

7.05 Alcohol, Drugs and Substance-Abuse

This policy sets out the NICS policy in relation to alcohol, illegal drugs and substance abuse.

- The aim of the policy is to promote the health and well being of all staff – Section 4.1 General
- Raise the awareness of the effects of excessive drinking, illegal drugs and other substances – Section 4.1 General
- Ensure that individuals and managers are aware of the procedures – Annex 2
- Offers help to those staff who have a problem – Annex 1

The following terms within this policy are defined in the glossary:

Case conference

You may also be interested in the following policies:

7.02 Staff Welfare, 3.01 Sickness Absence, 3.08 Special Leave, 6.01 Standards of Conduct, 6.03 Discipline.

This policy is version 2.

For a printable version please click the icon. Please make sure that your printed version is current with the one on this portal.

This homepage is only a guide to the policy, not the policy itself. In the event of any discrepancy between the content of this homepage and the associated policy, the wording of the policy shall apply.

7.05 Alcohol, Drugs and Substance Abuse

CONTENTS

1 Introduction	3
2 Principles	3
3 Disability Discrimination Act - 1995 (DDA)	3
4 NICS Policy	4
4.1 General	4
4.2 Sending Staff Home	5
4.3 Staff Unco-operative?	5
5 Review	5
6 Relapse	6
ANNEX 1	7
Help and Support	7
ANNEX 2	8
1 Guidance for Line Managers for Dealing with Problem Drinking/Drugs and Substance Abuse	8
2 Identifying and Helping Staff with Problem Drinking, Drug or Substance Abuse	9
3 What is Problem Drinking, Drug/Substance Abuse?	9
4 What Should You Do if You Think Someone Has a Problem?	10
5 What if You Have Good Reason to Believe that Excessive Drinking/Drug Misuse is Involved?	10
6 What are the Next Steps if the Individual is Co-operative?	11
7 What if the Individual is Unco-operative?	12
8 How Else Can Individuals be Helped?	12
9 When Would Disciplinary Action be Necessary?	12
10 What if You Suspect an Officer is Buying/Selling Illegal Drugs in the Workplace? ...	13
11 Records	13
12 Follow-Up	13
ANNEX 3	14
Programme for Improvement	14

7.05 Alcohol, Drugs and Substance Abuse

1 Introduction

This section sets out the NICS policy in relation to alcohol, illegal drugs and substance abuse.

2 Principles

2.1 The Health and Safety at Work (NI) 1978 Order places a statutory duty on employers, as far as is reasonably practicable, to ensure the health and safety of their employees and others who may be affected by what they do or fail to do. This means that the NICS cannot allow a person under the influence of alcohol or drugs to endanger his/her own health and safety and that of his/her colleagues and third parties.

2.2 Staff are subject to the criminal law relating to the use and abuse of alcohol or drugs in the same way as other individuals. For example, it is an offence to drive, or attempt to drive, a motor vehicle on a public road or other public place, or to be in charge of a motor vehicle when you are unfit through drink or drugs. The suspension of your driving licence could prevent you from carrying out your normal duties and result in your dismissal from the NICS.

2.3 The buying and selling of illegal drugs is a criminal offence. Where it is suspected that a criminal offence has been committed, the matter will be reported to Personnel Division. You are reminded that you must report any conviction to Personnel.

2.4 If your performance is adversely affected, or your behaviour is unacceptable due to you being under the influence of alcohol/drugs you may be subject to disciplinary procedure. In addition, you should be aware that the following acts may be treated as gross misconduct and be grounds for instant dismissal without notice:

- a. possessing illegal drugs in the workplace;
- b. theft/fraud; and
- c. assault/threatening behaviour.

3 Disability Discrimination Act - 1995 (DDA)

3.1 The definition of 'disability' under the DDA does not include addiction to alcohol or any other substance, unless the addiction was a consequence of the administration of medically prescribed drugs or other medical treatment. Addiction is not a disability in itself so no adjustments are required. However, some adverse health effects which can be caused by alcohol/drug abuse can lead to medical conditions which may constitute a clinically recognisable condition under the DDA.

