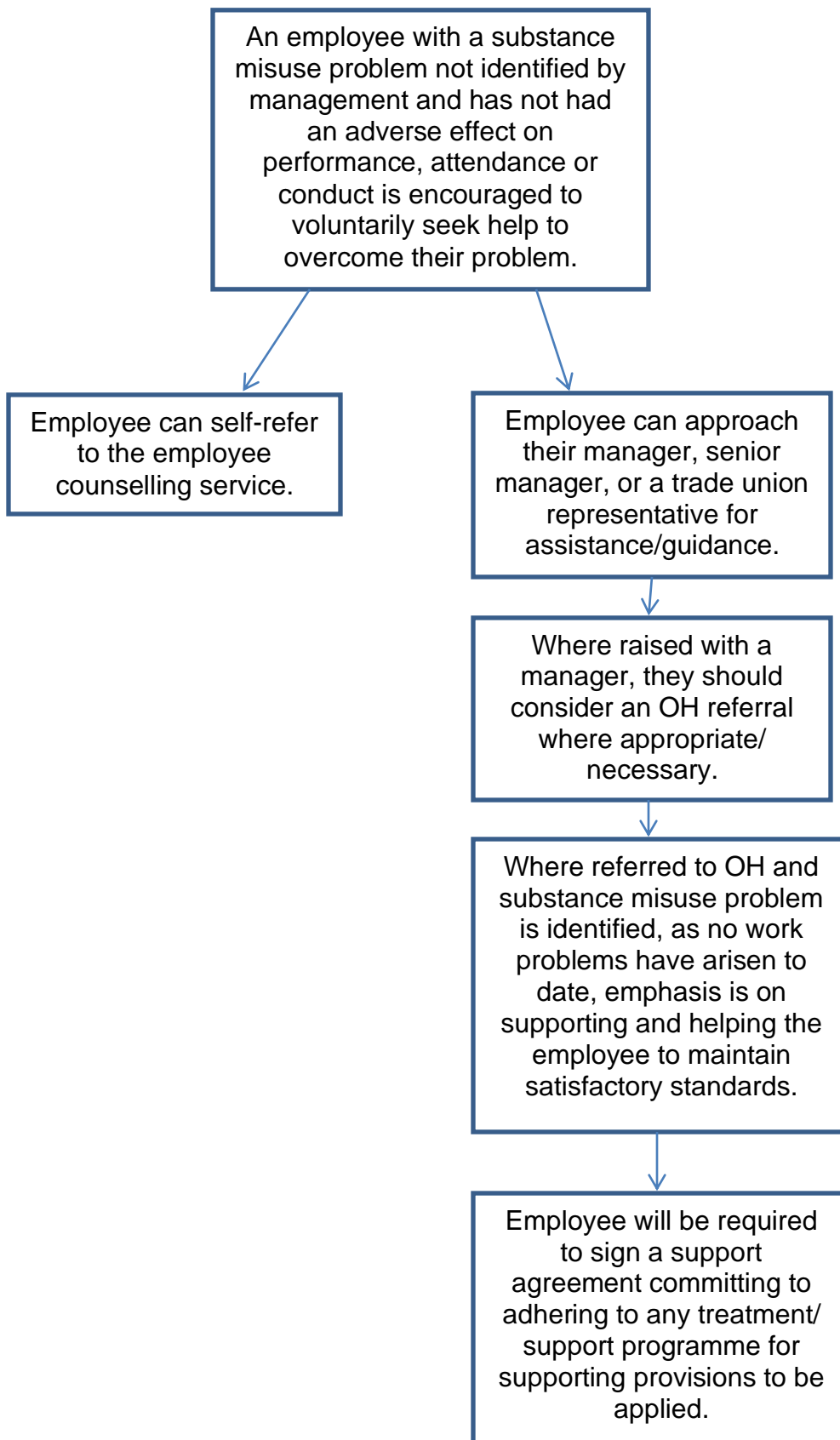
3. Voluntary Referral

An employee with a substance misuse problem, which has not been identified by their manager and which has not yet had an adverse effect on their work performance, conduct or attendance, is encouraged to voluntarily seek help and assistance in overcoming their problem. The employee can either arrange for a self-referral to the employee counselling service or can approach their manager, a more senior manager or their trade union representative, who will be able to offer assistance and guidance with regard to their problem. Where the matter is raised with a manager, consideration should be given to referring the employee to occupational health, where this is considered appropriate and necessary.

Where a referral is made to occupational health and a substance misuse problem is identified, as no work performance, attendance or behaviour issues have arisen to date the emphasis should be on supporting and helping the employee to maintain satisfactory standards in these areas (with the supporting provisions in the policy/procedure detailed in the next section). The employee will be required to sign a support agreement committing to adhering to any identified treatment/support programme in order for the supporting provisions under the Managing Substance Misuse policy/procedure to apply and continue. A template agreement is attached at appendix 7. The agreement will also detail the agreed supporting provisions. A manager should seek appropriate advice where there is a potential health and safety risk or concern.

The flow chart below shows the Voluntary Referral route.

Voluntary Referral



Supporting Provisions

Management or Disciplinary Referral

If a problem is identified through a management or disciplinary referral the employee will be offered the following support and will be required to sign an agreement outlining the commitment expected of them and the consequences of failing to adhere to the treatment or support programme. The template support agreement is attached at appendix 6.

- Access to the confidential counselling service provided by the Council.
- Where treatment involves a full-time absence from work, the employee will be regarded as being on sick leave and will be subject to the normal conditions governing such leave.
- Where the employee requires time off to attend treatment or a support programme during working hours, reasonable paid time off will be granted provided there is full co-operation from the employee in respect of attendance and responsiveness to the programme.
- The employee will, where possible, remain in their post during their period of support/rehabilitation. However, if they are unfit to fulfil their duties, there is an issue relating to health and safety or if their duties conflict with the long-term resolution of their substance misuse problem, efforts will be made to identify a suitable alternative role in the interim.

Following treatment, reasonable efforts will be made to ensure that the employee is able to continue in their substantive post.