4 NICS Policy

4.1 General

4.1.1 The aim of the NICS Policy is to:

- a. promote the health and well being of all staff;
- b. raise the awareness of the effects of excessive drinking/illegal drugs/other substances;
- c. offer help to those staff who have a problem; and
- d. ensure that individuals and managers are aware of the procedures.

4.1.2 The NICS also seeks to motivate staff who have problems to seek and accept appropriate counselling or treatment in the knowledge that both management and colleagues understand their difficulties. If people work in an environment that is not hostile to them then they are more likely to admit to their problem and to volunteer to have treatment. All staff have access to guidance and advice from their General Practitioners, the NICS Welfare Service and Occupational Health Service (OHS). Educational material relating to safe levels of drinking and information on other misused substances is also readily available. Details of help and support services available are set out at Annex 1.

4.1.3 There is often a tendency on the part of colleagues and line managers to do nothing about a colleague whom they suspect has a problem. This misguided sense of loyalty is not helpful to the individual as it merely enables them to justify their behaviour on the basis that it is having no impact on either their colleagues or on their ability to do their work. It is therefore important to remember that one has a responsibility, not only for the person with the problem, but also for those directly and indirectly affected by that problem. It is very important that everyone accepts that drinking within reasonable norms can be differentiated from a medical and social condition that requires treatment.

4.1.4 Officers who have problems either with drinking or drugs need help and no stigma should attach to anyone who has a problem. Early intervention is important, as there is a much better chance of the treatment being effective. This is a condition that calls for help and Departments will treat it like any other illness. To assist those staff with responsibility in this area, Guidance for Line Managers is attached at Annex 2.

4.1.5 If you are identified as possibly having a drink/drug problem you should be given the opportunity to discuss your condition, seek medical advice and take any necessary treatment. You will be encouraged to discuss it with your line manager, Trade Union representative, Welfare Service, OHS or other support services. Every effort will be made to persuade you to seek help voluntarily and advice will be given on where suitable help can be obtained. If you are to benefit from help provided, it must be recognised that some of the facts may have to be disclosed to others such as the Occupational Health Service or Staff Welfare Branch. You will always be asked to give consent prior to information being disclosed. If you have a problem you should be assured that every assistance will be given

to you if you are willing to overcome the problem. Each case will be treated on its own merits and all information will be treated in strictest confidence, subject to the provisions of the law.

4.1.6 If it has been established that you have a drink/drug dependency problem and you have agreed to be helped, the Department may agree to invoke the NICS Policy. For this to happen you will have to agree to a programme of treatment and to regular monitoring of your compliance with the treatment. At this stage the Personnel Officer, after consultation with the relevant parties involved in the case, will place you on the appropriate stage of the Improvement Programme at Annex 3.

4.1.7 Treatment of alcohol/drug related problems involves a wide range of measures which may include referral to an appropriate rehabilitation centre. Normal sickness absence and sick pay conditions will apply to any absence required for treatment.

4.2 Sending Staff Home

4.2.1 Where you are found or suspected to be suffering from the effects of alcohol or illegal drugs at work, it is in order to send you home (taking account that the employer has a duty of care to you) with a date and time to return to work. Any disciplinary action, which will normally include loss of pay for the period during which you were unfit to be on duty, will be carried out at a later stage. This action does not prejudice any later disciplinary action which is likely to be taken, but it does give you the opportunity to sober up or to be free of the influence of the drugs and removes a potential health and safety threat for you and others.

4.3 Staff Unco-operative?

4.3.1 If you are unco-operative or refuse help, this action in itself will not be grounds for disciplinary action, but the facts should be fully documented. Unacceptable behaviour and poor standards of work will be dealt with through the normal inefficiency/disciplinary procedures.

5 Review

5.1 Once you appear to have fully recovered your case will be kept under review for a period of at least two years. Personnel Division will consult with Welfare, line managers and OHS as required. If you transfer to another Department the review will be carried out by the appropriate Department.

6 Relapse

6.1 Having started a course of treatment you will be encouraged to continue despite possible relapses or weakening. In the case of a relapse a Case Conference will be arranged to discuss the case. The Case Conference would include yourself, your line manager, a representative from Personnel and, subject to your agreement, other interested parties. Whilst sympathetic consideration will be given to further treatment under normal sick leave provisions, you should note that this provision cannot continue indefinitely. The final decision on how best to proceed with your case will rest with the Personnel Officer who will determine if you can re-enter the programme and if so, at what stage you may re-enter.

6.2 The education of line managers and staff in what constitutes a drink/drug problem, the appropriate action to be taken and its aims and objectives will be arranged by Departments.

6.3 It follows that Departments should encourage you to adopt a responsible attitude to drinking, for example:

- a. continually review the need for alcohol to be served at functions or meetings;
- b. if alcohol does have to be served then non-alcoholic drinks should also be available;
- c. staff under 18 years of age must NOT be given alcohol under any circumstances; and
- d. be aware of the dangers of staff driving to and from functions where alcohol has been provided.

Help and Support

General Practitioner

Departmental Welfare Service

Departmental Personnel Division

Occupational Health Service (contact via Personnel/Welfare Service)

External Agencies:

NI Community Addiction Service (NICAS) Telephone: 028 90664434
40 Elmwood Avenue, Belfast BT9 6AZ

Al-Anon Family Groups Telephone: 028 90682368
Peace House, 224 Lisburn Road, Belfast

Alcoholics Anonymous (AA) Telephone: 028 90434848
Central Service Office
7 Donegall Street, Belfast BT1 2FN

Shaftesbury Square Hospital Telephone: 028 90329808
116/120 Great Victoria Street
Belfast, BT2 7BG

Northlands Centre Telephone: 028 71313232
Dungiven Road, Londonderry

Dunlewey Substance Advice Centre Telephone: 028 90743999
36 Cliftonville Road, Belfast BT4

226 Stewartstown Road, Dunmurry Telephone: 028 90611162

1 Guidance for Line Managers for Dealing with Problem Drinking/Drugs and Substance Abuse

1.1 If you are a manager, it is important that you know that employees found to be under the influence of alcohol/drugs may be subject to disciplinary procedure. In addition, staff should be aware that the following acts may be treated as gross misconduct leading to suspension and be grounds for instant dismissal without notice:

- a. possessing illegal drugs in the workplace;
- b. theft/fraud;
- c. assault/threatening behaviour.

1.2 Excessive drinking or misuse of drugs over a long period can result in a wide range of mental and physical health problems for individuals, but less well known is the harmful effect it can have on those around them including their family, friends and work colleagues. There are also offences associated with alcohol/illegal drug use such as increase in road traffic accidents, crime and violence. The problem is serious and growing and although individuals have a responsibility for their own health, line managers also have a responsibility towards staff and are usually best placed to be able to identify developing problems and to suggest appropriate help. The workplace is therefore a good point at which to offer guidance/assistance to an officer who has a problem.

1.3 As a manager it is important that you know:

- a. how to recognise when someone has a drink/drug related problem;
- b. the problems associated with this condition; and
- c. how to deal with someone in your team who shows signs of being affected.

1.4 The following paragraphs give advice on what action you should take if you know of or suspect someone of excessive drinking or using illegal drugs.

2 Identifying and Helping Staff with Problem Drinking, Drug or Substance Abuse

2.1 At the outset it is important that you recognise that there is a difference between people who drink within reasonable norms and those who suffer from a medical/social condition that requires treatment.

2.2 The features/warning signs that might identify staff who are having a problem are detailed below:

- a. reduced work performance - confusion, lack of judgment, impaired memory, difficulty in concentrating on work, fluctuating levels of productivity;
- b. absenteeism and timekeeping - poor timekeeping, increased level of absence, requests for unplanned time off, peculiar and increasingly improbable excuses for lateness and absence;
- c. personality changes - sudden mood changes, irritability and aggression, overreaction to criticism, friction with colleagues;
- d. physical signs - smelling of alcohol/substance, loss of appetite, unkempt appearance, lack of hygiene;
- e. Feeding the addiction - attempting to borrow money from colleagues, dishonesty.