- Where the employee is unable to continue in their substantive post, but could be considered for suitable alternative work, reasonable efforts should be made to identify an alternative post. If a suitable alternative post is not available and all reasonable efforts to rehabilitate the employee have proved unsuccessful with their standard of work performance, attendance or behaviour remaining a concern the matter may move to a Capability Hearing.

Details of the Council's confidential counselling service as well as sources of information for support and help out with the workplace are contained within appendix 17.

Voluntary Referral

As detailed in the Managing Substance Misuse policy/procedure, if a problem is voluntarily identified by the employee to their line management out with any performance, disciplinary or attendance policy process they may be offered the following support. The employee will be required to sign a support agreement committing to adhering to any identified treatment or support programme in order for these supporting provisions to apply and continue. A template agreement is attached at appendix 7:-

- Referral to the Occupational Health service for assessment.
- Access to the confidential counselling service provided by the Council.
- Where treatment involves a full-time absence from work, the employee will be regarded as being on sick leave and will be subject to the normal conditions governing such leave.
- Where the employee requires time off to attend a treatment/support programme during working hours, reasonable paid time off may be granted.
- The employee will, where possible, remain in their post during their period of support/rehabilitation. However, if they are temporarily unfit to fulfil their duties or there is an issue relating to health and safety, efforts will be made to identify a suitable alternative role in the interim until they are able to return to their substantive duties.
- During and following treatment, all reasonable efforts will be made to help ensure that the employee is able to continue in their substantive post.

For these supporting provisions to apply and continue the employee is required to sign the support agreement mentioned above.

Sources of information for support and help out with the workplace as well as details of the Council's confidential counselling service are contained within appendix 17.

Relapse

With regard to relapse the policy/procedure states the following:-

- Individuals who have problems with substance misuse may relapse. Where this occurs in the first instance, consideration should be given to a further referral to Occupational Health for assessment and advice, with the intention to then continue with support under this policy. However, where there is a further instance(s) of relapse, employees should be managed under the relevant policy or through the capability process, if and where appropriate.
- With relapse most likely to occur in the initial months of a period of rehabilitation, where an employee has been relapse free for a period of 12 months or more from their initial assessment by Occupational Health, the substance misuse issue should be regarded as resolved. If after this 12-month period an employee relapses into substance misuse, for the purposes of their employment this should be regarded as an entirely new episode with the same supporting provisions applying as an entirely new referral.

It should be noted that in very exceptional circumstances such as a family bereavement, consideration can be given by a manager on a case by case basis to disregard an instance of relapse before deciding whether to continue to consider the

employee under the Substance Misuse Policy/procedure or progress matters under the relevant Council policy (attendance, performance, or discipline).

Dismissal procedures

Where an employee's performance, conduct or attendance is failing to meet required standards and they refuse to engage in or continue with an identified treatment/support programme or the programme is unsuccessful in addressing the employee's problem, the issue should be taken through the Council's work performance, discipline or attendance policy/procedure as appropriate. If they continue to fail to meet required standards the outcome may ultimately be dismissal in line with the provisions of the relevant policy/procedure.

Where an employee is deemed unable to continue in their substantive post, but could be considered for suitable alternative work, reasonable efforts should be made to identify an alternative post. If a suitable alternative post is not available and all reasonable efforts to rehabilitate the employee have proved unsuccessful with their standard of work performance, attendance or behaviour remaining a concern the matter may move to a Capability Hearing to contemplate termination of employment.

Capability

Before arranging a Capability Hearing, an up-to-date occupational health report should be obtained for the employee (where appropriate). This should detail progress made in respect of their treatment/support programme and confirm whether they are able to return to their substantive post or whether an alternative post should be considered if the manager determines this to be appropriate and feasible in the circumstances. If an alternative post is not available, the manager will meet with the employee to review the situation and advise that they are considering recommending that the matter be progressed to a Capability Hearing. The employee will be given the opportunity at this meeting to raise any points that they wish to be considered. The manager will then decide, following discussion with HR where appropriate, whether to progress to a Capability Hearing or whether another course of action will be followed.

Arranging the Hearing

If a Capability Hearing is being held this should be chaired by a senior manager at third tier level or above (Director or nominee in the case of a teacher) with no prior involvement in the case. The up-to-date occupational health report will be available at the hearing.

The employee will be provided with written notification of the hearing, which will detail the grounds for calling them to the hearing and that a possible outcome may be dismissal on grounds of capability. The employee will have the right to be accompanied at the hearing by a trade union representative or work colleague of their choice but does not have the right to be accompanied by a legal practitioner, partner or spouse.

An HR Adviser will accompany the senior manager at the hearing.

It is recommended that the employee is given at least 5 working days' notice in writing of being called to the hearing. The letter must state that a possible outcome of the hearing may be dismissal on grounds of lack of capability but that all other reasonable options as an alternative to dismissal will be considered before any decision is made at the hearing. A model letter for calling the employee to the hearing is attached as appendix 8. This gives details of how the hearing should be conducted and advises the employee that they must take all reasonable steps to attend the hearing and if they fail to do so without a good and sufficient reason, then it is likely that the hearing will proceed, and a decision made in their absence based on the available information.

The Capability Hearing

At the hearing the Chair will inform the employee that they appear to have failed to successfully overcome their substance misuse problem and achieve the necessary improvements in their performance or attendance, with reference being made to the contents of the latest occupational health report and other previous, relevant reports.

The Chair should conduct the hearing using the following steps:-

- Firstly, explain the purpose and format of the hearing and deal with any procedural issues that may arise.
- The employee's manager will be asked to present a report on the employee's substandard work performance or attendance record and how the employee's substance misuse problem has been managed to date, including the measures taken to assist the employee to overcome the problem.
- The Chair will ask the manager to explain why they considered it necessary at this point to recommend that a Capability Hearing be convened, meaning that dismissal on grounds of lack of capability was now being contemplated. The chair will also refer to the contents of the latest occupational health report and any relevant previous reports.
- The Chair and the employee will then have the opportunity to ask any questions of the manager.
- The employee will then be asked to respond as to why they have been unable to meet the work performance standards or sustain an acceptable level of attendance and satisfactorily overcome their substance misuse problem and to present their case. They will have the opportunity to indicate whether they have any suggestion(s) to put forward as an alternative to dismissal and whether they have any contrary evidence they wish to present and be taken into account.
- The Chair will consider any suggestions put forward by the employee and any other information presented, including any contrary evidence.
- There will then be the opportunity for a general discussion during which both the employee and the manager can raise relevant issues not covered earlier.