** Care must be taken because some of these signs or characteristics could be symptomatic of other illnesses. Line managers should note the Disability Discrimination legislation in this area. It is also worth remembering that work situations may give rise to, or exacerbate, the problem.*

2.3 The long-term effects of drug and alcohol abuse will be both physical and psychological and will increase an employee's likelihood of being absent from work suffering from a range of physical and mental disorders.

3 What is Problem Drinking, Drug/Substance Abuse?

3.1 An alcoholic is someone who is an 'alcohol addict'. In other words, it is somebody who drinks very large amounts of alcohol *and* suffers from withdrawal symptoms when he/she stops drinking. Similarly, a drug addict suffers from withdrawal symptoms when he/she stops using the drug that his/her body has become dependent upon.

3.2 Withdrawal symptoms include the 'shakes', sweating, having fits, hallucinating and feeling very frightened or depressed after stopping drinking/using drugs. Withdrawal symptoms are very unpleasant and often lead to a vicious circle of taking more alcohol or drugs to gain relief.

4 What Should You Do if You Think Someone Has a Problem?

4.1 Your starting point must be evidence of the individual's performance and conduct rather than the suspicion that the person may have a drink/drug problem. If there is any deterioration in performance or behaviour you must first find out the reason. Once the cause has been identified as alcohol/drug related, you must take whatever steps are needed to ensure that the person receives proper advice and assistance. This may involve taking action under the disciplinary procedures (see NICS Code paragraphs 1060-1096).

4.2 If the problem involves such things as late arrival, prolonged lunch hours or any of the other signs as detailed in paragraph 2.2 or 3.2, you may suspect that excessive drinking/illegal drug use is involved. When you interview the individual, at some stage in the discussion this possibility should be explored. However, you do need to bear in mind that it is common for people who drink to excess/or use illegal drugs to avoid admitting that there is a problem and try to attribute their difficulties to other things rather than face up to reality.

5 What if You Have Good Reason to Believe that Excessive Drinking/Drug Misuse is Involved?

5.1 It cannot be stressed too strongly how important it is to act at the earliest opportunity. Ignoring the situation only adds to the eventual problems. If you have any doubts about how to proceed on a person-to-person basis, contact your Welfare Officer/Personnel Officer.

5.2 It is crucial that a firm line is taken. The person must be encouraged to face up to the facts and the merits of entering the Improvement Programme discussed with him/her. Where the officer refuses to co-operate, he/she must be advised of the potential consequences of his/her actions and that he/she will not be able to use health or welfare grounds as a defence. In addition:

- a. attention should, if necessary, be firmly drawn to his/her responsibility to themselves and colleagues under the provisions of the policy 7.01, Health and Safety;
- b. he/she should be assured that he/she will be given substantial help and support by the Department if he/she sincerely tries to overcome his/her problem; and

Alcohol, Drugs and Substance Abuse

ANNEX 2 (Cont'd)

- c. he/she should also be advised of the support available from the NICS Welfare Service and of the active co-operation and support given by Trade Unions to their members who want to overcome a problem.

5.3 It is vitally important that as soon as you have identified that someone has a drinking/drug problem and have discussed the matter with them, that you report the matter to your Personnel Division. You should always consider alerting the Welfare Officer and encourage the person to seek Welfare assistance. Welfare can provide information on the various agencies and centres for the treatment of alcoholism and drug problems as well as helping the officer with any personal or family problems.

6 What are the Next Steps if the Individual is Co-operative?

6.1 If the person involved agrees to take expert advice you should:

- a. advise him/her first to seek help from their own doctor;
- b. arrange an interview with the Welfare Officer; and
- c. if they wish, inform the local representative of their Trade Union.

6.2 During treatment, every assistance should be given to the individual ranging from the normal sickness absence rules to restricted duties under close supervision, whenever possible. The process of rehabilitation is often long and difficult and the officer will require a considerable amount of support, encouragement and patience. You should keep your Personnel Section informed of progress.

6.3 Treatment is tailored to particular needs but in general this is aimed at correcting the damage done to physical and mental health, and social life, as far as possible. Agencies such as the National Council of Alcoholism and Alcoholics Anonymous are particularly helpful, but treatment in a hospital or clinic may be necessary to deal with the problem of addiction.

6.4 If, despite the person's best efforts, the treatment fails then there are two options open:

- a. action under the dismissal procedures detailed in policy 6.07, Inefficiency Performance and NICS Pay and Conditions of Service Code (Conduct and Discipline). You should not wait for the normal staff reporting date before taking action;

- b. ill-health retirement - this can only be granted in cases where the person is prevented permanently, for medical reasons, from performing their duties effectively. This will be a matter for the OHS to decide.

7 What if the Individual is Unco-operative?

7.1 If the person is unco-operative, fails to make progress or suffers a relapse then, with the assistance of the Welfare Officer/Personnel Division, you should continue to try to persuade the individual to accept help, persevere with or resume treatment. But if these efforts fail, you must take action under the inefficiency/disciplinary regulations without waiting for the normal staff reporting date before implementing these procedures. It is essential that comprehensive written reports are made of all action taken/not taken.

8 How Else Can Individuals be Helped?

8.1 Success in overcoming a drinking/drug problem may be helped by very strong pressure from the family or from those with the power to strongly encourage/influence the individual. It follows that in some cases, constructive coercion may be necessary to ensure that the individual takes the necessary steps to try to resolve the problem and the consequences of failing to co-operate should be spelt out very firmly - he/she will face the normal response to poor work, in other words warnings and eventual job loss.

9 When Would Disciplinary Action be Necessary?

9.1 Always remember that being under the influence of drink/drugs on duty, persistent unsatisfactory time keeping or unauthorised absence without good reason all amount to serious misconduct for which disciplinary action is appropriate.

9.2 If someone in your team is found to be under the influence of drink/drugs you should deal with this strictly in accordance with the normal disciplinary procedures set out in the NICS Code. Cases should be reported immediately to Personnel Branch and every action you take must be thoroughly documented. You should give firm warning that such conduct will not be tolerated in any circumstances.

9.3 It will not usually be appropriate to take severe disciplinary action, particularly for a first offence, but you must alert your senior local management to the situation. It may also be appropriate to alert your Welfare Officer. If the person concerned is a new entrant you should remind him/her of the fact that he/she is on probation and the associated implications.

10 What if You Suspect an Officer is Buying/Selling Illegal Drugs in the Workplace?

10.1 The buying and selling of illegal drugs is a criminal offence. Where it is suspected that a criminal offence has been committed you should report the matter immediately to Personnel and they will provide guidance on how to proceed.

11 Records

11.1 It is essential that in all cases, you keep a record of all action taken. This should include full notes of all your interviews with the person concerned. You must:

- a. closely monitor his/her work performance, time-keeping and conduct; and
- b. keep records of any poor performance, attendance or behaviour.

11.2 In particular, you should keep a careful watch on how they operate the flexible working hours system as this can provide opportunities for covering up drink/drug related absences. You should keep a check on the frequency of lengthy lunchtime absences.