- The employee will be given the opportunity to conclude their response by highlighting any aspects they consider being particularly relevant or to intimate anything further in support of their case.
- The Chair will summarise the main points discussed.
- Adjournments will be allowed during the course of the hearing where they are deemed necessary.
- At the end of the hearing an adjournment will occur. During the adjournment all of the relevant issues that emerged from the hearing will be considered by the Chair and a decision arrived at as to whether dismissal on grounds of lack of capability is appropriate or whether another course of action can be identified as an alternative to dismissal.
- Following the adjournment, the decision will be relayed to the employee along with the reason(s) for taking the decision. This should be undertaken within 24 hours of the hearing and normally after a short adjournment following the end of the hearing. If the decision is to dismiss on grounds of lack of capability this will be confirmed in writing to the employee, together with the right to appeal, using the standard letter at appendix 9.
- If further information is required before a decision can be made, then the hearing will normally be adjourned and reconvened once the information has been gathered, with the above process followed thereafter.

The employee has the right of appeal against dismissal within 10 days of receipt of written notification. They can choose for the appeal to be heard by either a senior manager at Chief Officer level or above, who has had no prior involvement in the case, or by the 'Appeals Sub Committee'. The letter for calling an employee to an appeal hearing is at appendix 10. After the appeal hearing, the employee will be informed in writing of the decision (see letter at appendix 11).

Matters to Consider

Before taking a decision to dismiss an employee on grounds of capability, the manager should consider the following issues:-

- Has all reasonable support been given to the employee to address their substance misuse problem to improve their performance or attendance?
- Has there been discussion with the employee about their substance misuse problem and the affect this has had on their work performance or attendance and the potential implications for their employment with the Council?
- Has suitable alternative work been considered where this is appropriate and feasible?
- Would it be reasonable to allow the employee any further time for rehabilitation to occur, bearing in mind what has occurred to date, the interests of the Council, the position the employee holds and the need to be fair to the employee?

- Has a report been sought from the occupational health service about the employee's condition and their future prospects?
- Has the 'Managing Substance Misuse' policy/procedure been followed?
- Have all matters relevant to the case been sufficiently examined and considered at the hearing?
- Is there a genuine belief that the circumstances of the case render satisfactory fulfilment of the employment contract in future unlikely and are there reasonable grounds to sustain that belief?
- Has the employee been consulted on the final step of the procedure and given the opportunity to put forward any final points for consideration before deciding whether to dismiss?
- If the decision is to dismiss, is this within the band of reasonable responses of a reasonable employer in the circumstances?

Testing

Testing must be proportionate to the risks to health and safety.

The Council may test an employee for substance misuse in the following circumstances:-

- 'With cause', where there is a reasonable suspicion by a manager concerning an employee's possible inappropriate use of substances which is having an adverse effect on their work or has the potential to put themselves, work colleagues, service users or others at risk in terms of health and safety. See appendix 15 for details on 'Recognising Substance Misuse'.
- 'Post incident', if it is suspected that substance misuse was a contributory factor to an accident or an incident.
- As part of a support programme. After the initial test the employee may be subject to up to two further random tests within a twelve-month period. If these tests show no evidence of use/misuse then the employee will continue to be managed as appropriate. If there is evidence of continued use/misuse, then the employee will be managed under the appropriate Council procedure.

It would be the employee's line manager who would decide whether testing was required under the 'with cause' or 'post incident' headings above, taking HR advice where appropriate. The manager will initially have a discussion with the employee to obtain their input and explanation, before deciding to proceed with arranging a test.

Drugs tested for are as follows;

Alcohol, Amphetamines (including Ecstasy), Barbiturates, Benzodiazepines, Buprenorphine, Cannabis, Cocaine, LSD, Methadone, Methaqualone, Opiates, Phencyclidine and Propoxyphene.

The sample is also checked for creatinine levels which indicate if a sample is too dilute to give an accurate result.

Testing as part of a support programme will be carried out only by the Council's occupational health provider following their confirmation that it is appropriate in the circumstances of the case. This will require the prior signed consent of the employee (see template letter and template consent agreement at appendices 12 and 13). Testing 'with cause' or 'post incident' is also carried out by the occupational service, who will seek employee consent.

Employees are expected to co-operate if they are requested to undergo a test (although they can refuse to give consent). Where an employee refuses to give consent, any subsequent decisions regarding the management of their case will be based on the information available (and the manager should make the employee aware of this so they are clear on what would occur).

Where the occupational health report indicates the use of a substance by an employee, then each case will be looked at individually based on its circumstances and a decision made by the manager on how the matter will be addressed, with HR advice taken where required.

Prescribed Medication

Regarding the section in the policy on 'prescribed medication', where an employee informs their manager that they are taking a medication which may cause side effects that impair their ability to undertake their duties safely and effectively, the manager should keep a record of that.

Education and Information

The Council provides information and guidance to managers and employees on the effects of substances as defined within the Managing Substance Misuse Policy and Procedure. Examples include:

- Information on sensible drinking (appendix 14) and recognising substance misuse (appendix 15).
- Campaigns and events organised through the Employee Good Health Group. Information can be found on the Zone and notice boards.
- Details on meeting technique when meeting an employee with a substance misuse problem are shown at appendix 16.
- Sources of further advice and information are shown at appendix 17.

Legal Implications

It is an offence under the Misuse of Drugs Act 1971 for an employer to knowingly allow its premises to be used for the production or supply of controlled drugs and any person suspected of doing so will be reported to the Police and will be subject to the 'Managing Discipline' procedure, this normally being construed as gross misconduct.

Where there is an allegation of other criminal conduct such as violence or drink driving, police involvement should be considered. This will be dealt with on a case by case basis, giving consideration to the seriousness of the offence, whether it was committed outside of normal working hours and whether a third party has been hurt as a result.

MODEL LETTER CALLING EMPLOYEE TO A MEETING FOLLOWING A MANAGEMENT REFERRAL WHERE A SUBSTANCE MISUSE PROBLEM IS IDENTIFIED

Dear

Managing Substance Misuse Policy/Procedure – Management Referral

I refer to our meeting on (date) where we discussed my concerns regarding your performance / attendance / behaviour *, specifically:

Enter specifics of concerns discussed.

At the meeting, as a substance misuse issue was raised, I advised that you would be referred to occupational health to determine whether they consider that a substance misuse problem may be the cause or a contributing factor in your unsatisfactory performance/ attendance / behaviour* and, if so, to confirm whether you are seeking any treatment or support through your GP or other agency and, if so, to advise on your progress.

I am now in receipt of the report and wish to meet with you at (time) on (date) at (location) to discuss its contents.

Every reasonable effort will be made to help and support you to address your substance misuse problem and to return to an acceptable level of performance /attendance / behaviour*. At the meeting you will be required to sign an agreement outlining your commitment to undergoing and adhering to any identified treatment/support programme. This agreement will confirm what support will be provided, what is expected of you and the likely consequences of not commencing/adhering to the programme.

You may be accompanied by a trade union representative or work colleague. If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

Please contact me as soon as possible to confirm that the above date and time for the meeting is suitable, whether you will be accompanied and if so, by whom.

Yours sincerely

Name
Title

Enc Copy of Managing Substance Misuse Policy/Procedure

* Delete as appropriate.

MODEL LETTER – NON-COMPLIANCE/PARTIAL NON-COMPLIANCE WITH A TREATMENT/SUPPORT PROGRAMME

Dear

Managing Substance Misuse Policy/Procedure (Management Referral) – Non Compliance/Partial Non Compliance with Treatment / Support Programme

I refer to the programme of treatment/support which you were undertaking in accordance with the Managing Substance Misuse Policy/procedure as set out in the Treatment/Support Agreement signed by you and (manager name and title) on (date).

At our meeting on (date) in the presence of (name and title of those present) your case was discussed and the latest report from occupational health was reviewed. You were informed that it has been identified that you have *not complied/not fully complied (delete one)* with your treatment/support programme to address your substance misuse problem, with your work performance/attendance/behaviour* remaining a management concern. You were given the opportunity to put forward any comments or provide any information that you wished me to take into consideration in my decision on the way forward.

You indicated (*insert summary of employee's comments/information*)

I am now writing to confirm to you my decision as follows:-

Either:

On the basis of the information that you provided at the meeting, I have decided to give you a further opportunity to comply with your treatment/support programme. The situation will be reviewed again in ?? weeks/months. If you continue to fail to fully comply with your treatment/support programme to address your substance misuse problem, you will no longer be considered under the Managing Substance Misuse Policy/procedure and consideration will be given to invoking the appropriate Council policy to address your performance / attendance / behaviour*.

Or

On the basis of the information that you provided at the meeting and due to you not *complying/fully complying (delete one)* with your treatment/support programme, I have decided that you will no longer be considered under the Managing Substance Misuse Policy/procedure and the concerns regarding your performance / attendance / behaviour* will now be considered under the appropriate Council policy.

Yours sincerely

* Delete as appropriate.

**MODEL LETTER CALLING EMPLOYEE TO A MEETING FOLLOWING
TREATMENT/SUPPORT PROGRAMME**

Dear

Managing Substance Misuse Policy/Procedure – Management Referral

I refer to the treatment/support programme which was agreed in relation to your substance misuse problem as detailed in the Support Agreement previously signed by you and (manager name and title) on (date).

I am now in receipt of a report from occupational health following the conclusion of your treatment/support programme and wish to meet with you at (time) on (date) at (location) to discuss its contents.

You may be accompanied at the meeting by a trade union representative or work colleague. If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. However, this alternative date must suit everyone involved and be no more than 5 working days after the original date – otherwise, you will need to select another companion or attend the meeting unaccompanied.

Please contact me as soon as possible to confirm that the above date and time for the meeting is suitable, whether you will be accompanied and if so, by whom.

Yours sincerely

**MODEL LETTER – SUCCESSFUL OUTCOME FOLLOWING
TREATMENT/SUPPORT PROGRAMME**

Dear

**Managing Substance Misuse Policy/Procedure (Management Referral) –
Successful Outcome of Treatment / Support Programme**

I refer to the programme of treatment/support you underwent in accordance with the Managing Substance Misuse Policy/procedure as set out in the Support Agreement signed by you and (manager name and title) on (date).

At our meeting on (date) in the presence of (name and title of those present), it was confirmed that the programme has now concluded and occupational health confirmed that you have successfully addressed your substance misuse problem. Your performance / attendance / behaviour*, which had previously been of concern but is now satisfactory, will no longer be considered under the Managing Substance Misuse Policy/procedure but will be monitored in the normal way.

Any future concerns in relation to your performance / attendance / behaviour* will be considered under the appropriate Council policy. If, at any time, you think you are experiencing any recurrence of your substance misuse problem you should speak to your manager immediately so that the appropriateness of further applying the provisions of the Managing Substance Misuse Policy/procedure can be considered.

Yours sincerely

Name
Title

* Delete as appropriate.

MODEL LETTER – UNSUCCESSFUL OUTCOME DURING OR AT THE END OF TREATMENT/SUPPORT PROGRAMME

The following letter is not appropriate where the employee is unable to remain in / return to their substantive post. In such cases, HR advice should be taken in relation to identifying an alternative post or giving consideration to moving the matter to a capability hearing.

Dear

Managing Substance Misuse Policy/Procedure (Management Referral) – Unsuccessful Outcome of Treatment / Support Programme

I refer to the programme of treatment/support which you undertook in accordance with the Managing Substance Misuse Policy/procedure as set out in the Treatment/Support Agreement signed by you and (manager name and title) on (date).