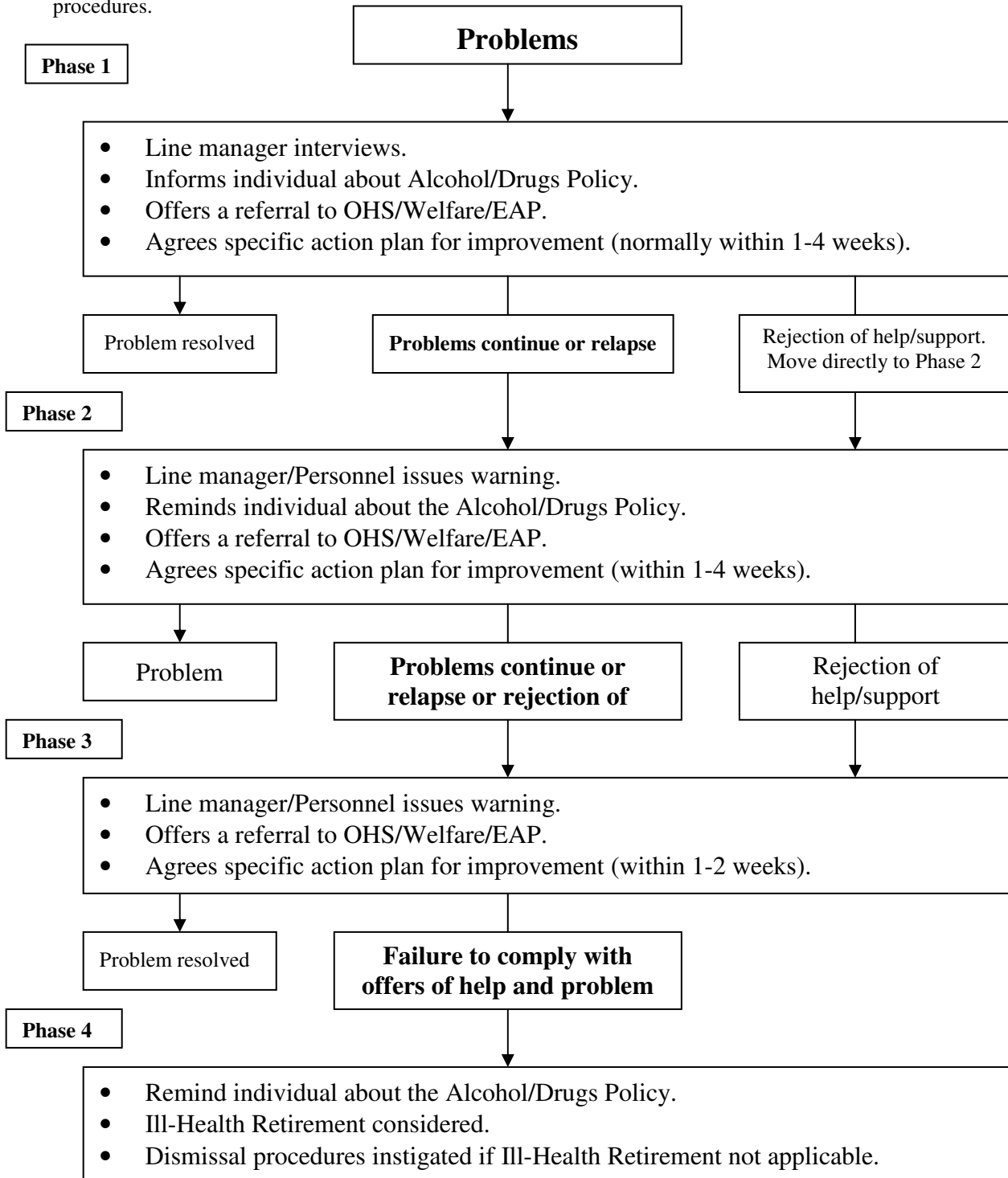
12 Follow-Up

12.1 It is important that management action continues until the problem has been fully resolved. You should continually monitor the progress of individual cases.

12.2 Once it appears that the person has fully recovered and, if appropriate, has resumed full duties you should, with the co-operation of the Welfare Officer/Personnel Division, keep the case under review for a period of at least two years.

Programme for Improvement

This programme does not override any necessary action that needs to be taken in respect of disciplinary procedures.



Alcohol, Drugs and Substance Abuse

ANNEX 3 (Cont'd)

Notes: If an officer rejects the offer of help/support they move directly to the next phase of the programme.

- Warnings and time limits are issued under the appropriate NICS Procedures - Inefficiency, Conduct, Discipline.
- Time limits for improvement may be extended in consultation with Personnel Officer.
- Action plan for improvement - this will be decided on a case-by-case basis. The Personnel Officer will normally draw up the plan for improvement with advice from OHS as required.