At our meeting on (date) in the presence of (name and title of those present) your case was discussed and the latest report from occupational health was examined. You were informed that it has been determined that you have been unsuccessful in addressing your substance misuse problem with your work performance/attendance/behaviour * remaining a management concern. You were given the opportunity to put forward any comments or provide any information that you wished me to take into consideration in my decision on the way forward.

You indicated (*insert summary of employee's comments/information*)

I am now writing to confirm to you my decision as follows:-

Either:

On the basis of the information that you provided at the meeting, I have decided to extend the time period for you to address your substance misuse problem. The matter will be reviewed again in ?? weeks/months. If it is deemed that you have been unsuccessful in addressing your substance misuse problem* at that time, you will no longer be considered under the Managing Substance Misuse Policy/procedure and consideration will be given to invoking the appropriate Council policy to address your performance / attendance / behaviour*.

Or

On the basis of the information that you provided at the meeting, I have decided that you will no longer be considered under the Managing Substance Misuse Policy/procedure and the concerns regarding your performance / attendance / behaviour* will now be considered under the appropriate Council policy.

Yours sincerely

* Delete as appropriate.

MANAGING SUBSTANCE MISUSE

SUPPORT AGREEMENT (to be used where a substance misuse problem is identified through a Management referral or following a Disciplinary referral)

Employee Name: _____

Job Title: _____

Service: _____

I agree that I will commit to the following treatment/support programme that has been put in place in respect of my substance misuse problem*.

Treatment/Support Programme

[enter full details of the treatment/support programme that has been agreed.]

Required Improvement

[enter details of required improvement in performance / attendance / behaviour/conduct.]

Supporting Provisions

[enter details of supporting provisions that have been agreed]

Review

[enter the review periods that have been set to monitor progress].

I am aware that if I fail to adhere to this agreement or to achieve the required improvement in my performance//attendance/behaviour/conduct* I will be managed under the appropriate policy/procedure and understand that this may have consequences for my employment, including possible dismissal.

Employee Signature: _____ Date: _____

Name: _____

Manager Signature: _____ Date: _____

Name: _____

* Delete as appropriate.

SUPPORT AGREEMENT (to be used where a substance misuse problem is raised (with management) voluntarily by the employee)

Employee Name: _____

Job Title: _____

Service: _____

I agree that I will commit to the following treatment/support programme that has been put in place in respect of my substance misuse problem.

Treatment/Support Programme

[enter full details of the agreed treatment/support programme that has been agreed.]

Supporting Provisions

[enter details of supporting provisions that have been agreed]

Review

[enter the review periods that have been set to monitor progress].

I am aware that if I fail to adhere to this agreement I will no longer be considered under the Managing Substance Misuse Policy/procedure and will no longer qualify for the support provisions detailed therein.

Employee Signature: _____

Date: _____

Name: _____

Manager Signature: _____

Date: _____

Name: _____

* Delete as appropriate.

MODEL LETTER CALLING AN EMPLOYEE TO A CAPABILITY HEARING

For use where the employee is unable to continue in their substantive post with all reasonable efforts to support the employee in respect of their substance misuse problem to achieve a satisfactory level of performance or attendance having been taken and proved unsuccessful and identification of a suitable alternative post not having been possible.

PERSONAL

Dear

CAPABILITY HEARING - MANAGING SUBSTANCE MISUSE POLICY/PROCEDURE

I refer to the meeting held on ___/___/___ in the presence of _____, concerning your unacceptable performance and/or attendance* due to your substance misuse problem.

I have been informed by your line manager that the required improvement has **not** occurred.

Although I continue to recognise your substance misuse problem and am sympathetic to your situation, I have determined, based on the recommendation of your line manager, to progress the matter to a Capability Hearing.

The basis of my decision is due to you not having successfully addressed your substance misuse problem and achieved the required improvement in your performance and/or attendance*.

Identification of a suitable alternative post / retraining does not seem to be an option.

You are therefore requested to attend a Capability Hearing which will take place on ___/___/___ at _____ in _____.

You have the right to be accompanied at the Hearing by a trade union representative or work colleague. I will chair the Hearing and will be accompanied by an HR Adviser. Your line manager will also attend to present a report on

- Your performance and/or attendance* record
- the content of any monitoring meetings and
- the measures taken to assist you to improve your performance / attendance*, and the support given to assist you to address your substance misuse problem including any adjustments to duties or work practices.

I have to inform you that the purpose of the Hearing is to consider whether it is appropriate to terminate your employment on grounds of lack of capability. This would be due to your being unable to fulfil your contractual responsibilities in relation to work performance / attendance* standards as a result of your substance misuse problem. You need to be aware that termination of employment is being

contemplated and could be an outcome of the Hearing. I would emphasise that all other reasonable options will be considered at the Hearing, as an alternative to termination of employment, before any final decision is made.

You will be given the opportunity at the Hearing to provide a full response as to why you have been unable to successfully address your substance misuse problem and achieve and maintain an acceptable level of performance and/or attendance* at work. You will also be given the opportunity to put forward any suggestions as an alternative to termination of employment and to present any evidence you wish to be taken into account.

I intend to conduct the Capability Hearing using the following procedure:

1. Firstly, I will explain the purpose and format of the Hearing and deal with any procedural issues that may arise
2. I will then ask the manager who has been monitoring your progress to present a report on your performance and/or attendance*, including the measures taken to assist and support you to address your substance misuse problem and improve your record in this respect
3. I will ask the manager to explain why he / she considered it necessary to recommend progressing matters to a Capability Hearing, meaning that termination of employment on grounds of lack of capability was now being contemplated. I will also refer to the content of the latest occupational health medical report and any other relevant previous reports (or for teachers, additional medical evidence)
4. You and / or your companion will then have the opportunity to ask any questions of the manager
5. I will then ask you to respond and to present your case, indicating whether you have any suggestions to put forward as an alternative to termination of employment and whether you have any evidence you wish to present and be taken into account
6. I will consider any suggestions you put forward and any other information you present, including any evidence (I may need to adjourn the meeting at this point)
7. My colleague and I will then ask any questions of you and the manager and there will be an opportunity for a general discussion during which both you and the manager can raise relevant issues not covered earlier
8. You will be given the opportunity to conclude your response by highlighting any aspects you consider to be particularly relevant or anything further in support of your case
9. I will allow adjournments during the course of the Hearing where I deem they are necessary
10. At the end of the Hearing an adjournment will occur. During the adjournment, I will consider all relevant issues that emerge from the hearing. I will then

decide whether termination of employment on grounds of lack of capability is appropriate or whether an alternative course of action can be identified.

11. I will then notify my decision to you in writing, along with the reasons for arriving at that decision. I would hope to reach a decision within 24 hours of the Hearing although the length of the adjournment will, of course, depend on the issues that I need to consider

You are expected to take all reasonable steps to attend the Hearing as arranged. I have to advise you that should you, in my view, fail to attend the Hearing without good and sufficient reason, it is likely that the Hearing will proceed, and a decision will be taken in your absence.

If the companion you select is unable to attend on the above date you have the opportunity to suggest another date. This alternative date must suit everyone involved and be no more than five working days after the original date – otherwise you will need to select another companion or attend the Hearing unaccompanied.

Please contact me as soon as possible to confirm that the above date and time for the Hearing is suitable, whether you will be accompanied and, if so, by whom.

Yours sincerely,

NAME OF OFFICER CONDUCTING MEETING

Copy to: HR Adviser
Personal File

* Delete as appropriate

MODEL LETTER CONFIRMING DISMISSAL ON GROUNDS OF LACK OF CAPABILITY

PERSONAL

Dear

CONFIRMATION OF TERMINATION OF EMPLOYMENT ON GROUNDS OF LACK OF CAPABILITY

I refer to the Capability Hearing held on __/__/__ in the presence of _____.

The purpose of the Hearing was to consider whether it was appropriate to terminate your employment on grounds of lack of capability because of your inability to satisfactorily comply with your contractual responsibilities to achieve a satisfactory level of work performance/attendance* as a result of your substance misuse problem. It was also to give you an opportunity to provide a full response as to why you have been unable to achieve and maintain an acceptable level of performance and/or attendance* and to consider whether there were any other reasonable alternative options to termination of employment.

At the Hearing the manager responsible for monitoring your progress was asked to present a report on your performance and/or attendance*, including the measures taken to assist you to address your substance misuse problem to improve your record in this respect. The content of the latest occupational health medical report was also discussed.

The main issues covered by your line manager were as follows:

- 1.

2. *(To insert the issues covered by the line manager.)*
3. etc.

You were then given the opportunity to provide a full response as to why you had been unable to successfully address your substance misuse problem and achieve and maintain an acceptable level of performance and/or attendance* at work. You were also given the opportunity to put forward any suggestions as an alternative to termination of employment and to present any other evidence.

A summary of your response was as follows:

- 1.
2. *(To insert a summary of the employee's response.)*
3. etc.

Decision to Terminate Employment

I gave full consideration to the issues raised during the course of the Hearing, from both you and your line manager, and decided on the basis of the information presented, that termination of your employment was the most appropriate outcome.

I write to confirm my decision that your employment will be terminated on grounds of lack of capability with effect from __/__/__.

Reasons for Decision to Terminate Employment

My reasons for arriving at this decision and the main factors I took into account were as follows:

To include some or all of the following plus any other relevant issues:-

- *The extent of your sub-standard work performance and/or absence* has been a concern now for some considerable period of time. This is causing significant operational difficulties for the Service.*
- *Due to you failing to successfully address your substance misuse problem you have been unable to satisfactorily comply with your contractual responsibilities and it is no longer possible to continue with this situation.*
- *The latest occupational health medical report indicates that there is not likely to be any improvement in the foreseeable future, due to your inability to successfully address your underlying substance misuse problem.*

- *There is no further reasonable support that could be considered to assist you to address your substance misuse problem and improve your performance and/or attendance* record. The support that has already been put in place comprising _____ has not resulted in the required improvement.*
- *Identifying a suitable alternative post and / or retraining have been considered and are not an option that can be pursued due to _____.*

Date of Termination of Employment and Notice Entitlement

Delete one option I confirm your last day of service with the Council as __/__/__. You will receive __ weeks' pay in lieu of the amount of notice to which you are contractually entitled. **or** You are contractually entitled to ? weeks' notice of termination of employment and you will be required to work out this period of notice with your last day of service with the Council being ?/?/?.

Payment for any outstanding monies will be made to you as soon as possible and you are required to return the following items issued to you by the Council (*list any such items, e.g. ID Badge, Keys, Protective Clothing, etc.*).

Your Right of Appeal

You have the right to appeal against this decision if you consider that

- the outcome of the Capability Hearing was in some way unfair or incorrect or
- where new and relevant matters have emerged that may affect the decision or
- where there have been significant defects in the procedure that have disadvantaged you

Should you consider you have grounds to appeal against the decision to terminate your employment, you can choose to have your appeal heard by a senior manager at Chief Officer level or above or by the Appeals Sub Committee.

If you wish to have your appeal heard by a senior manager, then you must register your appeal in writing to the Director of (*Service and address*) within **ten working days** of receipt of this letter. If you choose to have your appeal heard by the Appeals Sub Committee then you must register your appeal in writing to the Clerk to the Appeals Sub Committee, Aberdeen City Council, Governance, 1st Floor, Old Town House, Broad Street, Aberdeen, AB10 1AQ, within **ten working days** of receipt of this letter.

In either case, your notice of appeal must state the grounds on which your appeal will be based so must set out in sufficient detail:

- why you consider the decision to terminate your employment to be unfair or incorrect
- any new and relevant matters that have come to light that were previously not known about
- why you consider that the Managing Substance Misuse policy/procedure was not used correctly and how you were unfairly disadvantaged because of this

You have a right to be accompanied at any such appeal hearing.

Yours sincerely,

NAME OF OFFICER CONDUCTING MEETING

* Delete as appropriate.

Copy to: HR Adviser
 Personal File

MODEL LETTER CALLING EMPLOYEE TO A CAPABILITY APPEAL HEARING

PERSONAL

Dear

NOTICE OF APPEAL HEARING

You have appealed against the decision to terminate your employment on grounds of lack of capability. I will be chairing the appeal and the arrangements are as follows:

When the appeal will be heard

On ___/___/___ (date/time) at _____ (location).

Format of the appeal hearing

I intend to conduct the appeal hearing using the following:

1. Firstly, I will explain the purpose and format of the hearing and deal with any procedural issues that may arise

2. I will then ask you to state your grounds and reasons for the appeal, highlighting whether any new matters or evidence have come to light that are relevant to the case
3. I will then ask the officer who took the decision to terminate your employment on grounds of lack of capability to respond
4. I will question both the officer who took the decision and yourself. My assisting colleague(s) may do so also as a means of clarifying matters
5. I will give both parties the opportunity to make a closing statement, firstly the officer who took the decision, then yourself
6. I will allow adjournments during the course of the hearing where they are necessary
7. At the end of the hearing, I will adjourn the meeting
8. During this adjournment, I will consider all of the relevant issues that have emerged from the hearing and make my decision
9. I will then reconvene the meeting and announce my decision, along with the reasons for arriving at that decision. I will thereafter confirm my decision in writing

Potential outcome of hearing

I will carefully consider your grounds for appeal, and the response made by the officer who took the decision to terminate your employment, and then decide whether there are sufficient and reasonable grounds to either:

- (a) uphold the appeal in full, in which case you will be reinstated to your post; or
- (b) reject the appeal, in which case the decision to terminate your employment will stand.

Your right to be accompanied

You have the right to be accompanied by a trade union representative or work colleague if you so wish. You may not be accompanied by your partner, a spouse or a legal practitioner.

I will be accompanied by an HR Adviser.

The decision of this appeal hearing is final and there is no further right of appeal.

Confirming your attendance

Please contact me as soon as possible to confirm that the above date and time for the hearing is suitable, whether you will be accompanied and, if so, by whom.

Yours sincerely,

NAME OF OFFICER CONDUCTING MEETING

Copy to: HR Adviser
 Personal File

MODEL LETTER CONFIRMING OUTCOME OF A CAPABILITY APPEAL HEARING

PERSONAL

Dear

CONFIRMATION OF OUTCOME OF APPEAL HEARING

On ___/___/___ (*date of letter*), you appealed against the decision of the Capability Hearing that your employment be terminated on grounds of lack of capability.

I heard the appeal on ___/___/___ (*date of hearing*) in the presence of _____ (*names of officers present, including companions if applicable*).

I reconvened the appeal hearing on (*date of hearing*) to announce my decision.

Outcome of appeal hearing

Having given full consideration to the issues that emerged during the course of the appeal hearing, I confirm that the decision to terminate your employment stands* / is revoked* (*specify if no action is to be taken or what the alternative action is if that is to apply*).

Reasons for my decision

My reasons for arriving at this decision are, and the factors that I considered relevant were:

(To insert reasons and relevant factors)

You have now exercised your right of appeal under the Council's Managing Substance Misuse Policy/Procedure and my decision is final.

Yours sincerely,

NAME OF OFFICER CONDUCTING MEETING

Copy to: Personal File
 HR Adviser

Notes:

* the wording should be amended as appropriate

MANAGING SUBSTANCE MISUSE

TESTING AGREEMENT

Dear

Managing Substance Misuse – Monitoring

This letter and appended declaration constitutes an agreement, with your employer Aberdeen City Council, to a programme of random monitoring as part of a recovery programme under the Council's Managing Substance Misuse Policy/procedure. The testing will be carried out by the Council's occupational health provider.

Monitoring – Implementation

As part of the programme, you will be required to attend an appointment with the Council's occupational health provider when requested to do so by management. Management will ensure that you can attend your appointment with the occupational health provider by releasing you from work. Occupational health will request your consent to providing a urine or blood sample at each visit and then proceed to send each sample for lab analysis to test for the presence of [enter substance(s) being tested].

This programme of random monitoring is being put forward under the Council's duty of care towards you following a recommendation from occupational health to implement this process.

I wish to make you aware that should you fail to give your consent, management will view this as a failure to engage with the process and matters may then require to be addressed through the appropriate Council policy/procedure.

Monitoring – Timescale

The timescale for review is set at ? months from the date of your first appointment with occupational health.

Review of Progress

Following the conclusion of the period of random monitoring, your manager will meet with you to discuss your progress in addressing your issue and determine the next steps under the Council's Managing Substance Misuse Policy/procedure.

Should your problem have been addressed sufficiently during this time, you will cease to be managed under the Managing Substance Misuse Policy/procedure and will return to monitoring in the normal way. As you have been advised previously, should you show insufficient progress you may be subject to the appropriate Council policy/procedure.

Attached is a declaration for your signature and return. By signing this declaration, you agree to comply with a programme of random monitoring as recommended by occupational health.

Please sign both copies and retain one for your records.

Yours sincerely,

Name

Title

cc Personal File
HR Adviser

Managing Substance Misuse policy/procedure - Agreement to a programme of monitoring

I, [Name], [Job Title], agree to engage in a programme of random monitoring to be administered by the Council's occupational health provider as part of a recovery programme under the Council's Managing Substance Misuse policy/procedure.

I understand that as part of the programme I am required to

I understand and accept that the Council are following recommendations made by its occupational health provider in this regard.

I understand and accept that by entering into this agreement, the Council will be party to sensitive data as gathered by the programme of random monitoring.

Should there be a failure to meet the expectations of my employer in addressing my substance misuse following the random monitoring programme, I understand that action under the appropriate Council policy/procedure, including disciplinary action, may result.

Signature:..... Date:.....

GUIDANCE ON SENSIBLE DRINKING

Drinking too much can damage your physical and mental health in the short and long term. As well as affecting your weight, looks and sleep, heavy drinking can lead to a wide range of medical conditions including high blood pressure, liver disease, strokes, cancers and brain damage.

Alcohol and units

Units of alcohol are a way of measuring how much alcohol someone is drinking. A unit is 8 grams of pure alcohol – but the amount of alcohol in any given type of drink will depend on how big the glass, can or bottle is and how strong the drink is.

Generally speaking, a half pint of ordinary strength beer/cider/lager is 1 unit. A single (25ml) measure of spirits is also 1 unit, a small glass of wine (125ml) is 1.5 units, or a Smirnoff ice/Bacardi Breezer is 1.4 units. However, home measures of spirits or wine are often 2-3 times bigger than you would get in a bar or restaurant.

The Chief Medical Officers (CMO) guideline for both men and women states that:

- To keep health risks from alcohol to a low level it is **safest not to drink more than 14 units a week** on a regular basis
- If you regularly drink as much as 14 units per week, it's best to spread your drinking evenly over three or more days. If you have one or two heavy drinking episodes a week, you increase your risk of death from long-term illness and injuries
- The risk of developing a range of health problems (including cancers of the mouth, throat and breast) increases the more you drink on a regular basis
- If you wish to cut down the amount you drink, a good way to help achieve this is to have several drink-free days a week.
- We all need at least 2 days a week without alcohol.

HOW TO RECOGNISE SUBSTANCE MISUSE

Behaviour and work performance should be the concern of managers and supervisors. Expert knowledge about the misuse of substances is not necessary, but managers and supervisors should remain alert to changes from the normal work pattern and/or behaviour of employees.

Listed below are various warning signs that may indicate some consequences of substance misuse. It is impossible to list all relevant behavioural and work pattern signs. They can appear singularly or in combination. They may also signify problems other than substance misuse. For example: diabetes, high blood pressure, thyroid disease, psychiatric disorders, emotional problems and certain heart conditions all share some of the same signs. It is important to remember that unusual or odd behaviour may not be connected in any way with substance misuse. The role of managers and supervisors is to recognise and document changes in accordance with the policy, without making any moral judgment or taking the position of counsellor or doctor.

Professional resources within the occupational health service should be used to help evaluate the manager's observations.

General signs

- misses deadlines
- misses appointments
- makes mistakes due to inattention or poor judgement
- wastes more material than usual, has to re-do work
- makes bad decisions - errors in judgement, does not accept assigned responsibilities
- gets complaints from customers and work colleagues
- improbable excuses for poor job performance
- attributes poor performance to poor health
- fails to follow instructions
- does not respond to training
- mood fluctuations
- loss of personal esteem

Absenteeism

Monitoring the frequency and reasons given for absence can be an indicator of substance misuse problems:

- a pattern of absence following weekends, holidays, etc.
- late for work or appointments
- illness with no medical certificate

On the-job absenteeism

- frequent trips to toilets
- poor time keeping

Prone to incidents

- repeated incidents on the job
- frequent trips to first aid
- incidents off the job
- repeated violation of safe working practices

Confusion and poor concentration

- difficulty in understanding and recalling instructions, details, etc.
- cannot carry out sequential assignments

Erratic work patterns

- fluctuating periods of very high and very low productivity and quality of work
- work is not planned properly; shifts from one thing to another without reasons

Unwillingness to change

- Changing jobs or duties may present a threat that would uncover a substance misuse problem that has been carefully hidden.

Coming or returning to work in an obviously abnormal condition**Problems with other employees**

Friction in relationships, including supervisor/employee relationships, usually results in decreased performance and efficiency:

- over-reacts to real or imagined criticism
- borrows money from colleagues
- colleagues complain about behaviour
- express unreasonable resentment and rebellion against authority
- avoids associates/colleagues
- talks louder than usual, or talks when should be listening
- lies chronically
- disruptive behaviour, causing unrest among other employees
- gets others to take over own work responsibilities for no good reason; does not accept work assigned

Personal appearance and demeanour

- grooming deteriorates, weight loss or gain
- dress becomes sloppy or inappropriate
- appears withdrawn or preoccupied
- smells of alcohol/breath sweeteners/mints/strong perfume or aftershave

- inability to follow or participate in conversation
- reports of marital/family problems
- increasing financial problems
- co-ordination problems such as unsteady walk, eyes uncoordinated
- memory gaps
- tremors
- eyes red or bleary; pupils dilated or constricted; wears sunglasses
- extreme sensitivity to mentioning a possible substance misuse problem
- excessive denial of a problem

MEETING TECHNIQUE

Below is a list of guidelines for use when meeting employees with a suspected problem:

DO

- ✓ ensure, at formal meetings that the employee's right to be accompanied is respected;
- ✓ keep the focus of the meeting strictly on the issue of work performance, conduct and/or attendance;
- ✓ present the employee with documented facts of the poor work performance, conduct and/or attendance, if appropriate;
- ✓ ensure, where a problem has been identified, that the employee is made aware of the policy and the referral procedures;
- ✓ resist appeals from the employee to ignore procedures.

DON'T

- ✗ make accusations of problem drinking, being an alcoholic or drug user;
- ✗ make references to personal habits;
- ✗ seek to force the employee to accept referral for counselling or treatment;
- ✗ jump to conclusions;
- ✗ try to become an addiction counsellor;
- ✗ moralise;
- ✗ become involved in verbal battles to "prove" right or wrong, fairness or unfairness;
- ✗ lose your temper.

If an employee comes to you to report their concerns regarding another employee, then this should be looked into whilst retaining the confidentiality of those involved.

Sources of further advice and information

There are a number of support services available to which employees may be referred. Among them are:

Occupational Health Service

OH Assist

Tel: 0845 850 9098

Email: AberdeenCity@ohassist.com

Employee Counselling Service

Time for Talking

Free phone 0800 97003980 (24 hours a day; 365 days a year)

Email: admin@timefortalking.co.uk

www.timefortalking.co.uk

Further information

Advice and information can also be obtained from the following sources:

- Alcohol Concern - www.alcoholconcern.org.uk
- NHS Scotland - <http://www.healthscotland.com/topics/health/alcohol/index.aspx>
- The Scottish Drugs Forum – www.sdf.org.uk
- Drinkaware - <https://www.drinkaware.co.uk/>
- www.healthyworkinglives.com
- Alcohol Focus Scotland - www.alcohol-focus-scotland.org.uk